

ORDINANCE NO. 14,673

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 902 E. Euclid Avenue from the "R1-60" One-Family Low-Density Residential District 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 902 E. Euclid Avenue, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Lot 14, except the North 310.8 feet and except the South 165.0 feet, of Euclid Place, 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) Adult entertainment business;
  - 2) Automobile establishments for display, hire and rental, including used car sales lot.
  - 3) Garage for general motor vehicle repair;
  - 4) Off-premises advertising sign;
  - 5) Package goods store for the sale of alcoholic beverages;
  - 6) Taverns and nightclubs; and,

- 7) Businesses that derive their primary revenue from title or advance payroll loans and/or pawn brokering.
- B. Any commercial use of the Property shall be subject to an approved site plan. In the site plan approval process, easements shall be recorded upon the remaining residential portion of the parcel (consisting of the South 125.0 feet of the North 310.8 feet of said Lot 14), to allow the owner of the Property to maintain, and to relocate if necessary in the future, any required landscaping and stormwater management facilities installed on such adjoining residential property for the benefit of the commercial use upon the Property.

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 a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, 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. 07-1338), passed by the City Council of said City at a meeting held July 9, 2007 signed by the Mayor on July 9, 2007 and published as provided by law in the Business Record on July 23, 2007, Authorized by Publication Order No. 5731.

Diane Rauh, City Clerk