

ORDINANCE NO. 14,072

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 1219 E. Herold Avenue from the "R-3" Multiple Family Residential District and "FW" Floodway 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 1219 E. Herold Avenue, more fully described as follows, from the "R-3" Multiple Family Residential District and "FW" Floodway District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Lot 37, Certainty Acres, 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 structures and land shall not be permitted upon the Property:

- (i) Adult entertainment business.
- (ii) Taverns and nightclubs.
- (iii) Used vehicle sales.

B. Except for a 24 foot wide drive access and one freestanding monument sign located

east of such drive to be constructed in compliance with the "C-1" District regulations and the Floodplain Development Regulations, there shall be no other development or fill upon any portion of the Property within the regulatory floodplain and floodway.

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. 02-912), passed by the City Council of said City at a meeting held April 8, 2002, signed by the Mayor on April 8, 2002, and published as provided by law in the Business Record on April 22, 2002. Authorized by Publication Order No. 3201.

Donna Boetel-Baker, MMC City Clerk