

ORDINANCE NO. 15,138

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 5602 S.W. 9th Street from C-2 General Retail and Highway Oriented Commercial District and R1-60 One-Family Low-Density Residential District to Limited R-4 High 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 5602 S.W. 9th Street, more fully described as follows, from the from C-2 General Retail and Highway Oriented Commercial District and R1-60 One-Family Low-Density Residential District to Limited R-4 High Density Residential District classification:

(Except beginning at the Northeast corner thence south 101.43 feet along the East lot Line; thence west 16 feet along the South lot line; thence north 72.59 feet along a line 16 feet west of and parallel to the East lot line; thence northwesterly 31.81 feet; thence west 100.9 feet; thence northwesterly 120.75 feet; thence east 259.46 feet along the North lot line to the Point of Beginning) Lot 1, Nichols Place, an Official Plat, 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. Any multiple-family residential use of the property shall be limited to housing for the elderly whereby residents must be over the age of 55 years.
- b. Any multiple-family residential use of the property shall be in substantial compliance with the submitted architectural rendering and site sketch, to include brick, stone, or masonry block around the lower two levels.

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. 12-1656), passed by the City Council of said City at a meeting held October 22, 2012 signed by the Mayor on October 22, 2012 and published as provided by law in the Business Record on November 9, 2012. Authorized by Publication Order No. 7945.

Diane Rauh, City Clerk