

ORDINANCE NO. 15,719

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 1801 Army Post Road from the “R1-70” One-Family Residential 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 1801 Army Post Road, more fully described as follows, from the “R1-70” One-Family Residential District to Limited “C-2” General Retail and Highway-Oriented Commercial District classification:

EXCEPT THE NORTH 370 FEET AND THE SOUTH 160 FEET, LOT 12 GEIL PLACE, AN OFFICIAL PLAT, 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) Any use of the Property for Adult entertainment business; Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales; Liquor stores for the sale of alcoholic beverages; Off-premises advertising signs; and Taverns and nightclubs, shall be prohibited.
- (2) Any commercial building on the Property shall not have EIFS or stucco material on the exterior walls at a point lower than the ceiling of the first-floor.
- (3) Any commercial building on the Property shall only have brick, stone, concrete, or block masonry material on the lowest 4 feet of the exterior walls.

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- 1791 ), passed by the City Council of said City at a meeting held October 22, 2018 signed by the Mayor on October 22, 2018 and published and provided by law in the Business Record on November 9, 2018. Authorized by Publication Order No. 10547.

Diane Rauh, City Clerk