

ORDINANCE NO. 13,784

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 2A-5 of the Municipal Code of the City of Des Moines, 1991, by rezoning and changing the district classification of certain property located in the vicinity of 1420 East 14<sup>th</sup> Street from a Limited "C-2" General Retail and Highway Oriented Commercial District to an amended 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 2A-5 of the Municipal Code of the City of Des Moines, Iowa, 1991, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 1420 East 14<sup>th</sup> Street, more fully described as follows, from a Limited "C-2" General Retail and Highway Oriented Commercial District to an amended Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Lots 451 and 452, Polk and Hubbell's Addition, an Official Plat, all not included in and forming a part of the City of Des Moines, Polk County, Iowa (the "Property").

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:

A. Only the following uses of structures or land shall be permitted on the Property:

1. Any use permitted in the "C-1" District.
2. Used car sales lot.

A. There shall be no commercial access to the alley on the west side of the Property.

- B. A six foot high opaque screen shall be installed along the west boundary and the south boundary of the Property, except it shall be only 3 feet high at the 30 feet setback line from East 14<sup>th</sup> Street. The south side of the fence along the south boundary of the Property shall be painted white and the entire fence shall be maintained in good repair.
- C. The existing street access on the northeast corner of the Property shall be removed with curbing installed.
- D. The South 20 feet of the Property and the required parking lot setback area from East 14<sup>th</sup> Street shall be landscaped in accordance with the landscaping plan approved by the Community Development Director.
- E. The foregoing conditions are in lieu of and shall replace those conditions imposed incident to the rezoning of the Property under Ordinance No. 11,974 passed April 26, 1993.

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

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

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Attest:

I, Donna Boetel-Baker, 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. 00-222), passed by the City Council of said City at a meeting held January 24, 2000, signed by the Mayor on January 24, 2000, and published as provided by law in the Business Record on February 7, 2000. Authorized by Publication Order No. 6387.

Donna Boetel-Baker, CMC/AAE, City Clerk