

ORDINANCE NO. 14,446

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 2711 Douglas from the "C-1" Neighborhood Retail Commercial 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 2711 Douglas, more fully described as follows, from the "C-1" Neighborhood Retail Commercial District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

All that part of the West 193.67 feet of Lot 5, Euclid Heights, an Official Plat, Des Moines, Polk County, Iowa lying North of the North right-of-way line of Douglas Avenue as it is presently established, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 5; thence North 89° (degrees) 08' (minutes) 45" (seconds) East along the North line of said Lot 5 a distance of 57.17 feet; thence South 19°13'44" West a distance of 156.50 feet to a point on the West line of said Lot 5, said point being 160.00 feet North of the North right-of-way line of Douglas Avenue; thence North 02°11'26" West along the West line of said Lot 5 a distance of 147.03 feet to the Point of Beginning, 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 and are binding upon the owners and their successors, heirs, and assigns as follows:

The following uses of land and structure shall not be permitted upon the Property or upon any other land combined with the Property as part of a single use or development:

- a) Adult entertainment business,
- b) Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales (including used car sales lots),
- c) Garage for general motor vehicle repair, or
- 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 Polk County Recorder.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Archie Brooks, Mayor Pro Tem

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. 05-1199), passed by the City Council of said City at a meeting held May 9, 2005 signed by the Mayor Pro Tem on May 9, 2005 and published as provided by law in the Business Record on May 23, 2005 Authorized by Publication Order No. 4599.

Diane Rauh, City Clerk