

ORDINANCE NO. 13,843

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 1910 E. Army Post Road from an "R1-80" One Family 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 1910 E. Army Post Road, more fully described as follows, from an "R1-80" One Family Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Except the South 38.1 feet on the West line and the South 37.58 feet on the East line Lot 73; and except the South 37.5 feet on the West line and the South 37.2 feet on the East line Lot 74, New Hope, 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:

A. The following uses of land and structures shall not be permitted upon the Property:

1. Adult entertainment business
2. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales.

3. Used car sales lot.

4. Off-premises advertising signs.

5. Taverns and night clubs.

B. Any sewer service on the Property shall be connected to the public sewer system and the use of a septic field or other private sewage disposal system serving the Property shall be discontinued within one year after public sewer service becomes available to the property.

C. At the site plan approval stage, a cross access easement shall be provided for shared use of the driveway on E. Army Post Road by the Property and the adjoining land to the east.

D. Unless otherwise approved in writing by the Community Development Director, vehicular access onto S.E. 19th Street shall be limited to one driveway to serve the loading/unloading needs of the proposed 60'x120' building on the Property.

E. There shall be no extension of parking to serve the Property onto any adjoining residentially zoned land.

F. The facade facing E. Army Post Road of any building upon the Property shall have

a brick wainscoat at least
four feet in height.

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

Christine Hensley, Mayor Pro Tem

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. 00-3216), passed by the City Council of said City at a meeting held July 24, 2000, signed by the Mayor Pro Tem on July 24, 2000, and published as provided by law in the Business Record on August 7, 2000. Authorized by Publication Order No.2006.

Donna Boetel-Baker, CMC/AAE, City Clerk