

ORDINANCE NO. 14,661

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 2426 SE 14th Street from the "C-1" Neighborhood Retail Commercial District to a Limited "C-2" General Retail and Highway Oriented 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 2426 SE 14th Street, more fully described as follows, from the "C-1" Neighborhood Retail Commercial District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

The West 63.00 Feet of the East 136.00 Feet of the South ½ of Lot 21, Tallmadge's Subdivision, 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. A 10 foot wide bufferyard shall be installed along the west boundary of any commercial development of the Property in accordance with the Des Moines Landscape Standards, within 90 days after such commercial use is commenced.
- B. A vehicular access easement shall be provided through the Property to serve any permitted commercial use of the adjoining property to the west. The location of the easement area shall be determined through the site plan approval process for any commercial use of the Property.

C. The following uses of structures and land shall not be permitted upon the Property:

- 1) All residential use, excepting single-family residential which shall be permitted;
- 2) Package goods stores for the sale of alcoholic beverages;
- 3) Pawn shops;
- 4) Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity;
- 5) Adult entertainment business;
- 6) Billiard parlors, pool halls, and game rooms;
- 7) Taverns and nightclubs; and
- 8) Freestanding garages for general motor vehicle repair and automobile washing establishments when not accessory to a primary vehicle display 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 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:

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. 07-1112), passed by the City Council of said City at a meeting held June 4, 2007 signed by the Mayor on June 4, 2007 and published as provided by law in the Business Record on June 25, 2007, Authorized by Publication Order No. 5719.

Diane Rauh, City Clerk