

★ Roll Call Number

Agenda Item Number

45A

Date February 25, 2019

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 1321 and 1325 Fremont Street 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
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

45A

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 1321 and 1325 Fremont Street 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 1321 and 1325 Fremont Street, 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 22 AND 23, BLOCK 30, STEWART'S ADDITION, AN OFFICIAL PLAT,
 ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES
 MOINES, POLK COUNTY, IOWA.

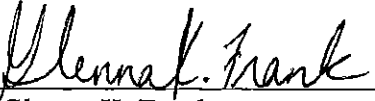
Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors,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

- (1) Permitted uses shall be limited to one-family or two-family residential.
- (2) The unit plans and architecture shall be compatible with the image shown to the Plan and Zoning Commission.
- (3) Any dwelling unit shall have at least 1,100 square feet of floor space, excluding the basement.
- (4) The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).
- (5) The front elevation of any dwelling unit shall contain either a front porch of approximately 60 square feet or 1/3 masonry (brick or stone) siding.
- (6) The front elevation of any dwelling unit constructed shall include either 1x4 window trim or shutters on each side of each window.
- (7) Any dwelling unit shall be constructed with architectural-style asphalt shingles.
- (8) 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.

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

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: Community Housing Initiatives, Inc. (Owner) and Home Opportunities Made Easy
(H.O.M.E.), Inc. (Purchaser)
Grantee's Name: City of Des Moines, Iowa
Legal Description: LOTS 22 AND 23, BLOCK 30, STEWART'S ADDITION, AN OFFICIAL PLAT, ALL
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 Community Housing Initiatives, Inc. is the titleholder and Home Opportunities Made Easy (H.O.M.E.), Inc. is the purchaser of the Property locally known as 1321 and 1325 Fremont Street 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, we 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) The unit plans and architecture shall be compatible with the image shown to the Plan and Zoning Commission.
- (3) Any dwelling unit shall have at least 1,100 square feet of floor space, excluding the basement.
- (4) The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).


- (5) The front elevation of any dwelling unit shall contain either a front porch of approximately 60 square feet or 1/3 masonry (brick or stone) siding.
- (6) The front elevation of any dwelling unit constructed shall include either 1x4 window trim or shutters on each side of each window.
- (7) Any dwelling unit shall be constructed with architectural-style asphalt shingles.
- (8) 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.

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.

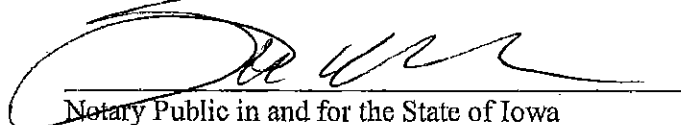
Community Housing Initiatives, Inc.

By:


Doug Labounty, President

State of Iowa)
) ss:
County of Polk)


This instrument was acknowledged before me on February 14, 2019, by Doug Labounty as President of Community Housing Initiatives, Inc.


Notary Public in and for the State of Iowa



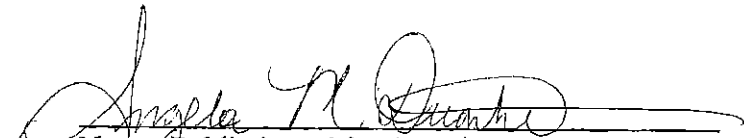
45A

Home Opportunities Made Easy (H.O.M.E.), Inc.


By: Pamela S. Carmichael
Executive Director

State of Iowa)
) ss:
County of Polk)

On this 14th day of February, 2019, 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 Opportunities Made Easy (H.O.M.E.), 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

