

ORDINANCE NO. 14,209

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 601 Forest Avenue and 1410 - 6th Avenue from the "C-1" Neighborhood Retail Commercial District to a Limited "NPC" Neighborhood Pedestrian 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 601 Forest Avenue and 1410 - 6th Avenue, more fully described as follows, from the "C-1" Neighborhood Retail Commercial District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification:

Lots 4 and 5, Hedges Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (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 structures and land shall be prohibited upon the Property:

1.
Adul
t
ente
rtai
nmen
t
busi

ness
(als
o
proh
ibit
ed
by
the
NPC
Dist
ri
ct
regu
lati
ons)
.

2.
Tave
rn
or
nigh
tclu
b.

3.
Pack
age
good
s
stor
e
for
the
sale
of
alco
holi
c
stor
es.

B. The owners further
acknowledge that any
shared parking used for
meeting the off-street
parking requirement must
be determined by the

Zoning Enforcement
Official to comply with
the zoning regulations,
or be allowed by the
Board of Adjustment.

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. 03-332), passed by the City Council of said City at a meeting held February 10, 2003 signed by the Mayor on February 10, 2003 and published as provided by law in the Business Record on February 24, 2003. Authorized by Publication Order No. 3562.

Diane Rauh, City Clerk