

ORDINANCE NO. 14,650

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 2025 E. Grand Avenue from the "C-1" Neighborhood Retail Commercial District and the "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 2025 E. Grand Avenue, more fully described as follows, from the "C-1" Neighborhood Retail Commercial District and the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Lots 6 through 10, Block 23, Sunnyside Addition, 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:

- A. Only the following uses of structures or land shall be permitted upon the Property:
 - 1. Any use as permitted in and as limited in the "C-1" Neighborhood Retail Commercial District.
 - 2. Physical culture and health establishments, including but not limited to a boxing club.
- B. A 25 foot rear and side yard setback shall be maintained between any building upon the Property used for a commercial use and any "R" District boundary.

Sec. 3. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law, or the date the City of Des Moines takes title to the Property. This ordinance shall be of no force or effect in the event the City of Des Moines does not take title to the Property by December 31, 2007.

Sec. 4. That 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:

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. 07-902), passed by the City Council of said City at a meeting held May 7, 2007 signed by the Mayor on May 7, 2007 and published as provided by law in the Business Record on May 21, 2007 Authorized by Publication Order No. 5708.

Diane Rauh, City Clerk