

ORDINANCE NO. 15,225

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 1139 24th Street from the "R1-60" One-Family Low-Density Residential District to a 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 1139 24th Street, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification:

Lot 27, Drake University 3rd 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:

The following uses of land and structures shall be prohibited upon the Property:

- a) Taverns and nightclubs;
- b) Billiard parlors/game rooms;
- c) Communication towers/antennas (excluding an extension of 20 feet or less from an existing structure);
- d) Delayed deposit services;
- e) Pawn brokers;
- f) Gas stations/convenience stores;
- g) Off premises advertising signs; and,
- h) Liquor stores and other business where more than 40 percent of gross receipts is derived from the sale of alcoholic liquors, wine, beer and tobacco.

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. 13-1596), passed by the City Council of said City at a meeting held October 7, 2013 signed by the Mayor on October 7, 2013 and published and provided by law in the Business Record on October 25, 2013. Authorized by Publication Order No. 8633.

Diane Rauh, City Clerk