

ORDINANCE NO. 14,511

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 east of Highway 65/69 and south of the North River, from the "A-1" Agricultural District classification it will automatically receive upon annexation into the City of Des Moines, to an "R1-60" One-Family, Low-Density Residential District, a Limited "R1-60" One-Family, Low-Density Residential District, a Limited "C-2" General Retail and Highway Oriented Commercial District, and a "U-1" Floodplain 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 east of Highway 65/69 and south of the North River, more fully described as follows, from the "A-1" Agricultural District classification it will automatically receive upon annexation into the City of Des Moines, to an "R1-60" One-Family, Low-Density Residential District, a Limited "R1-60" One-Family, Low-Density Residential District, a Limited "C-2" General Retail and Highway Oriented Commercial District, and a "U-1" Floodplain District classification, as follows:

To be rezoned to the Limited "C-2" General Retail and Highway Oriented Commercial District:

All the Southwest 1/4 of the Southeast 1/4 of Section 12, Township 77 North, Range 24 West of the 5 P.M., in Warren County, Iowa, lying east of Iowa Highway 65/69, containing 7.36 acres, more or less. (Tax Parcel No. ("TPN") 05000120861)

The West 390 feet on the North line and the West 629 feet on the South line, of that part of the Southeast 1/4 of the Southeast 1/4 of Section 12, Township 77

North, Range 24 West of the 5 P.M., in Warren County, Iowa, lying East of Iowa Highway 65/69. (TPN 05000120880)

To be rezoned to the "R1-60" One-Family, Low-Density Residential District:

Except the West 390 feet on the North line and the West 629 feet on the South line, that part of the Southeast 1/4 of the Southeast 1/4 of Section 12, Township 77 North, Range 24 West of the 5 P.M., in Warren County, Iowa, lying East of Iowa Highway 65/69. (TPN 05000120880)

The North 30 acres of the Northeast 1/4 of the Northeast 1/4 of Section 13, Township 77 North, Range 24 West of the 5 P.M., in Warren County, Iowa, lying east of Iowa Highway 65/69, except that part conveyed by the deed recorded in Book 251, at Page 377 of the Warren County Recorder's Office, containing 22.88 acres, more or less. (TPN 05000130223)

To be rezoned to the "R1-60" One-Family, Low-Density Residential District, all that portion of the following parcels having a surface elevation at or above 791 feet North American Vertical Datum ("NAVD"):

All the Northeast 1/4 of the Southeast 1/4 of Section 12, Township 77 North, Range 24 West of the 5 P.M., in Warren County, Iowa, lying South of the North River. (TPN 05000120820)

To be rezoned to the Limited "R1-60" One-Family, Low-Density Residential District:

The Southeast 1/4 of the Southwest 1/4 of Section 7, Township 77 North, Range 23 West of the 5 P.M., in Warren County, Iowa, containing 40.00 acres, more or less. (TPN 01000070680)

The North 22.5 acres of the Northwest 1/4 of the Northwest 1/4 of Section 18, Township 77 North, Range 23 West of the 5 P.M., in Warren County, Iowa, containing 22.5 acres, more or less. (TPN 01000180440)

To be rezoned to the Limited "R1-60" One-Family, Low-Density Residential District, all that portion of the following parcels having a surface elevation at or above 791 feet North American Vertical Datum ("NAVD"):

All the Northwest 1/4 of the Southwest 1/4 of Section 7, Township 77 North, Range 23 West of the 5 P.M., in Warren County, Iowa, lying South of the North River. (TPN 01000070640)

The Northeast 1/4 of the Southwest 1/4 of Section 7, Township 77 North, Range 23 West of the 5 P.M., in Warren County, Iowa, less the 135th Avenue right-of-way. (TPN 01000070620)

The Southwest 1/4 of the Southwest 1/4 of Section 7, Township 77 North, Range 23 West of the 5 P.M., in Warren County, Iowa. (TPN 01000070660)

To be rezoned to the "U-1" Floodplain District, all that portion of the following parcels having a surface elevation below 791 feet North American Vertical Datum ("NAVD"):

All the Northeast 1/4 of the Southeast 1/4 of Section 12, Township 77 North, Range 24 West of the 5 P.M., in Warren County, Iowa, lying South of the North River. (TPN 05000120820)

All the Northwest 1/4 of the Southwest 1/4 of Section 7, Township 77 North, Range 23 West of the 5 P.M., in Warren County, Iowa, lying South of the North River. (TPN 01000070640)

The Northeast 1/4 of the Southwest 1/4 of Section 7, Township 77 North, Range 23 West of the 5 P.M., in Warren County, Iowa, less the 135th Avenue right-of-way. (TPN 01000070620)

The Southwest 1/4 of the Southwest 1/4 of Section 7, Township 77 North, Range 23 West of the 5 P.M., in Warren County, Iowa. (TPN 01000070660)

The parcels of land described above herein collectively 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. In any division or subdivision of the portion of the Property shown above to be rezoned to a Limited "R1-60" One-Family Low-Density Residential District, the average density of the resulting residential lots from that division or subdivision shall be no greater than the density allowed within the "R1-80" One-Family Residential District.
- B. The following uses of structures and land shall not be permitted upon of the portion of the Property shown above to be rezoned to a Limited "C-2" General Retail and Highway Oriented Commercial District:
  - 1) Adult entertainment businesses.
  - 2) Off-premises advertising.
  - 3) Taverns and nightclubs, however this shall not prohibit a tavern or nightclub otherwise permitted by the Zoning Ordinance which is part of a commercial development under common ownership containing five (5) acres or more.

- 4) Used car sales lots and the display of vehicles for sale, unless part of a larger site containing at least 10 acres occupied by an automotive dealership principally selling new cars.

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 Warren County Recorder.

FORM APPROVED:

Roger K. Brown, 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. 05-2708), passed by the City Council of said City at a meeting held November 7, 2005 signed by the Mayor on November 7, 2005 and published as provided by law in the Business Record on November 21, 2005 Authorized by Publication Order No. 4969.

Diane Rauh, City Clerk