

ORDINANCE NO. 14,310

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 1600 to 1630 6th Avenue from the "C-1" Neighborhood Retail Commercial District to a Limited "NPC" Neighborhood Pedestrian 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 1600 to 1630 6th Avenue, more fully described as follows, from the "C-1" Neighborhood Retail Commercial District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification:

Lots 1 through 8, Block 4, Polk County Homestead & Trust Company Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as 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 other than the City of Des Moines, and are binding upon the owners and their successors, heirs, and assigns as follows:

- A. The following uses of land and structures shall NOT be permitted upon the Property:
  - a. Adult Entertainment Business
  - b. Tavern or Nightclub
  
- B. The following uses of land and structures shall NOT be permitted upon Lots 2 through 8 of the Property: Package Goods Store for the sale of alcoholic beverages.

- C. In the event Lot 1 of the Property is acquired by Neighborhood Development Corporation for redevelopment with the adjoining property currently owned by Neighborhood Development Corporation, then the limitation in paragraph B, above, shall also apply to said Lot 1.

Sec. 3. The City of Des Moines hereby consents to the imposition of the foregoing conditions upon the portions of the Property owned by the City, being Lots 4 through 8 of the Property.

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 5. The City Clerk is hereby authorized and directed to cause certified copies of the vicinity map, this ordinance, proof of publication of this ordinance, and the Acceptance of Rezoning Ordinance signed by all owners of the Property, to be properly filed in the office of the County Recorder of the county in which the Property is located.

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. 04-201), passed by the City Council of said City at a meeting held January 26, 2004 signed by the Mayor on January 26, 2004 and published as provided by law in the Business Record on February 9, 2004 Authorized by Publication Order No. 4018.

Diane Rauh, City Clerk