

ORDINANCE NO. 14,618

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 2426 SE 14th Street from a Limited "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 2426 SE 14th Street, more fully described as follows, from a Limited "C-1" Neighborhood Retail Commercial District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

The West 57.00 feet of the East 73.00 feet of the South 1/2 of Lot 21, Tallmadge's Subdivision, 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. Installation of a 10' wide buffer yard along the west boundary of any commercial development of the Property in accordance with the Des Moines Landscape Standards for commercial development adjoining a residential use.
- B. Provision of a vehicular access easement through the Property serving any permitted commercial use of the adjoining property to the west.
- C. The following uses of land and structures shall be prohibited on the Property:
 1. All residential use, excepting use as a single-family residential dwelling which shall be permitted.

2. Packaged goods liquor stores
3. Pawn shops
4. Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity
5. Adult entertainment business
6. Billiard parlors, pool halls, and game rooms
7. Taverns and nightclubs
8. Freestanding garages for general motor vehicle repair and automobile washing establishments when not accessory to a permitted vehicle display use.

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 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:

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. 06-2508), passed by the City Council of said City at a meeting held December 18, 2006 signed by the Mayor on December 18, 2006 and published as provided by law in the Business Record on January 1, 2007, Authorized by Publication Order No. 5427.

Diane Rauh, City Clerk

