

★ **Roll Call Number**

Agenda Item Number

50A

Date January 10, 2011


An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by amending the approved "PUD" Planned Unit Development District Conceptual Plan for Pearl Lake located in the vicinity of 3009 East Payton Avenue, to allow revision to the street layout and reduction in single-family lot sizes without an increase in number of residential units",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk

SOA

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Prepared by: Michael F. Kelley, Assistant City Attorney, 400 Robert D. Ray Drive,  
Des Moines, IA 50309 515/283-4124  
Return Address: City Clerk - City Hall, 400 Robert D. Ray Dr., Des Moines, IA 50309  
Title of Document: City of Des Moines, Ordinance No. \_\_\_\_\_  
Grantor/Grantee: City of Des Moines, Iowa  
Legal Description: See page 1 below.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by amending the approved "PUD" Planned Unit Development District Conceptual Plan for Pearl Lake located in the vicinity of 3009 East Payton Avenue, to allow revision to the street layout and reduction in single-family lot sizes without an increase in number of residential units.

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

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by amending the approved "PUD" Planned Unit Development District Conceptual Plan for Pearl Lake located in the vicinity of 3009 East Payton Avenue, to allow revision to the street layout and reduction in single-family lot sizes without an increase in number of residential units, more fully described as follows, subject to the conditions identified below:

The Southwest fractional ¼ of the Southwest ¼ of Section 30, Township 78 North, Range 23 West of the 5<sup>th</sup> P.M., City of Des Moines, Polk County, Iowa and described as follows:

SOA

Beginning at the Northwest corner of said Southwest fractional  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ ; thence South  $87^{\circ}$  (Degrees)  $23'$  (Minutes)  $13''$  (Seconds) East, 1224.68 feet to the Northeast corner of said Southwest fractional  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ ; thence South  $0^{\circ} 01' 06''$  West, 1321.43 feet to the Southeast corner of said Southwest fractional  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ ; thence North  $87^{\circ} 23' 44''$  West, 1229.90 feet to the Southwest corner of said Section 30; thence North  $0^{\circ} 15' 58''$  East, 1321.37 feet to the Point of Beginning and continuing 37.2 Acres (1,620,556 S.F.) more or less.  
Property subject to any and all easements of record, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

1. Addition of a note requiring compliance with tree protection and mitigation requirements in the City Code as part of any preliminary plat, grading plan, or development plan review.
2. Revision to plan to update existing contours based on alterations to the site for the regional storm water basin.
3. Addition of a note requiring that any grading required to achieve the minimum 65.00 lowest building opening elevation for lots within FIRM flood hazard areas should be verified at the grading or plat review stage to not to reduce the design capacity of the City regional storm water basin.
4. Removal of the references to the drainage basin area as a City of Des Moines Park, and leaving reference to City owned open space and storm water drainage area.
5. Indication of public sanitary sewer easements necessary on Lots 15 and 25 and storm sewer easement on Lots 12 and 13.
6. Provision of fencing standards as follows:
  - (a) Black vinyl-clad chain link is the only fencing material permitted.
  - (b) The maximum height of fencing allowed in a side or rear yard is five-feet (5').
  - (c) Fencing is prohibited within any front yard and within access easements to detention basins or trails.
  - (d) If fencing is placed in an easement that prohibits access, the city will remove the fence to gain access. Replacement of the fence is the responsibility of the homeowner.
  - (e) Wood privacy screens up to six-feet (6') in height are permitted when located outside of the required setbacks for a principal structure, outside of conservation easements and when adjoining private patios or decks outside the required front yard.
  - (f) All other fencing or screening is subject to the review and approval of the Planning Director.

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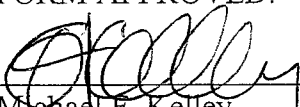
7. Revision to require the following standards for Areas "A" & "B":

- (a) Minimum building floor areas for single-family residential shall be as follows
  - (1) Single-story (ranch) 1,200 square feet, excluding basements.
  - (2) Two-story 1,400 square feet, excluding basements.
- (b) The front elevation of each single-family home constructed excluding windows and doors must consist of 1/3 to 1/2 stone or brick masonry.
- (c) The front elevation of each single-family home constructed must contain one of the following:
  - (1) Shutters on each side of each window; or
  - (2) Window trim not less than 4" in width.
- (d) The exterior of each single-family home must be of masonry (brick or stone) and/or vinyl, cedar, cementboard, or hardi-board siding. If vinyl siding is selected, it must be greater than 40 mills thick.
- (e) The roof on any home constructed shall be of architectural type shingles or cedar shakes.

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

Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of the vicinity map, this ordinance, and proof of publication of this ordinance to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:

  
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Michael F. Kelley  
Assistant City Attorney