

★ **Roll Call Number**

Agenda Item Number

62A

Date March 11, 2019

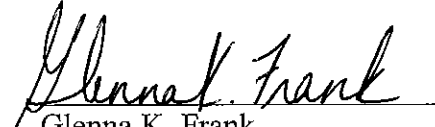
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 4320 East 46th Street from the "A-1" Agricultural 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
 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

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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.

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 4320 East 46th Street from the "A-1" Agricultural 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 4320 East 46th Street, more fully described as follows, from the "A-1" Agricultural District to Limited "R1-60" One-Family Low-Density Residential District classification:

THE NORTH 5 ACRES OF THE EAST ½ OF THE SOUTH 30 ACRES OF THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 21, TOWNSHIP 79, RANGE 23, WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT PARCEL B BOOK 7498 PAGE 966.

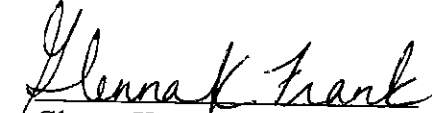
Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors,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

- 1) Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
- 2) Any development upon the Property shall include a minimum of one street tree 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.
- 3) No same house plan shall be built on adjacent lots.
- 4) Any house shall have a full basement unless determined infeasible by the City's Building Official and Planning Administrator.
- 5) Any house shall have a minimum two-car attached garage.
- 6) 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.
- 7) All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.
- 8) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- 9) Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
- 10) Any 1-½-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
- 11) Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
- 12) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- 13) 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.

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:

A handwritten signature in cursive script that reads "Glenna K. Frank". The signature is written in black ink and is positioned above the printed name.

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: Savannah Homes, Inc.
Grantee's Name: City of Des Moines, Iowa
Legal Description: THE NORTH 5 ACRES OF THE EAST ½ OF THE SOUTH 30 ACRES OF THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 21, TOWNSHIP 79, RANGE 23, WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT PARCEL B BOOK 7498 PAGE 966 (Hereinafter referred to as "Property")

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Savannah Homes, Inc. is the titleholder of the Property locally known as 4320 East 46th Street and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "A-1" Agricultural District to Limited "R1-60" One-Family Low-Density 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) Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
- 2) Any development upon the Property shall include a minimum of one street tree 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.
- 3) No same house plan shall be built on adjacent lots.

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- 4) Any house shall have a full basement unless determined infeasible by the City's Building Official and Planning Administrator.
- 5) Any house shall have a minimum two-car attached garage.
- 6) The front façade of any house constructed must contain one of the following:
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 - b. Stone or brick masonry siding covering at least 1/3 of the façade.
- 7) All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.
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- 11) Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
- 12) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- 13) 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.

Savannah Homes, Inc.

By: *Ted Grob*

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on February 28, 2019, by Ted Grob as President of Savannah Homes, Inc.

Barbara G. Ambrose
Notary Public in and for the State of Iowa

