

ORDINANCE NO. 14,108

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 1571 E. McKinley Avenue from the "R1-80" One-Family Residential and Limited "C-2" General Retail "R1-80" One-Family Residential and Limited "C-2" General Retail And Highway Oriented Commercial Districts 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 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 1571 E. McKinley Avenue, more fully described as follows, from the "R1-80" One-Family Residential and Limited "C-2" General Retail "R1-80" One-Family Residential and Limited "C-2" General Retail And Highway Oriented Commercial Districts to an amended Limited "C-2" General Retail and Highway Oriented Commercial District classification:

The East 207.0 Feet of the West 225.5 feet of the North 631.0 feet (except .3 Acres road right-of-way of the West 10 Acres of Lot 2, of the Official Plat of the Northwest $\frac{1}{2}$ of Section 26, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa. Contains approximately 2.7 Acres. Hereinafter referred to as 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 or structures shall NOT be permitted upon the Property:

Adult entertainment business;

Taverns and nightclubs;

Used car sales lot ;

Garage for general motor vehicle repair;

Mobile home parks; and,

Off-premises advertising sign.

B. No building shall be constructed within 32 feet of the East McKinley Avenue right-of-way as it is presently established, and no parking lot shall be constructed within 17 feet of the East McKinley Avenue right-of-way as it is presently established.

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 A. Daniels, Mayor

Attest:

I, Donna V. 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. 02-1454), passed by the City Council of said City at a meeting held June 3, 2002 signed by the Mayor on June 3, 2002 and published as provided by law in the Business Record on June 17, 2002 Authorized by Publication Order No. 3295.

Donna V. Boetel-Baker, City Clerk