

ORDINANCE NO. 14,826

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 1930 Indianola Avenue 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 1930 Indianola Avenue, 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:

(Except Street) - Lots 8 thru 12. East of Line beginning 170.9 feet SW of SE corner Lot 8 thence Northwesterly 184.7 feet North line Lot 12 First Plat of Clifton Heights, 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. Only permitted uses of the property shall be those uses as permitted in the "C-1" District and garage for general motor vehicle repair as permitted in the "C-2" District.
- B. The site, including landscaping, shall be brought into conformance with an approved Site Plan.
- C. Striping of the off-street parking in accordance with the approved Site Plan or in accordance with a newly submitted plan for review indicating the current parking pattern.

- D. Any inoperable vehicles on the site shall be kept indoors when kept on premises for more than a 24-hour period in an inoperable condition.
- E. Hours of operation shall be limited to those allowed in the "C-1" District for any "C-1" District use and between 6:00 AM and 10:00 PM for any garage for general motor vehicle repair.
- F. No materials or equipment related shall be stored outside of a building.
- G. The trash and waste oil tank enclosure is made of significant construction (concrete block, brick) with steel gates.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. 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:

Michael F. Kelley, 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. 08-2218), passed by the City Council of said City at a meeting held December 22, 2008 signed by the Mayor on December 22, 2008 and published as provided by law in the Business Record on January 5, 2009. Authorized by Publication Order No. 6384.

Diane Rauh, City Clerk