

ORDINANCE NO. 14,247

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 3009 SW 9th 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 3009 SW 9th 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 East 54.0 feet of Lot 3, and the East 54.0 feet of the North 25.0 feet of Lot 4, and the South 99.0 feet of Lot 4 (except street right-of-way), and the West $\frac{1}{2}$ of vacated North/South alley right-of-way lying East of and adjoining the South 24.0 feet of Lot 4, all within Proctor's Addition, 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. Only the uses of structures and land listed below shall be permitted upon the Property:

- 1) Any use allowed in the "C-1" Neighborhood

Retail Commercial
District.

2) Bookbinding,
carpenter and
cabinetmaking shops,
photographic printing or
developing
establishments, plumbing
and heating shops,
printing and
lithographing shops,
sheet metal shops, sign
painting shops,
insulation contractor
shop, and similar uses.

B. Storage of any and all
materials and equipment on the
Property shall take place within
completely enclosed buildings,
except for off-street parking and
loading.

C. Any retail business or service
establishment use open to the
public for business during the
hours from 2:00 a.m. to 6:00 a.m.
shall only be permitted subject to
approval by the board of
adjustment after public hearing.
Prior to granting approval of a
particular business or service
establishment use on the Property,
the board of adjustment must find
that such use complies with the
following standards:

a. The proposed
location, design,
construction and
operation of the
particular use shall
adequately safeguard the
health, safety and
general welfare of
persons residing or

working in adjoining or surrounding property;

b. The particular use shall not materially increase congestion, noise, vibration, glare, fumes, odors or electrical interference that will adversely affect surrounding residential uses; and

c. The particular use shall not diminish or impair established property values in adjoining or surrounding property.

D. There shall be no wholesaling of materials on the Property.

E. The exterior building materials of any building on the Property or addition thereto shall be of a durable material such and brick, EFIS, glass, or vinyl, masonry block or cement lap siding, and shall be consistent with all existing buildings left in place.

F. No site plan for the Property shall be approved by the City of Des Moines until it is demonstrated to the reasonable satisfaction of the City's Community Development Director that adequate screening of any parking expansion is provided to the residential properties to the east, and that proper open space and storm water management is provided, which may involve the possible vacation of the adjoining north/south alley.

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 the vicinity map, this ordinance, proof of publication of this ordinance, and the Acceptance of Rezoning Ordinance signed by all owners of the Property, to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Chris Coleman, Mayor Pro Tem

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. 03-1510), passed by the City Council of said City at a meeting held June 23, 2003 signed by the Mayor Pro Tem on June 23, 2003 and published as provided by law in the Business Record on July 7, 2003 Authorized by Publication Order No. 3853.

Diane Rauh, City Clerk