

ORDINANCE NO. 15,204

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 3629 59th Street from the R-3 Multiple 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 3629 59th Street, more fully described as follows, from the R-3 Multiple Residential District to a Limited C-2 General Retail and Highway Oriented Commercial District classification:

The North 83 feet of the West 109.78 feet, Lot 40, Clover Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Section 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:

- 1) The following uses of the land and structures shall not be permitted upon the Property:
 - a. Adult entertainment business.
 - b. Delayed deposit services businesses.
 - c. General motor vehicle repair.
 - d. Liquor stores.
 - e. Off premises advertising signs.
 - f. Pawnbroker.
 - g. Taverns and nightclubs.
 - h. Vehicle display lot.

- 2) No building shall be constructed on the southern 25 feet of the subject property so long as the adjoining property to the south is within an "R" District.

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

Section 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:

Michael F. Kelley, 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. 13-1127), passed by the City Council of said City at a meeting held July 15, 2013 signed by the Mayor on July 15, 2013 and published and provided by law in the Business Record on August 2, 2013. Authorized by Publication Order No. 8612.

Diane Rauh, City Clerk