

ORDINANCE NO. 15,347

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 134-708 and 134-741(15), relating to clarifying remedial measures in response to failure to submit a PUD or PBP Development Plan or to commence construction in accordance with a time schedule set forth in a PUD or PBP Development Plan.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Sections 134-708 and 134-741(15), relating to clarifying remedial measures in response to failure to submit a PUD or PBP Development Plan or to commence construction in accordance with a time schedule set forth in a PUD or PBP Development Plan, as follows:

Sec. 134-708. Failure to submit development plan or to commence construction.

If the developer fails either (i) to submit a development plan within the time requirements of section 134-696 of this division or (ii) to commence construction in accordance with the time schedule set forth in the development plan, a public hearing may be scheduled before the plan and zoning commission regarding such failure, and the developer shall be served prior notice thereof by certified mail. At such hearing the commission shall consider all circumstances relevant to the developer's failure and may vote to recommend to the city council that appropriate remedial measures be initiated, which measures may include (i) the initiation of rezoning of the subject property to the zoning classification effective immediately prior to the rezoning of the subject property to a PUD district classification, and/or (ii) referral of the matter to the legal department for institution of enforcement proceedings in the courts pursuant to sections 134-31 and 134-32. Upon receipt of the recommendations of the commission, the city council may act to initiate remedial measures in conformity to the commission's recommendations or to initiate such other remedial measures as the council determines to be reasonably necessary under the circumstances.

Sec. 134-741. Commission review and council approval of rezoning, conceptual and development plans.

Applications for rezoning and conceptual plans for the PBP planned business park district shall require review by the commission and approval by the council for compliance with this division prior to the issuance of a building permit. The following procedures shall be followed:

- (15) *Failure to submit development plan or to commence construction; remedial measures.* If the developer fails either (i) to submit a development plan within the time requirements of subsection (5) of this section or (ii) to commence construction in accordance with the time schedule set forth in the development plan, a public hearing may be scheduled before the plan and zoning commission regarding such failure, and the developer shall be served prior notice thereof by certified mail. At such hearing the commission shall consider all circumstances relevant to the developer's failure and may vote to recommend to the city council that appropriate remedial measures be initiated, which measures may include (i) the initiation of rezoning of the subject property to the zoning classification effective immediately prior to the rezoning of the subject property to a PBP district classification, and/or (ii) referral of the matter to the legal department for institution of enforcement proceedings in the courts pursuant to sections 134-31 and 134-32 of this chapter. Upon receipt of the recommendations of the commission, the city council may act to initiate remedial measures in conformity to the commission's recommendations or to initiate such other remedial measures as the council determines to be reasonably necessary under the circumstances.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Lawrence R. McDowell, Deputy City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify

that the above and foregoing is a true copy of an ordinance (Roll Call No. 15-0324), passed by the City Council of said City at a meeting held February 23, 2015 signed by the Mayor on February 23, 2015 and published and provided by law in the Business Record on March 13, 2015. Authorized by Publication Order No. 9167.

Diane Rauh, City Clerk