

ORDINANCE NO. 16,246

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 Section 134-2.2.9, relating to the requirement for future PUD performance bonds.

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, by amending Section 134-2.2.9 relating to the requirement for future PUD performance bonds, as follows:

**134-2.2.9 PUD, PLANNED UNIT DEVELOPMENT
(LEGACY) DISTRICT**

- A. No applications to establish new PUD zoning districts or to expand the boundaries of existing PUD zoning districts may be accepted for processing after the effective date specified in section ~~134-1.3 of this chapter~~, except that any PUD rezoning applications that were in process on the effective date specified in section ~~134-1.3 of this chapter~~ may continue to be processed and may be approved in accordance with the transitional provisions of section ~~134-1.3 of this chapter~~.
- B. Land classified in a PUD zoning district on the effective date specified in section ~~134-1.3 of this chapter~~ will continue to be classified in a PUD district and governed by the ordinance approving the PUD zoning designation, except section 134-698(2) requiring performance bonds, which section shall only apply to those projects approved by the City prior to May 1, 2023, and all applicable conditions of approval, conceptual plans, and development plans associated with the approved development until the subject PUD is rezoned to another (non-PUD) classification.
- C. In the event that the ordinance approving a PUD zoning designation and all applicable conditions of approval, conceptual plans, and development plans, including amendments thereto, do not regulate any subject(s) addressed in this chapter, the regulations of this chapter related to said subject(s) shall apply to, and be enforceable on, all land classified in said Legacy PUD district on and after the effective date of this chapter.
- D. All Legacy PUD final development plans that substantially conform to the applicable PUD conceptual development plans, and all amendments to Legacy PUD conceptual development plans and final development plans determined by the development services director to be minor in scope, must be reviewed and approved by the development services director, following the same general process as a Type 1 zoning exception pursuant to section ~~134-6.5 of this chapter~~; conditions of approval or denials may be appealed to the plan and zoning commission and city council following the same general process as a zoning map amendment pursuant to sections ~~134-6.3.5-9 of this chapter~~. All amendments to Legacy PUD conceptual development plans determined by the development services director to be major in scope must be reviewed by the city council after review and recommendation of the plan and zoning commission, following the same general process as a zoning map amendment

pursuant to section 134-6.3 of this chapter. Review pursuant to this subsection shall include review by the development services department for conformance with chapter 135 of this code.

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

FORM APPROVED: Lisa A. Wieland, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest: I, Laura Baumgartner, 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. 23-0686), passed by the City Council of said City at the meeting held on May 8, 2023 and signed by the Mayor on May 8, 2023 and published and provided by law in the Business Record on May 26, 2023. Authorized by Publication Order No. 12309.

Laura Baumgartner, City Clerk