

ORDINANCE NO. 15,356

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 2301 Beaver Avenue, 2313 Beaver Avenue and 2300 40th Place from the “C-0” Commercial-Residential District and “R1-60” One-Family Low-Density Residential District to 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 2301 Beaver Avenue, 2313 Beaver Avenue and 2300 40th Place (collectively “Property”), legally described as follows, from the “C-0” Commercial-Residential District and “R1-60” One-Family Low-Density Residential District to Limited “C-1” Neighborhood Retail Commercial District classification:

Lot 9 (except the West 10 feet thereof); Lots 10, 11 and 12 (except that part conveyed to the City of Des Moines in Book 1434, Page 177 and Book 4118, Page 477); and Lot 13 (except the South 8 feet thereof); all in Block 1 of Broadmoor, an Official Plat, 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:

- (1) Compliance with all applicable Site Plan regulations including provision of all required landscaping and screening with a 6-foot minimum height solid wooden fence to provide the required screening along the north and east property lines, and a refuse collection container enclosure that complies with current standards for masonry construction and solid metal gates;
- (2) Any replacement or additional signs on the Property may only be Type A signs (indirectly illuminated only);

- (3) Prohibit hours of operation for any business use of the Property between the hours of 9:00 p.m. and 6:00 a.m.;
- (4) The following uses are prohibited on the Property:
 - a) Bakeries;
 - b) Delicatessens;
 - c) Gas stations;
 - d) Grocery Stores/Supermarkets (Limited, General, and Large food sales establishments);
 - e) Launderettes and coin-operated dry cleaning establishments;
 - f) Locker plants;
 - g) Restaurants;
 - h) Theaters;
 - i) Automotive accessory and parts stores;
 - j) Lawn mower/small-engine repair;
 - k) Upholstery shops;
 - l) Pharmacies; and
 - m) Banks; and
- (5) In addition to the foregoing conditions, any structure(s) located on that portion of the Property locally known as 2300 40th Place and existing at the date of recording of the Acceptance of Rezoning Conditions shall be used solely for residential purposes, until such time as said structure(s) are demolished or destroyed.

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 certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

Glenna K. Frank, 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. 15- 0428), passed by the City Council of said City at a meeting held March 9, 2015 signed by the Mayor on March 9, 2015 and published and provided by law in the Business Record on March 27, 2015. Authorized by Publication Order No. 9174.

Diane Rauh, City Clerk