

Date August 19, 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 3908 Lower Beaver Road 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

(ZON2019-00116)

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

53A

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 3908 Lower Beaver Road 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 3908 Lower Beaver Road, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to Limited "R-2" Two-Family Residential District classification:

EXCEPT THE WEST 78 FEET, LOT 66 IN HALLETT ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

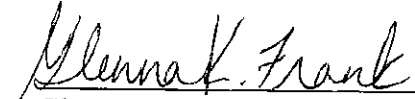
Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors,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

- (1) Construction of any dwelling shall be in substantial compliance with the submitted design and materials or of a design equivalent in quality as determined by the Planning Administrator.
- (2) Exterior material for each dwelling units constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board or other composite materials generally equal in quality to cement fiber board as approved by the Planning Administrator.
- (3) The front façade of each unit 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.
- (4) All windows and doors on any dwelling shall have trim that is no less than 4 nominal inches in width and shall have pre-hung exterior doors with trim.
- (5) The roof on each dwelling unit constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- (6) A minimum of one street tree per lot frontage 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.
- (7) Any mechanical equipment shall be located in the rear or side yard of the building.
- (8) Any unit in a 1- or 2-household dwelling shall be constructed with a minimum of 1,300 square feet of finished floor area.
- (9) Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

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 a horizontal line.

Glenna K. Frank
Assistant City Attorney

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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: Grasso Properties One, LLC
Grantee's Name: City of Des Moines, Iowa
Legal Description: EXCEPT THE WEST 78 FEET, LOT 66 IN HALLETT ACRES, AN OFFICIAL PLAT,
NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK
COUNTY, IOWA.

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Grasso Properties One, LLC is the titleholder of the Property locally known as 3908 Lower Beaver Road, 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 owners 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) Construction of any dwelling shall be in substantial compliance with the submitted design and materials or of a design equivalent in quality as determined by the Planning Administrator.
- (2) Exterior material for each dwelling units constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board or other composite materials generally equal in quality to cement fiber board as approved by the Planning Administrator.
- (3) The front façade of each unit 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.

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- (4) All windows and doors on any dwelling shall have trim that is no less than 4 nominal inches in width and shall have pre-hung exterior doors with trim.
- (5) The roof on each dwelling unit constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- (6) A minimum of one street tree per lot frontage 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.
- (7) Any mechanical equipment shall be located in the rear or side yard of the building.
- (8) Any unit in a 1- or 2-household dwelling shall be constructed with a minimum of 1,300 square feet of finished floor area.
- (9) Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

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.

GRASSO PROPERTIES ONE, LLC
an Iowa limited liability company

Steven G Grasso
By: Steven G Grasso
Its: Owner

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on AUGUST 6, 2019, by STEVEN G GRASSO as OWNER of Grasso Properties One, LLC.

Orion Lauda
Notary Public in and for the State of Iowa

