

ORDINANCE NO. 14,238

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 9201 US Highway 65/69 from the "A-1" Agricultural District classification it will automatically receive upon its annexation into the City, to a Limited "C-2" General Retail and Highway Oriented Commercial District classification, and repealing Ordinance No. 14,219.

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 9201 US Highway 65/69, more fully described as follows, from the "A-1" Agricultural District classification it will automatically receive upon its annexation into the City, to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Except road right-of-way, Lot 32, Ferrari Heights Replat, an Official Plat, and Lots 40 through 43, Ferrari Heights, an Official Plat, in Warren County, Iowa (herein 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:

The following uses of land and structures shall be prohibited upon the Property:

- (a) Adult entertainment business.
- (b) Mobile home parks.
- (c) Taverns and nightclubs.
- (d) Off premises advertising signs.
- (e) Used car sales lots and the display of motor vehicles for sale, except this shall not prohibit a new vehicle dealership if: i) it is otherwise permitted by the Zoning Ordinance; ii) it occupies at least ten acres of land; iii) a majority of the outside display area is devoted to the display of new cars, pickups and vans; and, iv) any sale of used vehicles is secondary and accessory to the sale of new vehicles.

Sec. 3. Ordinance No. 14,219 passed March 24, 2003, is hereby repealed. This ordinance is intended to replace such prior ordinance.

Sec. 4. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law, and the annexation of the Property into the City of Des Moines.

Sec. 5. 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. 03-1196), passed by the City Council of said City at a meeting held May 19, 2003 signed by the Mayor on May 19, 2003 and published as provided by law in the Business Record on June 2, 2003. Authorized by Publication Order No.3593.

Diane Rauh, City Clerk