

ORDINANCE NO. 14,265

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 7657 US Hwy 69 from the "R-5" Mobile Home 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 7657 US Hwy 69, more fully described as follows, from the "R-5" Mobile Home Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Beginning at the Southwest corner of Lot 4, Diagonal Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence North along the West line of said Lot 4, a distance of 390.93 feet; thence South 47° (Degrees) 40' (Minutes) 51" (Seconds) East, a distance of 488.02 feet; thence South 00°20'07" West, a distance of 174.74 feet to the North right-of-way line of U.S. Highway 69 (formerly known as US Highway 65/69) as presently established; thence North 82°24'53" West, a distance of 100.0 feet along said North right-of-way line of said Highway; thence North 69°20'19" West, a distance of 281.06 feet to the Point of Beginning, containing 2.43 acres, more or less (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 land and structures shall be prohibited upon the Property:

- i) Adult entertainment business.
- ii) Vehicle sales and display, including but not limited to used car sales lot.
- iii) Off premises advertising signs
- iv) Taverns and nightclubs.

B. Any commercial business operated upon the property shall conform to the limitations on the permitted hours of operation applicable within the "C-1" Neighborhood Retail Commercial District.

C. Any portion of the Property devoted to miniwarehouse use shall conform to the following additional limitations:

- i) The hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m.
- ii) Storage units facing Highway 69 shall have an exterior of masonry material with a neutral color tone.
- iii) No storage units shall have doors directly facing Highway 69.
- iv) The required gating and fencing fronting Highway 69 shall consist of wrought iron or tubular steel construction and shall be painted black or a neutral color tone, with masonry pillars to compliment the storage units.

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 County Recorder of the county in which the Property is located.

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. 03-1903), passed by the City Council of said

City at a meeting held August 11, 2003 signed by the Mayor on August 11, 2003 and published as provided by law in the Business Record on August 25, 2003 Authorized by Publication Order No. 3872.

Diane Rauh, City Clerk