

ORDINANCE NO. 15,699

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 4455 and 4465 Hubbell Avenue from the “A-1” Agricultural District to 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 4455 and 4465 Hubbell Avenue, more fully described as follows, from the “A-1” Agricultural District to Limited “C-2” General Retail and Highway-Oriented Commercial District classification:

LOT 7 AND THE WEST 60 FEET OF LOT 8 (EXCEPT THE WEST 2.0 FEET LYING ADJACENT TO AND PARALLEL TO THE SOUTH ROW LINE OF U.S. HIGHWAY 6) OF CAPITOL HEIGHTS, PLAT NO. 2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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:

- (1) Sidewalks shall be constructed along the adjoining public street frontages as required and allowed by Traffic Engineering with any Site Plan development.
- (2) Vehicular driveway access for the property shall only be developed from East 44<sup>th</sup> Street.
- (3) Any change of use of the existing building shall require a review of a Site Plan and Commercial Building Plans with approval and issuance of all necessary permits by the City’s Permit and Development Center.
- (4) The following uses of the property shall be prohibited:

- a. Adult Entertainment Business,
- b. Off-Premises Advertising Signs,
- c. Vehicle Display Lots,
- d. Businesses Selling Liquor,
- e. Pawn Brokers,
- f. Delayed Deposit Services; and
- g. Taverns/Nightclubs.

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

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

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. 18-1448), passed by the City Council of said City at a meeting held August 20, 2018 signed by the Mayor on August 20, 2018 and published and provided by law in the Business Record on September 7, 2018. Authorized by Publication Order No. 10500.

Diane Rauh, City Clerk