

ORDINANCE NO. 15,208

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 901 Bell Avenue from the R1-60 One-Family Low-Density Residential District and C-1 Neighborhood Retail Commercial District, to Limited NPC Neighborhood Pedestrian 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 901 Bell Avenue, more fully described as follows, from the R1-60 One-Family Low-Density Residential District and C-1 Neighborhood Retail Commercial District, to Limited NPC Neighborhood Pedestrian Commercial District classification:

South 42.5 feet of Lots 39 and 40, Bell Place Plat No. 2, an Official Plat, and the West 60 feet of Lot D, Southwest 9th Street Place, 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) Prohibit the use of the property for gas stations, liquor stores, taverns and nightclubs, and off-premises advertising signs.
- (2) Preserve existing shared vehicular driveway access onto Southwest 9th Street with the property adjacent to the north and preserve existing vehicular cross-access through the property to driveway access onto Bell Avenue from the adjacent property to north.

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. 13-1290), passed by the City Council of said City at a meeting held August 12, 2013 signed by the Mayor on August 12, 2013 and published and provided by law in the Business Record on August 30, 2013. Authorized by Publication Order No.8616 .

Diane Rauh, City Clerk