

ORDINANCE NO. 13,728

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 2A-5 of the Municipal Code of the City of Des Moines, 1991, by rezoning and changing the district classification of certain property located in the vicinity of 1335 E. Ovid Avenue from an "R1-60" One-Family Low Density Residential District classification 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 2A-5 of the Municipal Code of the City of Des Moines, Iowa, 1991, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 1335 E. Ovid Avenue, more fully described as follows, from an "R1-60" One-Family Low Density Residential District classification to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Lots 4 and 5, Block 1, Kryshers Second Addition Plat 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:

A. Only the following uses of land and structures shall be permitted upon the Property:

1.Any use allowed in the "C-1" Neighborhood Retail Commercial District without limitation as to the size, hours of operation or number of fueling stations.

2.Automobile accessory store.

B.A 15 foot wide buffer area shall be maintained along those portions of the western boundary of the Property which adjoin residentially zoned property. The said buffer area shall contain landscaping and plantings in accordance with a landscaping plan prepared by the owner of the property and approved by the Planning Director. The landscaping shall include a wood privacy fence along the western boundary of the property. The landscaping shall be installed within six months of commencement of any commercial use of the Property.

C.The alley adjoining the Property shall be paved by the owner of the Property prior to the issuance of a Certificate of Occupancy for any commercial use of the Property.

D.The exterior surface facing E. 14th Street of any commercial building upon the Property shall be predominantly brick matching the character of the neighborhood.

E.At the time of site plan approval of any commercial use of the Property, the East 17 feet of Lot 1, Block 1, Kryshers Second Addition Plat 2, an Official Plat, shall be dedicated as right-of-way for E. 14th Street Avenue.

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 this ordinance and proof of publication thereof to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

P
r
e
s
t
o
n

A
.

D
a
n
i
e
l
s
,

M
a
y
o
r

Attest:

I, Donna Boetel-Baker, 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. 99- 2219), passed by the City Council of said City at a meeting held July 12, 1999, signed by the Mayor on July 12, 1999, and published as provided by law in the Business Record on July 26, 1999. Authorized by Publication Order No. 6196.

Donna Boetel-Baker, CMC/AAE, City Clerk