

ORDINANCE NO. 14,233

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 3210 Hubbell Avenue 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 3210 Hubbell Avenue, 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:

All that part of Lot 5, Lloyd Place, an Official Plat, lying North of the North right-of-way line of Avenue Fredrick M. Hubbell (also known as Hubbell Avenue), 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. Only those uses of land and structures permitted in the "C-0" Commercial Residential District shall be permitted upon the Property. Any use of land or structures prohibited in the "C-0" Commercial Residential

District shall be prohibited upon the Property.

B. No existing building upon the Property shall be altered or reconstructed in such a way so as to appear to be anything but residential in character. All new construction upon the Property shall by means of exterior treatment appear to be residential in character.

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. 03-1068), passed by the City Council of said City at a meeting held May 5, 2003 signed by the Mayor on May 5, 2003 and published as provided by law in the Business Record on May 19, 2003 Authorized by Publication Order No. 3588.

Diane Rauh, City Clerk