

ORDINANCE NO. 15,672

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 4750 Southwest 31st Street from the “M-3” Limited Industrial District to Limited “R1-80” One-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 4750 Southwest 31<sup>st</sup> Street, more fully described as follows, from the “M-3” Limited Industrial District to Limited “R1-80” One-Family Residential District classification:

THAT PART OF LOTS 2, 3, 4, AND 5 AIRPORT HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 00°14'58" WEST, A DISTANCE OF 156.64 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF MCKINLEY AVENUE, AS PRESENTLY ESTABLISHED, SAID POINT ALSO BEING A POINT OF CUSP ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 763.50 FEET AND A CENTRAL ANGLE OF 24°02'55" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 65°20'37" WEST 318.12 FEET; THENCE WESTERLY AND NORTHWESTERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE, A DISTANCE OF 320.46 FEET; THENCE NORTH 00°11'57" EAST, A DISTANCE OF 25.11 FEET; THENCE SOUTH 89°45'58" EAST, A DISTANCE OF 289.71 FEET TO THE POINT OF BEGINNING, CONTAINING 0.69 ACRES, MORE OR LESS, AND SUBJECT TO ANY OTHER EASEMENTS OR RESTRICTIONS OF RECORD.

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) Sidewalks shall be constructed along the adjoining public street frontages with any development of a single-family dwelling.
- 2) Vehicular driveway access shall only be developed from Southwest 31<sup>st</sup> Street. Vehicular access to McKinley Avenue is prohibited.
- 3) Any single-family dwelling constructed on the subject property shall adhere to the following:
  - a. Shall be constructed to have a full basement.
  - b. Shall be constructed to have minimum 2-car attached garage.
  - c. Shall be constructed so that the front façade of any dwelling must contain one of the following:
    - i. A front porch of not less than 60 square feet; or
    - ii. At least 1/3 of the façade shall be clad with stone or brick masonry.
  - d. Shall be constructed to have windows on any façade facing a public street with either of the following:
    - i. Trim border not less than 4 inches in width; or
    - ii. Shutters on each side.
  - e. Shall be constructed with a roof having asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
  - f. Shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.
  - g. Shall be constructed so that any 1½ and 2-story homes have a minimum of 1,400 square feet of above grade finished floor area.
  - h. Shall be constructed with exterior material of masonry (brick or stone), cedar, masonite, or cement fiber board.
  - i. Any fence within the front yard setbacks shall have black vinyl-cladding or be of a black-clad decorative metal design. A solid wood fence may be built in accordance with provisions for corner lots.

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

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

Glenna K. Frank, 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. 18-1022), passed by the City Council of said City at a meeting held June 11, 2018 signed by the Mayor on June 11, 2018 and published and provided by law in the Business Record on June 29, 2018. Authorized by Publication Order No. 10338.

Diane Rauh, City Clerk