

ORDINANCE NO. 14,917

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 3814, 3822 and 3826 57th Street from the "R1-60" One-Family Low-Density Residential 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 3814, 3822 and 3826 57th Street, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

The East 130 feet of Lots 36 and 37, Block P, Aviation Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as "3814 57th Street"); AND,

The East 130 feet of Lots 31, 32 and 33, and the North 10 feet of the East 130 feet Lot 34, Block P, Aviation Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as "3822-3826 57th Street ").

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:

1. The property at 3814 57th Street shall be subject to the following conditions:
 - A. No buildings or parking (except drive entrances) shall be constructed or maintained within 30 feet of the front property line along 57th Street so long as there are single-family dwelling properties directly adjoining 3814 57th Street.
 - B. The following uses of structures and land shall be prohibited on 3814 57th Street:
 - (1) Adult entertainment business;

- (2) Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales;
 - (3) Off-premises advertising signs;
 - (4) Package goods stores for the sale of alcoholic beverages;
 - (5) Pawn businesses;
 - (6) Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity; and
 - (7) Communication Towers.
- C. Any redevelopment of 3814 57th Street shall be subject to Site plan review by the Plan and Zoning Commission.
2. The property at 3822-3826 57th Street shall be subject to the following conditions:
- A. No buildings or parking (except drive entrances) shall be constructed or maintained within 30 feet of the front property line along 57th Street so long as there are single-family dwelling properties directly adjoining 3822-3826 57th Street.
 - B. The following uses of structures and land shall be prohibited on 3814 57th Street:
 - (1) Adult entertainment business;
 - (2) Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales;
 - (3) Off-premises advertising signs;
 - (4) Package goods stores for the sale of alcoholic beverages;
 - (5) Pawn businesses;
 - (6) Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity;
 - (7) Communication Towers; and,
 - (8) General motor vehicle repair.
 - C. Any redevelopment of 3822-3826 57th Street shall be subject to Site plan review by the 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. 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. 10-215), passed by the City Council of said City at a meeting held February 8, 2010, 2010, signed by the Mayor on February 8, 2010 and published as provided by law in the Business Record on February 22, 2010. Authorized by Publication Order No. 6878.

Diane Rauh, City Clerk