

ORDINANCE NO. 14,944

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 2217 Beaver Avenue from the C-0 Commercial-Residential District and R1-60 One-Family Low-Density Residential District to 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 2217 Beaver Avenue, more fully described as follows, from the C-0 Commercial-Residential District and R1-60 One-Family Low-Density Residential District to Limited C-1 Neighborhood Retail Commercial District classification:

Except street, Lots 15 through 18 of Beaver Heights No. 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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) Compliance with all applicable Site Plan regulations including provision of all required landscaping and screening with a 6 foot minimum height, high quality and durable fence as part of necessary buffer yards along the south and east property lines. The fence must be approved by the Community Development Director after consultation with the Beaverdale Neighborhood Association and construction of the fence shall be completed no later than 24 months of the date of the effectiveness of this ordinance.
- (2) Any additional signage on the premises may only be Type A signs (indirectly illuminated only).

- (3) Prohibit hours of operation for any business use between the hours of 9:00 p.m. and 6:00 a.m.
- (4) Prohibit the use of the property for the following uses:
 - (a) Financial service establishment that involve lending based primarily on collateral of future payroll and/or repayment by post-dated check;
 - (b) Pawn brokerages;
 - (c) Bakeries;
 - (d) Restaurants;
 - (e) Delicatessens;
 - (f) Gas stations;
 - (g) Grocery stores;
 - (h) Launderettes and coin-operated dry cleaning establishments, and drying cleaning and pressing establishments;
 - (i) Locker plants;
 - (j) Automotive accessory and parts stores;
 - (k) Upholstery shops;
 - (l) Package goods stores for the sale of alcoholic beverages; and,
 - (m) Clothes cleaning and laundry pickup stations.

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:

Michael F. Kelley, 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. 10-971), passed by the City Council of said City at a meeting held June 14, 2010 signed by the Mayor on June 14, 2010 and published as provided by law in the Business Record on June 28, 2010. Authorized by Publication Order No. 7155.

Diane Rauh, City Clerk