

ORDINANCE NO. 15,042

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 2340 Herold Avenue from the M-3 Limited Industrial to Limited R1-60 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 2340 Herold Avenue, more fully described as follows, from the M-3 Limited Industrial to Limited R1-60 One-Family Low-Density Residential District classification:

Parcel H, Book 10831, Page 348, Commencing 1145.21 Feet West of South $\frac{1}{4}$ Corner of Section 20-78-24, thence North 330.27 Feet to Point of Beginning, thence West 169.98 Feet to Southeast Corner Lot 10, Cooper Place Plat 2, an Official Plat, thence North 331.26 Feet along East Line Cooper Place Plat 2, and East Line Pine Meadow, an Official Plat, thence East 169.72 Feet, thence South 330.73 Feet to Point of Beginning Southwest $\frac{1}{4}$, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 20, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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:

- a. No part of the Property shall be divided into a lot or separate parcel with a width of less than 65 feet except those lots dedicated for public use.
- b. Any development of the property shall only be permitted after extension of the public street in a manner to allow development of adjoining developable property to the east and north. Such street extension shall provide a secondary connection to the existing street system on Emma Avenue or Stanton Avenue.

- c. Any development of the property shall be subject to the recorded Noise and Avigation easements in favor of the Des Moines International Airport.
- d. Each single-family dwelling unit shall have a private garage, whether attached or detached.
- e. Minimum building floor areas for single-family residences shall be as follows:
 - (1) Single-story (ranch)- 1,200 square feet, excluding basements.
 - (2) Two-story-1,400 square feet, excluding basements.
- f. The front elevation of each single-family home must contain one of the following:
 - (1) A front porch of not less than 60 square feet; or
 - (2) 1/3 to 1/2 stone or brick masonry.
- g. The front elevation of each single-family home must contain one of the following:
 - (1) Shutters on each side of each window; or
 - (2) Window trim not less than 4" in width.
- h. The exterior of each single-family home must be of masonry (brick or stone) or a combination of masonry and vinyl, cedar, Masonite, or Hardi-Plank siding. If vinyl siding is selected, it must be greater than 40 mills thick.
- i. The roof on any home shall be of architectural type shingles or cedar shakes.
- j. Fencing shall be limited as follows:
 - (1) Black vinyl-clad chain link is the only fencing material permitted.
 - (2) The maximum height of fencing allowed in a side or rear yard is five feet (5').
 - (3) Fencing is prohibited within any front yard and within access easements to detention basins or trails.
 - (4) If fencing is placed in an easement that prohibits access, the city will remove the fence to gain access. Replacement of the fence is the responsibility of the homeowner.
 - (5) Wood privacy screens up to six-feet (6') in height are permitted when located outside of the required setbacks for a principal structure, outside of conservation easements and when adjoining private patios or decks outside the required front yard.
 - (6) All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.

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. 11-1511), passed by the City Council of said City at a meeting held August 29, 2011 signed by the Mayor on August 29, 2011 and published as provided by law in the Business Record on September 16 2011. Authorized by Publication Order No. 7752.

Diane Rauh, City Clerk