

ORDINANCE NO. 14,619

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 3510 Cottage Grove Avenue from the "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 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 3510 Cottage Grove Avenue, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

Lot 2, Wessex, 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. Only the following uses of structures and land shall be permitted upon the Property:
 - 1) Any use permitted and as limited in the "R1-60" One-Family, Low-Density Residential District.
 - 2) Office use, subject to the following limitations:
 - (a) No more than 1,848 square feet of interior building space shall be devoted to the office use.
 - (b) Outdoor storage of materials, trailers and equipment shall be prohibited.
 - (c) All refuse and trash disposal containers shall be contained within a solid (100% opaque) enclosure that complies with the Site Plan Regulations.
 - (d) Landscaping and screening shall be provided by May 1, 2007, in accordance with the Des Moines Landscape Standards applicable to the "C-1" District.

- (e) Any vehicles parked on the Property shall be parked within a marked parking space in accordance with an approved Site Plan.
- (f) Business hours shall be limited to between 6:00 a.m. and 10:00 p.m.
- (g) The site shall be improved and maintained in substantial conformance with an approved site plan.

B. The three existing overstory trees along the southern boundary of the Property shall be retained and preserved to the extent feasible.

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 Rezoning Ordinance Acceptance, 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. 06-2512), 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. 5428.

Diane Rauh, City Clerk