

★ **Roll Call Number**

Agenda Item Number

49 C

Date..... May 22, 2006

An Ordinance entitled, "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 1900 SE 6th Avenue from the "R1-60" One-Family Low-Density Residential District and the "C-1" Neighborhood Retail Commercial District to a Limited "R-3" Multiple Family Residential District classification",

presented.

MOVED by _____ to find that the proposed rezoning is in conformance with the Des Moines 2020 Community Character Land Use Plan, and that this ordinance be considered and given first vote for passage.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney
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(First of three required readings - Six affirmative votes required for passage due to the recommendation for denial by the Plan and Zoning Commission.)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

.....Mayor

..... City Clerk

Prepared by: Roger K. Brown, Assist City Atty, 400 Robert Ray Dr., Des Moines, IA 50309 515/283-4541
 Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309
 Title of Document: City of Des Moines, Ordinance No. _____
 Legal Description: See below on this page.

ORDINANCE NO. _____

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 1900 SE 6th Avenue from the "R1-60" One-Family Low-Density Residential District and the "C-1" Neighborhood Retail Commercial District to a Limited "R-3" Multiple Family 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 1900 SE 6th Avenue, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District and the "C-1" Neighborhood Retail Commercial District to a Limited "R-3" Multiple Family Residential District classification:

Except Beginning at the southeast corner, thence northwesterly 159.66 feet, thence North 61.80 feet, thence East 57 feet, thence northeasterly 142.28 feet, thence East 50 feet, thence South 234.05 feet to Point of Beginning, Lot 3, North of Hillside Avenue, Sevastopol, an Official Plat; and, all Lots 1, 2, 3, Boyd's Place, an Official Plat; and, except beginning at the Southwest corner, thence North 140 feet, thence

East 160 feet, thence South 176.75 feet, thence northwesterly to Point of Beginning, Lot 25, Official Plat West ½ South of the Des Moines River, Section 10, 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 (hereinafter referred to as the "Property").

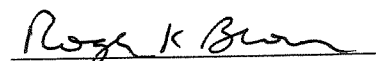
Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

The Property shall not be subdivided by plat of survey, subdivision plat or other means, and no building permit shall be sought or issued for any habitable structure upon the Property, until the Property has been rezoned to the "PUD" Planned Unit Development District pursuant to the Zoning Ordinance of the City of Des Moines. It is the intent of the City by requesting this condition, and of the owners by consenting to this condition, that the property ultimately be redeveloped with townhomes in accordance with an approved "PUD" Conceptual Development Plan at a density not to exceed that allowed in the "R-3" Multiple Family Residential District.

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 Polk County Recorder.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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