

ORDINANCE NO. 14,199

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 2001 High Street from the "R-4" Multiple Family Residential District and "C-1" Neighborhood Retail Commercial District classifications 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 2001 High Street, more fully described as follows, from the "R-4" Multiple Family Residential District and "C-1" Neighborhood Retail Commercial District classifications to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Lots 3, 4, and 5, the South 75.0 feet of the North 82.0 feet of Lots 6 and 7, and that part of the South 75.0 feet of the North 82 Feet of Lot 8 lying West of Martin Luther King Jr Parkway, all in Block A. West & Burton's Addition, 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. Only the following uses of structures or

land shall be permitted upon the Property, subject to the limitations in paragraphs B, C and D, below:

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B. The following uses of structures or land shall NOT be permitted upon the Property:

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- (2) Gas stations and convenience stores.
- (3) Package goods liquor stores.
- (4) Any outdoor storage of merchandise or equipment.

C. Signage upon the Property shall be limited to that signage permitted in the "C-1" Neighborhood Retail Commercial District.

D. A minimum of 90 off-street parking spaces shall be provided on site for any commercial use of the Property. The use of the Property as an auction house shall not occur concurrently with any other use, unless sufficient off-street parking is provided on site to satisfy the cumulative required parking for all such uses.

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 the vicinity map, this ordinance, proof of publication of this ordinance, 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, Diane Rauh, 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. 03-073), passed by the City Council of said City at a meeting held January 6, 2003 signed by the Mayor on January 6, 2003 and published as provided by law in the Business Record on January 20, 2003 Authorized by Publication Order No. 3553.

Diane Rauh, City Clerk