

ORDINANCE NO. 14,706

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 2121 Hubbell Avenue from 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 2121 Hubbell Avenue, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

The East 88 feet of the South 10.0 feet of Lot 7; the East 88 feet of Lot 8; the East 88 feet, and the South 10.0 feet of the West 40.0 feet of Lot 9; and, the South 10 feet of Lot 20, all in Block 1, Easdale, an Official Plat, 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:

- A. Any commercial use of the Property, or of land that includes the Property, shall be in conformance with an approved Site Plan, and the Site Plan shall conform with the Landscape Standards applicable within the "C-2" District.
- B. The following uses of structures and land shall be prohibited upon the Property:
  - 1) Adult entertainment business.
  - 2) Automobile display, hire, rental, and sales.

- 3) Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.
- 4) Garage for general motor vehicle repair.
- 5) Off-premises advertising signs.
- 6) Package goods stores for the sale of alcoholic beverages.
- 7) Pawn brokerages.
- 8) Taverns/nightclubs.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. 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. 07-1881), passed by the City Council of said City at a meeting held September 24, 2007 signed by the Mayor on September 24, 2007 and published as provided by law in the Business Record on October 8, 2007, Authorized by Publication Order No.5866.

Diane Rauh, City Clerk