

ORDINANCE NO. 14,554

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 3004 E. 38th Street from the "R1-70" 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 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 3004 E. 38th Street, more fully described as follows, from the "R1-70" One-Family Low-Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

Except the West 100 feet and except the East 13 feet, Lots 102 and 103, Grand View Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein 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. The Property shall not be converted from its current office use to any other commercial use until a site plan has been approved by the City's Permit and Development Center that conforms with all City regulations, including but not limited to storm water, landscaping, parking, and building code requirements.
- B. If the Property is converted from its current office use to any other commercial use allowed in the "C-1" District, the Property shall be brought into substantial conformance with the approved site plan within six months after such other commercial use is commenced.
- C. The following uses of structures and land shall be prohibited upon the Property:

- (1) Automotive and motorcycle accessory and parts stores.
 - (2) Gas stations, and businesses engaged in automobile repairs.
 - (3) Package goods stores for the sale of alcoholic beverages.
 - (4) Lawn mower repair shops, and businesses engaged in small engine repair.
 - (5) Pawn shops.
 - (6) Title loan and check cashing businesses.
 - (7) Theaters
- D. Any retail business or service establishment upon the Property may be open to the public only between the hours of 6 a.m. to 11 p.m. on Monday through Thursday, and between the hours of 6 a.m. to 1 a.m. the following morning on Friday and Saturday. Any restaurant upon the Property shall not be open on Sundays.

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 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. 06-702), passed by the City Council of said City at a meeting held April 10, 2006 signed by the Mayor on April 10, 2006 and published as provided by law in the Business Record on April 24, 2006 Authorized by Publication Order No. 5113.

Diane Rauh, City Clerk

