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ORDINANCE NO. 049-09

AN ORDINANCE PASSED IN ACCORDANCE WITH CHAPTER 32, AS AMENDED, OF THE MUNICIPAL CODE OF CEDAR RAPIDS, IOWA, BEING THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT AS SHOWN ON THE "DISTRICT MAP" ON THE PROPERTY MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. That in accordance with Chapter 32, as amended, of the Municipal Code of Cedar Rapids, Iowa, being the Zoning Ordinance, that the property (Case No. 91-10-008) described as follows;

Lots 1 and 2, Hoeger's First Addition to Cedar Rapids, Iowa

and located at 1100 O Avenue NW, now zoned R-2, Single Family Residence Zone District, and as shown on the "District Map," be rezoned and changed to RMF-1, Multiple Family Residence Zone District, and that the property be used for such purposes as outlined in the RMF-1, Multiple Family Residence Zone District, as defined in Chapter 32 of the Municipal Code, City of Cedar Rapids, Iowa.

Section 2. That this Ordinance and the zoning granted by the terms hereof are subject to the conditions which have been agreed to and accepted prior to the passage of this Ordinance in writing (shown by attached Acceptance) by the owners and are binding upon the owners, successors, heirs, and assigns, as follows:

1. That the development of said property shall be in accordance with the Site Development Plan (SDP) recommended for approval by the City Planning Commission and approved by City Council, and all provisions of applicable zoning ordinances, building codes, and other City codes and regulations. Approval of the SDP does not waive any other requirements. All improvements indicated on the SDP shall be constructed at the cost of the developer and in accordance with City specifications unless excepted on the SDP. The SDP can be subsequently revised, or otherwise amended, by City Council resolution.
2. That access control for this site shall be established such that the access driveway to O Avenue NW shall be located to ensure adequate sight distance along O Avenue NW for a 40 mph design speed as approved by the City Traffic Engineering Manager/City Traffic Engineer.
3. That, **PRIOR TO THE ISSUANCE OF A FOUNDATION PERMIT OR BUILDING PERMIT**, the property owner shall be responsible to complete the following:
 - A. Submittal to the City Public Works Department of an acceptable site plan of improvements, certified by a civil engineer licensed in the State of Iowa, including the following information:

- i. Existing and proposed contours at one-foot intervals.
- ii. Existing and proposed utilities and easements, including existing and/or proposed sanitary and water service lines.
- iii. Proposed development plan and building finish floor/low foundation opening elevations.
- iv. Proposed storm water management plan and facilities.
- v. City sidewalk alignment and grades, street removal and replacement limits, and street right-of-way restoration plan.
- vi. Traffic control during construction.

If information represented on the site plan required above is found to be significantly different than shown, a revised site plan will be required to be approved **PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT.**

B. With respect to storm water permitting for this site, the following shall apply:

- i. The property owner shall submit to the City Public Works Director/City Engineer a copy of the Iowa DNR Storm Water permit for this site. This shall be completed **PRIOR TO GRADING ACTIVITIES COMMENCING OR PRIOR TO ISSUANCE OF A BUILDING PERMIT, WHICHEVER OCCURS FIRST.**
- ii. The property owner shall comply with all provisions of the Iowa DNR storm water permit and Municipal Code Chapter 71 "Erosion and Sediment Control for Construction Sites." This includes maintaining current inspection records weekly and after every one-half inch of rainfall, and installing and maintaining erosion and sediment control according to the approved Storm Water Pollution Prevention Plan (SWPPP).

4. That, **PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY**, the property owner shall be responsible to complete the following:

- A. Construction of 5' wide concrete sidewalk along O Avenue NW adjoining this site. The property owner shall construct the sidewalk improvements in accordance with City Standards, ADA requirements, and improvement plans accepted by the City Public Works Director/City Engineer.
- B. Submittal to the City of a signed Concrete Pavement Petition and Assessment Agreement for future street improvements in O Avenue NW adjoining this site. The City Public Works Department shall furnish the Agreement form upon request by the property owner.
- C. Submittal to the City of a signed Agreement for Private Storm Water Detention. The City Public Works Department shall provide a copy of the Agreement form upon request by the property owner.

5. That the property owner is responsible to construct storm sewer facilities as required servicing this site.


6. That the improvements proposed as part of this development shall be designed in accordance with the Cedar Rapids Metropolitan Area Engineering Design Standards.

7. That, if storm water management (including water quality provisions) cannot be met according to City Design Standards and the Cedar Rapids NPDES (National Pollutant Discharge Elimination System) Permit, on the approved Site Development Plan, the property owner shall be responsible to submit to the City a revised Site Development Plan meeting storm water management requirements.
8. That any required tree planting to meet city street landscape requirements on public right-of-way should utilize at least two different species and should not include any of the following:
 - A. Ash
 - B. Red Maple – all cultivars (Autumn Blaze, October Glory, Red Sunset, etc.)
 - C. Pin Oak (as a street tree)
 - D. Ornamental/Callery Pear (Bradford, Capital, Redspire, etc.)
9. That no Ash species or Ornamental/Callery Pear species may be used to meet City landscape requirements on public or private property.
10. That any landscaping planted within an electric utility right-of-way or easement must have an average mature height of 40' or less.
11. That plant materials must be named on submitted plans.
12. That future development under this rezoning action shall be subject to the Preliminary Site Development Plan review process as set forth in Section 32.02.030.G. **PRIOR TO ISSUANCE OF BUILDING PERMIT(S)**. Such Development shall meet all City development standards in effect at the time of plan submittal.

Section 3. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 10th day of November, 2009.

Passed this 18th day of November, 2009.

 _____, Mayor

Attest:  _____, City Clerk