

ORDINANCE NO. 15,256

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 1414 Fremont Street 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 1414 Fremont Street, 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:

West ½ of Lot 3, Block 33, Stewarts 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 limitations 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 Property shall be subject to the "VDL" Vehicle Display Lot Overlay District regulations as set forth in Chapter 134, Zoning Ordinance, of the Municipal Code of the City of Des Moines.
- b) The following uses of land and structures shall be prohibited upon the Property:
  - 1) Adult entertainment businesses;
  - 2) Delayed deposit services;
  - 3) Garages for general motor vehicle repair;
  - 4) Liquor stores, taverns and nightclubs;
  - 5) Off-premises advertising signs;
  - 6) Pawnbrokers.

- c) Retention of vehicular drive access on the subject property for the adjoining residence at 1416 Fremont Street.

Sec. 3. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law, and the conveyance of the Property to University Group, L.L.C.

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. 14-0160), passed by the City Council of said City at a meeting held January 27, 2014 signed by the Mayor on January 27, 2014 and published and provided by law in the Business Record on February 14, 2014. Authorized by Publication Order No. 8764.

Diane Rauh, City Clerk