

ORDINANCE NO. 15,319

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 2428 and 2426 Hubbell Avenue and 2401 Easton Boulevard from the “C-1” Neighborhood Retail Commercial District, Limited “M-1” Light Industrial District and “M-1” Light Industrial District to a Limited “C-2” General Retail and Highway Oriented Commercial District.

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 2428 and 2426 Hubbell Avenue and 2401 Easton Boulevard, more fully described as follows, from the “C-1” Neighborhood Retail Commercial District, Limited “M-1” Light Industrial District and “M-1” Light Industrial District to a Limited “C-2” General Retail and Highway Oriented Commercial District classification:

Lots 79, 80, 81, 82, 83, 84, 85, 91, 92, 93, 94 and 95; and all that part of vacated 16-foot alley Right-Of-Way lying between the southeasterly extension of the west line of said Lot 95 and the northwesterly extension of the east lot line of said Lot 85; and all that part of the northwesterly one-half of vacated alley Right-Of-Way lying between the northwesterly extension of the east line of said Lot 85 and the northeasterly extension of the north line of said Lot 91; all in HUBBELL AVENUE ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter the “Property”)

Section 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 shall be prohibited on the Property:
  - i. Adult entertainment businesses.
  - ii. Delayed deposit services.
  - iii. Off-premises advertising signs.
  - iv. Pawnbrokers.

- v. Taverns and nightclubs.
  - vi. Vehicle display lots.
- B. Any structure upon the Property shall be constructed with a design that includes architectural features on all façades of the structure, to the satisfaction of the City's Community Development Department Director.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 4. 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:

Glenna K. Frank, 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. 14- 1592), passed by the City Council of said City at a meeting held October 6, 2014 signed by the Mayor on October 6, 2014 and published and provided by law in the Business Record on October 24, 2014. Authorized by Publication Order No. 8277.

Diane Rauh, City Clerk