

ORDINANCE NO. 14,712

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 2800 E. University Avenue from the “R1-60” One-Family Low-Density Residential District and “C-2” General Retail and Highway Oriented 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 2800 E. University Avenue, more fully described as follows, from the “R1-60” One-Family Low-Density Residential District and “C-2” General Retail and Highway Oriented Commercial District, to a Limited “C-2” General Retail and Highway Oriented Commercial District classification:

(Except an irregular piece beginning at the SW corner of Lot 9; thence East 29 feet; thence Northwesterly to a point 27 Feet North of the SW corner of Lot 11; thence South to the Point of Beginning) Lots 9, 10, 11 and 12, in Block 9, Fairview, 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 and are binding upon the owners and their successors, heirs, and assigns as follows:

- A. The following uses of structures and land shall be prohibited upon the Property:
- 1) Adult entertainment businesses;
 - 2) Tavern and/or nightclub;
 - 3) Off-premises advertising; and,

- 4) Sales and display of vehicles larger than scooters, mopeds, motorcycles, or ATVs.
- B. The north 50 feet of the Property shall not be used for any use except open space in conjunction with adjoining commercial use or a single-family dwelling.
- C. Any outdoor display of scooter, mopeds, motorcycles, ATVs and similar small vehicles permitted upon the Property shall be in conformance with a Site Plan approved under the adopted procedures and design guidelines for a vehicle display lot.

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. 07-1977), passed by the City Council of said City at a meeting held October 8, 2007 signed by the Mayor on October 8, 2007 and published as provided by law in the Business Record on October 22, 2007, Authorized by Publication Order No. 5872.

Diane Rauh, City Clerk