

ORDINANCE NO. 14,278

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 block bounded by 6th Avenue and 7th, Crocker and School Streets, from the "C-2" Central Retail and Highway Oriented Commercial District to a Limited "C-3A" General Business District Support 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 block bounded by 6th Avenue and 7th, Crocker and School Streets, more fully described as follows, from the "C-2" Central Retail and Highway Oriented Commercial District to a Limited "C-3A" General Business District Support Commercial District classification:

Lots 19 through 27, Division No. 2 Grimmel's Addition, an Official Plat, and that part of the vacated North/South alley right-of-way lying West of and adjoining said Lots 19 through 27, (Except that part for street right-of-way in said Lot 19 and in vacated North/South alley), and Lots 10 through 18, Division No.3, Grimmel's Addition, an Official Plat, (Except that part for street right-of-way in said Lots 17 and 18, 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. Any development of the Property shall be

made in substantial compliance with the conceptual site layout and building elevations submitted by Mercy College in its application for rezoning.

B. The following uses of structures and land shall NOT be permitted upon the Property: lumberyards; monument sales; taverns and night clubs; mobile home parks, used car sales lots; and, adult entertainment businesses.

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 County Recorder of the county in which the Property is located.

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. 03-2245), passed by the City Council of said City at a meeting held September 22, 2003 signed by the Mayor on September 22, 2003 and published as provided by law in the Business Record on October 6, 2003 Authorized by Publication Order No. 3885.

Diane Rauh, City Clerk