

ORDINANCE NO. 14,215

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 5646 SE 36th Street from the "R1-90" Large Lot One-Family Residential District to a Limited "R1-70" One-Family Low Density 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 5646 SE 36th Street, more fully described as follows, from the "R1-90" Large Lot One-Family Residential District to a Limited "R1-70" One-Family Low Density Residential District classification:

Except the North 19.94 Feet, Parcel F (Book 8066, Page 063, filed for recording, Polk County Iowa, November 20, 1998); and Except the South 400.0 feet of the East 365.2 feet, the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 30, Township 78 North, Range 23 West of the 5th P.M., less roads, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. Hereinafter referred to as the "Property". Contains approximately 35.16 acres.

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. No trees shall be cut or removed from the Property until a tree survey and preservation plan is prepared by the Owner and approved by the City. Thereafter, no trees shall be cut or removed from the Property except as permitted by such plan.

B. A four foot (4') or taller black vinyl clad chain link fence shall be constructed along the entire western boundary of the Property adjacent to Easter Lake Park prior to December 31, 2003, and thereafter maintained in good repair.

C. The preliminary and final subdivision plats for any development upon the Property shall be submitted to the Polk County Conservation Commission for review and comment prior to approval by the City of Des Moines.

D. The number of residential lots created by any subdivision of the Property shall not exceed a density of 3.85 dwelling units per acre.

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 the vicinity map, this ordinance, proof of publication of this ordinance, 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, 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. 03-555), passed by the City Council of said City at a meeting held March 10, 2003 signed by the Mayor on March 10, 2003 and published as provided by law in the Business Record on March 24, 2003 Authorized by Publication Order No. 3570.

Diane Rauh, City Clerk