

ORDINANCE NO. 14,559

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 9450 County Line Road from the "A-1 Agricultural 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 9450 County Line Road, more fully described as follows, from the "A-1 Agricultural District to a Limited "C-1" Neighborhood Retail Commercial District classification:

Lot 1, Hardy's Acres Plat 1, an Official Plat, all now included in and forming a part of the City of Des Moines, Warren 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 be in substantial conformance with a site plan submitted for review and approval by the City Plan and Zoning Commission.
- B. The following uses of structures and land shall be prohibited upon the Property:
  - 1) Automotive and motorcycle accessory and parts stores;
  - 2) Gas stations;
  - 3) Package goods stores for the sale of alcoholic beverages;
  - 4) Pawn shops;
  - 5) Small engine repairs;
  - 6) Theaters and places of public assembly; and,
  - 7) Check cashing and title loan businesses.

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 **Warren County** Recorder.

FORM APPROVED:

Roger K. Brown, 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. 06-840), passed by the City Council of said City at a meeting held April 24, 2006 signed by the Mayor on April 24, 2006 and published as provided by law in the Business Record on May 8, 2006 Authorized by Publication Order No. 5118.

Diane Rauh, City Clerk