

ORDINANCE NO. 14,327

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 a Limited "C-2" General Retail and Highway Oriented Commercial District 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 2001 High Street, more fully described as follows, from a Limited "C-2" General Retail and Highway Oriented Commercial District to an amended Limited "C-2" General Retail and Highway Oriented Commercial District classification:

All Lots 3, 4, & 5, Block A, West & Burtons Addition and (Except North 7 feet of Lots 6, 7, & 8) Lots 6, 7, 8, 11, 12, & West 49 feet of Lot 13, and also vacated intervening East/West alley right-of-way lying East of line beginning 75 feet East of Point of Intersection of South Right-of-Way line of Woodland Avenue and East Right-of-Way line of Martin Luther King Jr. Parkway; thence Southwest 21.91 feet; thence South 242.15 feet; thence Southeast 21.22 feet to North right-of-way line High Street, Block A, West & Burtons Addition, 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. 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:
 - 1) Any use allowed in the "C-1" Neighborhood Retail Commercial District.
 - 2) Auction business within an occupancy of no more than 3,500 square feet of floor area, no more than 60 fixed seats, and a total occupancy of 108

persons (this could be exceeded up to building code occupancy if not during operation of the market).

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

- 1) Communication towers and antenna, except those allowed as a conditional use by the Board of Adjustment.
- 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.

E. The conditions set forth above shall replace those special conditions imposed pursuant to Ordinance No. 14,199 passed January 6, 2003, which shall be of no further force or effect.

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

T. M. Franklin Cownie, 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. 04- 642), passed by the City Council of said City at a meeting held March 22, 2004 signed by the Mayor on March 22, 2004 and published as provided by law in the Business Record on April 5, 2004 Authorized by Publication Order No. 4035.

Diane Rauh, City Clerk