

★ Roll Call Number

Agenda Item Number

460

Date November 7, 2011


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 3422 57th Street from R1-60 One-Family Low-Density Residential District to Limited R-2 One and 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)


Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

46 C

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 3422 57th Street from R1-60 One-Family Low-Density Residential District to Limited R-2 One and 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 3422 57th Street, more fully described as follows, from the R1-60 One-Family Low-Density Residential District to Limited R-2 One and Two-Family Residential District classification:

Lot 28, Van Dorn Place, an Official Plat, and the North 66 feet of the East 133.2 feet, Lot 78, Kingman Acres, 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 single-family or single-family semidetached residential.
2. Any use of the property for single-family semidetached residential shall be in accordance with a Plat of Survey as approved by the City's Permit and Development Center and recorded with Polk County.
3. Any single-family semidetached dwelling unit shall have at least 1,000 square feet of floor space excluding basements.

4. The exterior of any single-family semidetached dwelling unit shall be constructed of masonry (brick or stone) and/or horizontal cedar or cement board overlap siding.
5. Any dwelling unit shall be constructed with architectural-style asphalt shingles.
6. The front elevation of any single-family semidetached dwelling unit shall contain either 1/3 masonry (brick or stone) or a front porch of not less than 60 square feet.
7. The front elevation of any single-family semidetached dwelling unit constructed shall include either shutters on each side of each window or window trim not less than 4 inches in width.
8. Provision of a minimum 12-foot by 24-foot (288 square feet) garage on each lot that is accessed by a paved driveway. The garage shall be located outside of the minimum required front yard setback.
9. Any tree removals on the site shall be subject to the provisions of the tree mitigation ordinance.

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

Section 4. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

Prepared by: Michael F. Kelley, Assistant City Attorney, 400 Robert Ray Dr., Des Moines, IA 50309 515/283-4124
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: Christopher Seunt Jens
Grantee's Name: City of Des Moines, Iowa
Legal Description:

Lot 28, Van Dorn Place, an Official Plat, and the North 66 feet of the East 133.2 feet, Lot 78, Kingman Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby states, warrants and agrees as follows:

1. Christopher Seunt Jens, as titleholder is the sole owner of the Property in the vicinity of 3422 57th Street, more specifically 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 One and Two-Family Residential District classification, I agree and accept 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 single-family or single-family semidetached residential.
 - (2) Any use of the property for single-family semidetached residential shall be in accordance with a Plat of Survey as approved by the City's Permit and Development Center and recorded with Polk County. 850 (S)
 - (3) Any single-family semidetached dwelling unit shall have at least ~~1,000~~ square feet of floor space excluding basements.
 - (4) The exterior of any single-family semidetached dwelling unit shall be constructed of masonry (brick or stone) and/or horizontal cedar or cement board overlap siding.
 - (5) Any dwelling unit shall be constructed with architectural-style asphalt shingles.

- (6) The front elevation of any single-family semidetached dwelling unit shall contain either 1/3 masonry (brick or stone) or a front porch of not less than 60 square feet.
- (7) The front elevation of any single-family semidetached dwelling unit constructed shall include either shutters on each side of each window or window trim not less than 4 inches in width.
- (8) Provision of a minimum 12-foot by 24-foot (288 square feet) garage on each lot that is accessed by a paved driveway. The garage shall be located outside of the minimum required front yard setback.
- (9) Any tree removals on the site shall be subject to the provisions of the tree mitigation ordinance.

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.

4. That in the event any portion of the Property is hereafter rezoned to a district classification different from Limited R-2, then this Acceptance shall be immediately terminated as applied to the real estate so rezoned on the effective date of such rezoning, and the conditions agreed to herein shall be rendered null and void, provided, if there be any such rezoning to a more restricted zoning classification, any then legal actual use of such real estate shall become a legal non-conforming use.

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.

Christopher Seunt Jens

By: *Christopher Seunt Jens*
Titleholder

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on October 27th, 2011, by Christopher Seunt Jens, who is personally known to me or who has provided identification pursuant to and sufficient under Iowa law.

Diane M. Murphy
Notary Public in the State of Iowa
My commission expires: 7/31/2012

