

ORDINANCE NO. 14,128

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 2301 E. 42nd Street from the "R1-60" One Family, Low Density Residential District to a Limited "C-1" Neighborhood Retail Commercial 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 2301 E. 42nd Street, more fully described as follows, from the "R1-60" One Family, Low Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

Except the West 150.0 feet, Lots 1119 and 1120, Four Mile Plat No. 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein 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:

A. Any building constructed on the Property shall use exterior building materials that are primarily masonry block or brick, with EFIS or equivalent and glass as secondary exterior materials, and a roof with a hip design with either asphalt shingles or a standing seam metal roof.

B. All freestanding signs upon the Property shall be of a monument type with exterior materials similar in appearance to the principal building.

C. Landscaping shall be provided along the front or side of any building upon the Property in accordance with a landscape plan approved by the Community Development Director during the site plan review process.

D. Any exterior lighting on the Property shall be downcast or shielded so as not to directly illuminate any dwelling on adjacent property.

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 A. Daniels, Mayor

Attest:

I, Donna V. 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. 02-1871), passed by the City Council of said City at a meeting held July 22, 2002 signed by the Mayor on July 22, 2002 and published as provided by law in the Business Record on August 5, 2002 Authorized by Publication Order No. 3350.

Donna V. Boetel-Baker, City Clerk