

ORDINANCE NO. 14,445

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 1510 Martin Luther King Jr. Parkway from the "C-O" Commercial Residential District to a Limited "C-1" Neighborhood Retail Commercial 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 1510 Martin Luther King Jr. Parkway, more fully described as follows, from the "C-O" Commercial Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

Lot 14 and the North 44 feet of Lots 15 and 16, Cases Addition to North Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein 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. Any commercial development of the Property shall comply with the applicable Site Plan Regulations, including the landscaping and buffering requirements.
- B. The unused driveway approaches shall be removed and the curb shall be restored within 90 days of the commencement of any new use of the Property.
- C. Any development of the Property shall be performed in compliance with all necessary construction permits, and a Certificate of Occupancy shall be obtained prior to occupancy of any building upon the Property for any new use.

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 Polk County Recorder.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Archie Brooks, Mayor Pro Tem

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. 05-1196), passed by the City Council of said City at a meeting held May 9, 2005 signed by the Mayor Pro Tem on May 9, 2005 and published as provided by law in the Business Record on May 23, 2005 Authorized by Publication Order No. 4800.

Diane Rauh, City Clerk