

ORDINANCE NO. 14,957

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 201 East Locust Street and 306 East 3rd Street from C-3 Central Business District Commercial to Limited C-3 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 201 East Locust Street and 306 East 3rd Street, more fully described as follows, from the C-3 Central Business District Commercial to Limited C-3 district classification:

(201 East Locust Street)

VAC E WALNUT ST BEG SW COR LT 1 THN E TO SE COR LT 8 S 25.2F W TO POB & VAC E/W ALLEY LYG S & ADJ LT 3 & W 44F VAC E/W ALLEY LYG S & ADJ LT 6 & ALL VAC INTERV N/S ALLEY & LOTS 1 THRU 6 & W 44F LTS 7 & 8 & -EX N 23.1F- E 88F LOT 8 BLK G SCOTT & DEANS ADD

(306 East 3rd Street)

E 88F LT 7 & N 23.1F E 88F LT 8 BLK G SCOTT & DEANS ADD

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. Prohibit the use of the properties for adult entertainment businesses, mobile home parks, automobile washing (open bays and unattended), pawn shops, financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles, monument sales yards, sheet metal shops and sign painting shops.
- B. Automotive Repair and Vehicle Display Lots subject to Vehicle Display Lot Site Plan Regulation continue to be permitted uses.

- C. C-3B design guidelines, as set out in Section 82-214.7, shall be applied to the entire site when a new building is constructed or an existing building is expanded by more than 50 percent of its gross floor area as calculated at the time of the rezoning to a Limited C-3 District and with any site plan regulations applicable to the specific use. If a building is expanded by less than 50 percent of its gross floor area as calculated at the time of the rezoning to a Limited C-3 District, then the C-3B guidelines shall apply only to the expansion of the building as set out in Section 82-214.7 and with any site plan regulations applicable to the specific 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. 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. 10-1575), passed by the City Council of said City at a meeting held September 27, 2010 signed by the Mayor on September 27, 2010 and published as provided by law in the Business Record on October 11, 2010. Authorized by Publication Order No.7168.

Diane Rauh, City Clerk