



**Roll Call Number**

**Agenda Item Number**

42A

**Date** January 22, 2018

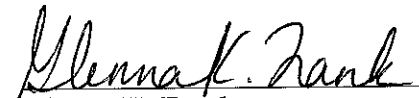
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 210 Watson Avenue from the "R1-60" One-Family Low-Density Residential District to Limited "R-2" Two-Family Residential District classification",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

  
Glenna K. Frank  
Assistant City Attorney

**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.

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| BOESEN         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| GATTO          |      |      |      |        |
| GRAY           |      |      |      |        |
| MANDELBAUM     |      |      |      |        |
| WESTERGAARD    |      |      |      |        |
| TOTAL          |      |      |      |        |

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

42A

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Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309  
Phone: 515/283-4530  
Return Address: City Clerk - City Hall, 400 Robert D. Ray Drive, Des Moines, IA 50309  
Title of Document: City of Des Moines, Ordinance No. \_\_\_\_\_  
Grantor/Grantee: City of Des Moines, Iowa  
Legal Description: See page 1, below.

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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 210 Watson Avenue from the "R1-60" One-Family Low-Density Residential District to Limited "R-2" Two-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 210 Watson Avenue, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to Limited "R-2" Two-Family Residential District classification:

Lots 57, 58 and 59 in Block 4 of OLD ORCHARD BEACH, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

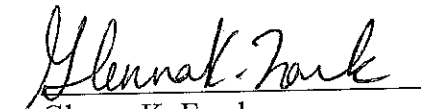
Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors,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

- (1) Permitted uses shall be limited to one-family or two-family residential.
- (2) Any dwelling unit shall have at least 1,100 square feet of floor space.
- (3) The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).
- (4) The front elevation of any dwelling unit shall contain either a front porch of not less than 60 square feet or 1/3 masonry (brick or stone) siding.
- (5) The front elevation of any dwelling unit constructed shall include either window trim not less than 4 inches in width or shutters on each side of each window.
- (6) Any dwelling unit shall be constructed with architectural-style asphalt shingles.
- (7) A minimum 288-square foot garage shall be provided for each dwelling unit. The garage shall be accessed by a paved driveway and be located outside of the minimum required front yard setback; and

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

  
Glenna K. Frank  
Assistant City Attorney

42A

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Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309  
Phone: 515/283-4530  
Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309  
Taxpayer: No change  
Title of Document: Acceptance of Rezoning Ordinance  
Grantor's Name: HOME, Inc. (Owner)  
Grantee's Name: City of Des Moines, Iowa  
Legal Description: Lots 57, 58 and 59 in Block 4 of OLD ORCHARD BEACH, an Official Plat, now included in  
and forming a part of the City of Des Moines, Polk County, Iowa  
(Hereinafter referred to as "Property")

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## ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:


1. That HOME, Inc. is the sole titleholder of the Property locally known as 210 Watson Avenue and legally described above.
2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "R1-60" One-Family Low-Density Residential District to Limited "R-2" Two-Family Residential District, I agree and accept on behalf of the owner to the imposition of the following conditions to run with the land and be binding upon all successors, heirs and assigns as part of the ordinance so rezoning the Property:
  - (1) Permitted uses shall be limited to one-family or two-family residential.
  - (2) Any dwelling unit shall have at least 1,100 square feet of floor space.
  - (3) The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).
  - (4) The front elevation of any dwelling unit shall contain either a front porch of not less than 60 square feet or 1/3 masonry (brick or stone) siding.
  - (5) The front elevation of any dwelling unit constructed shall include either window trim not less than 4 inches in width or shutters on each side of each window.

- (6) Any dwelling unit shall be constructed with architectural-style asphalt shingles.
- (7) A minimum 288-square foot garage shall be provided for each dwelling unit. The garage shall be accessed by a paved driveway and be located outside of the minimum required front yard setback; and

3. A certified copy of the rezoning ordinance shall be attached hereto, and a certified copy of this document and the rezoning ordinance shall be recorded by the City in the land records of the County Recorder to memorialize the rezoning of the Property as identified above.

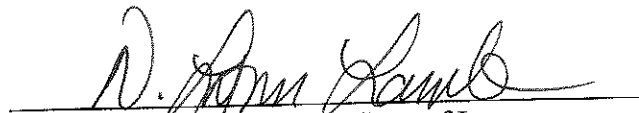
The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

**HOME, Inc.**

  
By: Pamela S. Carmichael  
Executive Director

State of Iowa           )  
                                  ) ss:  
County of Polk        )

On this 10<sup>th</sup> day of Jan., 2018, before me, a notary public, personally appeared Pamela S. Carmichael, to me personally known, who being by me duly sworn did say that he/she is the Executive Director of Home, Inc., an Iowa corporation, and that the foregoing instrument was signed on behalf of said corporation, and that he/she, as such officer, acknowledged the execution of the said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

  
Notary Public in and for the State of Iowa

