

ORDINANCE NO. 14,477

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 2019 Ingersoll Avenue from the "C-2" General Retail and Highway Oriented Commercial District and "C-3A" Central Business District Support 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 2019 Ingersoll Avenue, more fully described as follows, from the "C-2" General Retail and Highway Oriented Commercial District and "C-3A" Central Business District Support Commercial District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification:

Except streets, Lots 1 through 8, Block B, West & Burtons Addition, an Official Plat, and Lots 1 through 9, Harding Road Place, an Official Plat, and the intervening vacated East/West alley, 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 land and structures shall NOT be permitted upon the Property:
 - 1. Freestanding communication towers and antenna;
 - 2. Gas stations and convenience stores; and,
 - 3. Package goods store for the sale of alcoholic beverages.

- B. The site plan and building elevations for any improvements constructed upon the Property shall be in substantial conformance with the conceptual development plan submitted by High Land Company incident to this rezoning. Such conceptual development plan is on file and available for public inspection in the Community Development Department for the City of Des Moines.
- C. The maximum density for any development upon the Property shall be subject to review and approval as part of the site plan approval process.

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 Polk County Recorder.

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. 05-1947), passed by the City Council of said City at a meeting held August 8, 2005 signed by the Mayor on August 8, 2005 and published as provided by law in the Business Record on August 22, 2005 Authorized by Publication Order No.4835.

Diane Rauh, City Clerk