

ORDINANCE NO. 14,052

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 rezoning and changing the district classification of certain property located in the vicinity of 1117 - 33rd Street from the "R-3" Multiple Family Residential District to a Limited "R-3" Multiple Family Residential District classification.

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 rezoning and changing the district classification of certain property located in the vicinity of 1117 - 33rd Street, more fully described as follows, from the "R-3" Multiple Family Residential District to a Limited "R-3" Multiple Family Residential District classification:

All of Lot 9, the East 30 feet of Lot 10, and all of Lot 16, Lyons Park Plat No. 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

No new building or expansion of an existing building shall be constructed upon the Property for other than single family use unless a site plan for such development has been approved in accordance with the procedure set forth in Section 82-209 of the Municipal Code of the City of Des Moines, Iowa, 2000. In acting upon the site plan, the City Plan and Zoning Commission shall apply the generally applicable design standards in Section 82-213 and the additional standards set forth below:

a) *Architectural character.* New development shall be compatible with the existing architectural character of the surrounding area by using a compatible design. Compatibility may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

b) *Building height and mass.* Any new building or addition to an existing building shall be either similar in size and height, or if larger, shall be

articulated, setback and subdivided into massing that is proportional to the mass and scale of other structures on the same block and adjoining blocks. Articulation may be achieved through variation of roof lines, setbacks, patterns of door and window placement, and the use of characteristic entry features. To the maximum extent feasible, the height, setback and width of new buildings or additions to existing buildings should be similar to those of existing buildings on the same block. Taller buildings or portions of buildings should be located interior to the site.

c) *Building orientation.* To the maximum extent feasible, primary facades and entries shall face the adjacent public street. A main entrance should face a connecting walkway with a direct pedestrian connection to the public street without requiring all pedestrians to walk through parking lots or across driveways.

d) *Parking.* Any new parking lot or expansion to an existing parking lot should comply with the adopted landscape standards applicable to commercial development in the "C-1" Neighborhood Retail Commercial District.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof, and the Acceptance of Rezoning Ordinance signed by all owners of the Property to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston Daniels, Mayor

Attest:

I, Donna Boetel-Baker, 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. 01-366), passed by the City Council of said City at a meeting held February 4, 2002, signed by the Mayor on February 4, 2002, and published as provided by law in the Business Record on February 18, 2002. Authorized by Publication Order No. 3117.

Donna Boetel-Baker, MMC City Clerk