

ORDINANCE NO. 15,065

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 4805 Observatory Road from the R1-80 One-Family Residential District to 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 4805 Observatory Road, more fully described as follows, from the R1-80 One-Family Residential District to Limited R-3 Multiple Family Residential District classification:

The West 311 feet of the South Half, of Lot 17, of the Official Replat, of the Official Plat, of the Northeast Quarter of Section 1, Township 78 North, Range 25 West of the 5th P.M., (Except the East 121 feet thereof), all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Except a portion more particularly described as:

Beginning at the Northwest corner of the aforesaid property; thence East along the North line of the said South Half, of Lot 17, a distance of 190.56 feet; thence South, perpendicular to the said North line, a distance of 48.6 feet; thence West to a point on the West line of said Lot 17, said point being 48.6 feet South of the Northwest corner of the aforesaid property; thence North along the said West line, a distance of 48.6 feet to the Point of Beginning.

And

A portion of the Northwest Quarter of Section 1, Township 78 North, Range 25 West of the 5th P.M. all now included in and forming a part of the City of Des Moines, Polk County, Iowa and more particularly described as follows:

Beginning at a point on the East line of the said Northwest Quarter which is the Southwest corner of Lot 17, of the Official Replat, of the Official Plat, of the Northeast Quarter of Section 1, Township 78 North, Range 25 West of the 5th P.M. and also on the North Right-of-Way line of Observatory Road, as presently established; thence West, perpendicular to the said East line of the said Northwest Quarter, a distance of 70.00 feet; thence North, parallel with the said East line, a distance of 132.19 feet; thence East, perpendicular to the said East line, a distance of 70.00 feet to the said East line; thence South, along the said East line, a distance of 132.19 feet to the Point of Beginning.

Section 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:

- (1) There shall be a maximum of six residential units developed on the property.
- (2) Any residential units constructed on the property shall be subject to review by the Plan and Zoning Commission and shall meet the following minimum design standards:
 - a) Each dwelling unit shall have a private garage, whether attached or detached.
 - b) Minimum building floor areas for residential units shall be 1,200 square feet, excluding garages and basements.
 - c) The roof on any dwelling constructed shall be of architectural type shingles or cedar shakes.
- (3) Identification and protection of mature trees as part of any future development in accordance with City Tree Protection and Mitigation Ordinances, including proper fencing of tree drip lines during grading or construction operations.
- (4) Provision of proper soil erosion controls during any development or grading operations in accordance with a grading and soil erosion protection plan.
- (5) Providing a “dark sky” compliant lighting plan.
- (6) Review and approval of final building elevations as part of Plan and Zoning Site Plan review.

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

Section 4. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:

Michael F. Kelley, Assistant 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. 11-1980), passed by the City Council of said City at a meeting held November 21, 2011 signed by the Mayor on November 21, 2011 and published as provided by law in the Business Record on December 9, 2011. Authorized by Publication Order No. 7775.

Diane Rauh, City Clerk