



**Roll Call Number**

**Agenda Item Number**

41

**Date** June 10, 2013

An Ordinance entitled, "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 1135 Army Post Road from the R1-60 One-Family Low-Density Residential District, to a Limited C-2 General Retail and Highway Oriented Commercial District classification",

which was considered and voted upon under Roll Call No. 13- 0840 of May 20, 2013; again presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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ORDINANCE NO. \_\_\_\_\_

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 1135 Army Post Road 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 1135 Army Post Road, 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:

North 152.05 feet of Lot 7 and the South 46.05 feet of the North 152.05 feet of Lot 6, COHRON, 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:

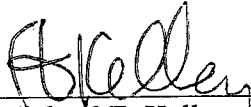
- (1) Use of the property shall be limited to the following:
  - (a) Any residential use as permitted and limited in the R-2 District.
  - (b) Any commercial use as allowed and limited in the C-0 District.
  - (c) Accessory off-street parking lot used for the temporary placement of operable motor vehicles in support of a use as permitted in the C-2 District that occurs on the southern portion of the subject property (1135 Army Post Road).
- (2) The portion of property being rezoned shall be brought into conformance with the City's current landscaping requirements.
- (3) Any future development of the property shall comply with a Site Plan as approved by the Permit and Development Center.

13-0840  
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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