



**Roll Call Number**

**Agenda Item Number**

48A

**Date** May 7, 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 1625-1645 East Diehl Avenue, 1540-1580 Hart Avenue and 1545-1575 Hart Avenue from the "R1-80" One-Family Residential District to Limited "R1-60" One-Family Low-Density 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  
Glenna K. Frank  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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.

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

58A  
48A

---

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.

---

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 1625-1645 East Diehl Avenue, 1540-1580 Hart Avenue and 1545-1575 Hart Avenue from the "R1-80" One-Family Residential District 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 1625-1645 East Diehl Avenue, 1540-1580 Hart Avenue and 1545-1575 Hart Avenue, more fully described as follows, from the "R1-80" One-Family Residential District to Limited "R1-60" One-Family Low-Density Residential District classification:

Lot 23, 24, 25, 26, and 27 in CAPITOL VIEW ACRES, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

Lot 12 (Except the South 70 feet of the West 425 feet thereof) and Lots 13 and 14 in NEW HOPE, 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) A minimum of one street tree shall be provided per lot frontage within the development that complies with the City's street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.
- 2) No same house plan shall be built on adjacent lots.
- 3) Each house shall have a full basement.
- 4) Each house shall have a minimum two-car attached garage.
- 5) The front façade of any house constructed must contain one of the following:
  - a. A front porch of not less than 60 square feet; or
  - b. Stone or brick masonry siding covering at least 1/3 of the façade.
- 6) All windows and doors shall have trim that is no less than 4-inches in width.
- 7) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- 8) Single story homes shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.
- 9) 1½ story homes shall be constructed with a minimum of 1,600 square feet of above grade finished floor area with a minimum of 1,000 square feet on the first floor.
- 10) 2-story homes shall be constructed with a minimum of 1,800 square feet of above grade finished floor area.
- 11) Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- 12) Any chain link fence shall have black vinyl-cladding.

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

~~SBA~~

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  
Glenna K. Frank  
Assistant City Attorney

~~SSA~~  
48A

---

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: Phonevilay Boun and Bounthieng Egkhounmuong (Owners)  
Grantee's Name: City of Des Moines, Iowa  
Legal Description: Lot 23, 24, 25, 26, and 27 in CAPITOL VIEW ACRES, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa.  
And  
Lot 12 (Except the South 70 feet of the West 425 feet thereof) and Lots 13 and 14 in NEW HOPE, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(Hereinafter referred to as "Property")

---

## ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Phonevilay Boun and Bounthieng Egkhounmuong are the sole titleholders of the Property locally known as 1625-1645 East Diehl Avenue, 1540-1580 Hart Avenue and 1545-1575 Hart Avenue (collectively "Property") and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from "R1-80" One-Family Residential District to Limited "R1-60" One-Family Low-Density 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) A minimum of one street tree shall be provided per lot frontage within the development that complies with the City's street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.
- 2) No same house plan shall be built on adjacent lots.
- 3) Each house shall have a full basement.
- 4) Each house shall have a minimum two-car attached garage.
- 5) The front façade of any house constructed must contain one of the following:

- a. A front porch of not less than 60 square feet; or
- b. Stone or brick masonry siding covering at least 1/3 of the façade.
- 6) All windows and doors shall have trim that is no less than 4-inches in width.
- 7) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- 8) Single story homes shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.
- 9) 1½ story homes shall be constructed with a minimum of 1,600 square feet of above grade finished floor area with a minimum of 1,000 square feet on the first floor.
- 10) 2-story homes shall be constructed with a minimum of 1,800 square feet of above grade finished floor area.
- 11) Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- 12) Any chain link fence shall have black vinyl-cladding.

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.

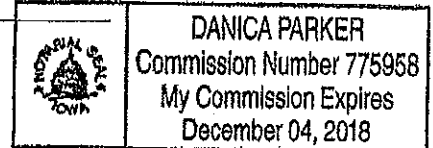
**PHONEVILAY BOUN (Owner)**

**SPOUSE OF PHONEVILAY BOUN (If Any)**

Phonevilay Boun  
Phonevilay Boun

Tem Boun  
By: Tem Boun

State of Iowa )  
                          ) ss:  
County of Polk )



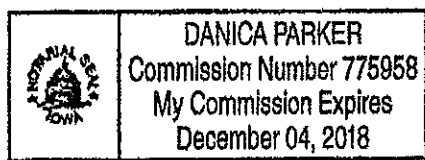
This instrument was acknowledged before me on April 2nd, 2018, by Phonevilay Boun.

[Signature]  
Notary Public in the State of Iowa

State of Iowa )  
                          ) ss:  
County of Polk )

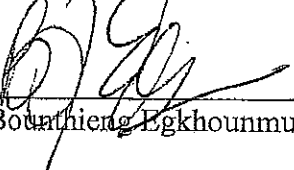
This instrument was acknowledged before me on April 2nd, 2018, by Tem Boun, spouse of Phonevilay Boun.

[Signature]  
Notary Public in the State of Iowa

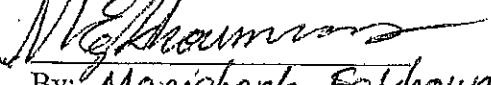


58A  
48A

**BOUNTHIENG EGKHOUNMUONG (Owner)**

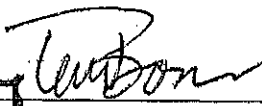
  
\_\_\_\_\_  
Bounthieng Egkhounmuong

**SPOUSE OF BOUNTHIENG  
EGKHOUNMUONG (If Any)**

  
\_\_\_\_\_  
By: Manichanh Egkhounmuong

State of Iowa        )  
                              ) ss:  
County of Polk        )

This instrument was acknowledged before me on April 1<sup>st</sup>, 2018, by Bounthieng Egkhounmuong.

  
\_\_\_\_\_  
Notary Public in the State of Iowa

TEMT BOUN  
Notarial Seal - Iowa  
Commission Number 791537  
My Commission Expires Aug 12, 2018

State of Iowa        )  
                              ) ss:  
County of Polk        )

This instrument was acknowledged before me on April 1<sup>st</sup>, 2018, by Manichanh Egkhounmuong spouse of Bounthieng Egkhounmuong.

  
\_\_\_\_\_  
Notary Public in the State of Iowa

TEMT BOUN  
Notarial Seal - Iowa  
Commission Number 791537  
My Commission Expires Aug 12, 2018