

ORDINANCE NO. 14,264

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 936 McKinley Avenue from the "R1-60" One-Family, Low Density Residential District and the "C-2" General Retail and Highway Oriented Commercial District to a Limited "R-2A" General 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 936 McKinley Avenue, more fully described as follows, from the "R1-60" One-Family, Low Density Residential District and the "C-2" General Retail and Highway Oriented Commercial District to a Limited "R-2A" General Residential District classification:

All of Lots 32, 33 and 48; Lot 47, except the North 2.0 feet of the East 42.0 feet of said Lot 47; and, the West 21.9 feet of the South 150.0 feet of Lot 46, all within Block 3, Pinehurst, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

Sec. 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:

- A. There shall be no vehicular access between the Property and any adjoining land devoted to a commercial (other than multi-family residential) use.
- B. Use of the Property for any home occupation shall be subject to the same conditions and limitations as apply under the City of Des Moines Zoning Ordinance within the "R1-80" Single Family Residential District.
- C. Use of the Property for any multi-family residential use shall be subject to the site plan requirements applicable to the development of such a use within the "R-3" Multiple Family Residential District, including the requirement for approval of the site plan by the City Plan and Zoning Commission.

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

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of the vicinity map, this ordinance, proof of publication of this ordinance, and the Acceptance of Rezoning Ordinance signed by all owners of the Property, to be properly filed in the office of the County Recorder of the county in which the Property is located..

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 03-1899), passed by the City Council of said City at a meeting held August 11, 2003 signed by the Mayor on August 11, 2003 and published as provided by law in the Business Record on August 25, 2003 Authorized by Publication Order No.3871.

Diane Rauh, City Clerk