

ORDINANCE NO. 14,969

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 2713 Martin Luther King Jr. Parkway from the Limited C-2 General Retail and Highway Oriented Commercial and M-3 Limited Industrial to Limited C-2 General Retail and Highway Oriented 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 2713 Martin Luther King Jr. Parkway, more fully described as follows, from the Limited C-2 General Retail and Highway Oriented Commercial and M-3 Limited Industrial to Limited C-2 General Retail and Highway Oriented District classification:

(Conditional “C-2” to [a new] Conditional “C-2”)

(Except the West 7 feet) the West 107 feet of Lot 3, Lambert Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(“M-3” to Conditional “C-2”)

(Except the West 107 feet) Lot 3, Lambert Place, 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. Prohibit the use of the property for adult entertainment businesses, package goods liquor stores, pawn shops, financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles, off-premises advertising signs, taverns and night clubs.

- B. Any change of use, alteration, or improvement to the existing buildings or use of the property (including legitimizing current non-conforming uses) shall cause the entire site to have to come into conformance with all applicable building codes with issuance of a Certificate of Occupancy.
- C. Any change of use, alteration, or improvement to the existing buildings or use of the property (including legitimizing current non-conforming uses) shall cause the entire site to conform with a Site Plan in accordance with all current site plan requirements.
- D. Any use of the property for a vehicle display lot shall cause the entire vehicle display lot to conform with a Site Plan reviewed by the Plan and Zoning Commission under the design guidelines for vehicle display lots.
- E. Removal of the existing off-premises advertising sign (billboard) based upon the terms of the lease.
- F. A copy of the current billboard lease must be supplied to Zoning Enforcement staff upon approval of rezoning.
- G. Stormwater management for any Site Plan shall be designed to meet current standards applicable to site areas over an acre. (Including water quantity and water quality).

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. 10-1861), passed by the City Council of said City at a meeting held November 8, 2010 signed by the Mayor on November 8, 2010 and published as provided by law in the Business Record on November 22, 2010. Authorized by Publication Order No. 7180.

Diane Rauh, City Clerk