

ORDINANCE NO. 14,858

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 1670 East County Line Road from the R1-60 One-Family Low-Density 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 1670 East County Line Road, more fully described as follows, from the R1-60 One-Family Low-Density Residential District to a Limited C-2 General Retail and Highway Oriented Commercial District classification:

Southeast 1/4 Southwest 1/4 (Except West 20 Rods North 50 Rods) & (Except the South 140 feet) Less 9.2A Road SEC 35-78-24

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:

1. Prohibition of the following uses:
 - a. Adult entertainment businesses.
 - b. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - c. Mobile home parks.
 - d. Off-premise advertising signs.
 - e. Package goods stores for the sale of alcoholic beverages.
 - f. Pawnshops.
 - g. Taverns and night clubs.
 - h. Vehicle display, hire, rental and sales.

2. Submission of a tree preservation plan locating all trees greater than 6 inches in diameter on the site for review and approval by City staff at the time of platting and prior to the commencement of any tree removal, grading or construction activity.
3. Provision of a traffic study that provides trip generation estimates for any new development and existing traffic volumes on adjacent streets with a capacity analysis.
4. All commercial development shall comply with the following design standards.
 - a. The exterior of all building facades, excluding windows and doors, that face any public street or private circulation drive must be 100% covered with stone, brick, Dryvit or similar synthetic stucco treatment, architectural tilt-up concrete panels, tile, or architectural block such as split-face block, or a combination of such materials.
 - b. No part of any street facing exterior façade shall consist of metal except for accent and trim elements.
 - c. The building materials of the street facing façade(s) must wrap around the sides of the building in either a wainscot application across the entire side or extend the entire height of the side façade a distance of at least four feet back from the street façade. The Community Development Director may approve alternate exterior materials that provide an exterior appearance and durability equivalent to the permitted materials.
 - d. All outside trash containers must be enclosed with an enclosure that matches the primary building materials of the primary structure and must have steel gates.

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

Sec. 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:

Michael F. Kelley, Assistant City Attorney

Thomas Vlassis, Mayor Pro Tem

Attest:

I, Laura Baumgartner, Chief Deputy 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. 09-908), passed by the City Council of said City at a meeting held May 18, 2009 signed by the Mayor Pro Tem on May 18, 2009 and published as provided by law in the Business Record on June 1, 2009. Authorized by Publication Order No. 6615.

Laura Baumgartner,
Chief Deputy City Clerk