

ORDINANCE NO. 13,873

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 508 Lally Street from an "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 508 Lally Street, more fully described as follows, from an "R1-60" One Family Low Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Lots 11 and 12, Block 2, Official Replat of Block K, Thomas Heights, 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. There shall be no vehicular access from Lally Street to serve any commercial use on the Property.

B. Any commercial use of the Property must be part of a unified redevelopment of the Property and Lots 13 through 26, of said

Block 2, Official Replat
of Block K, Thomas
Heights, an Official
Plat.

C. The required front
yard setback from Lally
Street shall be
landscaped and screened
in accordance with a
landscaping plan
approved by the Planning
Director as part of the
site plan approval
process.

D. The following
commercial uses shall
not be permitted
anywhere upon Lots 13
through 26, inclusive,
Block 2, Official Replat
of Block K, Thomas
Heights, an Official
Plat:

i) Adult entertainment businesses.

ii) Taverns and nightclubs.

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, and the Acceptance of Rezoning Ordinance
signed by all owners of the Property to be properly filed in the
office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston Daniels, Mayor

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. 00-4123), passed by the City Council of said City at a meeting held October 23, 2000, signed by the Mayor on October 23, 2000, and published as provided by law in the Business Record on November 6, 2000. Authorized by Publication Order No.1449.

Donna Boetel-Baker, CMC/AAE, City Clerk