

ORDINANCE NO. 14,355

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 3749 E. University Avenue from the "C-1" Neighborhood Retail Commercial District and "R1-60" One Family Low Density Residential 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 3749 E. University Avenue, more fully described as follows, from the "C-1" Neighborhood Retail Commercial District and "R1-60" One Family Low Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

All of Lot 3, and the North 282 feet of the West 210 feet of Lot 4, Fairground Estates, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein 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 and are binding upon the owners and their successors, heirs, and assigns as follows:

The following uses of land and structures shall not be permitted upon the Property:

- a) Vehicle display lots, including but not limited to used car sales lots.
- b) Adult entertainment businesses.
- c) Taverns and nightclubs.
- d) Off-premises advertising signs.

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 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. 04-1475), passed by the City Council of said City at a meeting held July 12, 2004 signed by the Mayor on July 12, 2004 and published as provided by law in the Business Record on July 26, 2004 Authorized by Publication Order No. 4363.

Diane Rauh, City Clerk