

ORDINANCE NO. 14,242

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 8000 Fleur Drive from the "A-1" Agricultural 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 8000 Fleur Drive, more fully described as follows, from the "A-1" Agricultural District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

All that part of the Northwest 1/4 of Section 5, Township 77 North, Range 25 West of the 5th P.M., lying South of County Line Road as presently established, and lying West of Fleur Drive (also known as 85<sup>th</sup> Avenue in Warren County) as presently established, and lying North and easterly of Iowa Highway 5 as presently established, all now included in and forming a part of the City of Des Moines, Warren 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 not be permitted upon the Property:

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B. A unified landscaping theme for the overall development of the Property shall be prepared by the owners of the Property and approved by the Planning Director prior to approval of any site plan for the Property. No site plan shall be approved for the Property which does not conform to the approved unified landscaping theme.

C. A unified architectural theme for the overall development of the Property shall be prepared by the owners of the Property and approved by the Planning Director prior to approval of any site plan for the Property. No site plan shall be approved for the Property which does not conform to the approved unified architectural theme. The unified architectural theme shall include a requirement for a predominance of quality materials such as brick, EFIS, glass, and/or masonry block.

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 Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston A. Daniels, 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. 03-1346), passed by the City Council of said City at a meeting held June 9, 2003 signed by the Mayor on June 9, 2003 and published as provided by law in the Business Record on June 23, 2003 Authorized by Publication Order No. 3597.

Diane Rauh, City Clerk