

ORDINANCE NO. 15,412

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 2 Hartford Avenue from the Limited "C-1" Neighborhood Retail Commercial District with allowance of "R-3" District permitted uses, daycare center, and dance studio uses to Limited "C-1" Neighborhood Retail Commercial District classification with the additional allowance of office and art studio/shop uses.

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 2 Hartford Avenue, more fully described as follows, from the Limited "C-1" Neighborhood Retail Commercial District with allowance of "R-3" District permitted uses, daycare center, and dance studio uses to Limited "C-1" Neighborhood Retail Commercial District classification with the additional allowance of office and art studio/shop uses:

Parcel "B" of the Plat of Survey filed October 14, 2003 and recorded in Book 10211, Page 852, being a part of Lots 22 and 23 of the Official Plat of the West ½ of Section 10, Township 78, Range 24 West of the 5th P.M., 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) Only the following uses of structures or land shall be permitted upon the Property:
  - a. Any use allowed in and as limited in the "R-3" Multiple Family Residential District.
  - b. Daycare facilities.
  - c. Dance studios.

- d. Artist studios.
- e. Offices;
- (2) The parking spaces within any parking lot upon the Property shall be striped in conformance with the City's standards for parking;
- (3) Buffering shall be installed on the eastern boundary of the Property if the adjoining portion of the Property is utilized for parking, to eliminate intrusion of vehicle lights onto the adjoining residential area; and
- (4) Any change in use of the Property shall be made in compliance with all applicable codes and with all necessary permits, including obtaining a Certificate of Occupancy for the new use.

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

T. M. Franklin Cownie, 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. 15-1737), passed by the City Council of said City at a meeting held October 12, 2015 signed by the Mayor on October 12, 2015 and published and provided by law in the Business Record on October 30, 2015. Authorized by Publication Order No. 9331.

Diane Rauh, City Clerk