

ORDINANCE NO. 13,744

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 1400 Des Moines Street from an "R1-60" One Family Low Density Residential 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 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 1400 Des Moines Street, more fully described as follows, from an "R1-60" One Family Low Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

Lots 3, 4, 5 and 6, Block 38, Stewart=s Addition, 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.No commercial use of the property shall incorporate a playground, either indoors or outdoors, or similar recreational feature which would have the effect of attracting small children to the Property who are not accompanied by an adult.

B.Any commercial use of the Property shall be pursuant to an approved site plan. The following additional restrictions shall be incorporated into the site plan for the Property:

1)The color of the roof and soffit shall be consistent with the color of the surrounding buildings rather than a contrasting color.

2)Any restaurant use of the Property shall provide safe pedestrian access and patio seating for anticipated pedestrian volumes.

3)The required storm water detention for

any commercial use of the Property shall be carefully reviewed to assure that it does not create a attractive nuisance or safety hazard.

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

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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. 99-2679), passed by the City Council of said City at a meeting held August 23, 1999, signed by the Mayor on August 23, 1999, and published as provided by law in the Business Record on September 6, 1999. Authorized by Publication Order No. 6249.

Donna Boetel-Baker, CMC/AAE, City Clerk

