

ORDINANCE NO. 14,547

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 1201 E. Diehl Street 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 1201 E. Diehl Street, 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:

The East 160 feet of the West 590.2 feet of the South 155.9 feet of the North 1/2, of the Northeast 1/4, of the Southeast 1/4 of Section 27, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk 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:

- 1) The following uses of structures and land shall be prohibited upon the Property:
 - a) Vehicle display lots, including but not limited to used car sales lots;
 - b) Adult entertainment businesses;
 - c) Taverns and nightclubs;
 - d) Off-premises advertising signs; and
 - e) Package goods stores for the sale of alcoholic beverages.

- 2). Any commercial use of the Property shall be in conformance with an approved site plan. In the site plan approval process, the submitted site plan shall:
 - i) Contain a landscape plan and building elevations demonstrating general conformance with the site sketches and sample photographs submitted by the applicant incident to this rezoning, to the satisfaction of the Community Development Director.
 - ii) Provide landscaped bufferyards and open space in conformance with the City's adopted landscape standards.
 - iii) Provide for the enclosure of any outdoor dumpsters in conformance with the Zoning Ordinance.
- 3) Any building constructed upon the property shall have a maximum building height at the peak of 21 feet.
- 4) All necessary permits shall be obtained for the construction of any building upon the Property.
- 5) Prior to issuance of the Certificate of Occupancy for any commercial use of the Property, the professional who signed the site plan shall submit a letter to the Community Development Director certifying that the Property has been improved in substantial conformance with the approved site plan.

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 Polk 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. 06-396), passed by the City Council of said City at a meeting held February 20, 2006 by the Mayor on February 20, 2006 and published as provided by law in the Business Record on March 6, 2006 Authorized by Publication Order No. 5106.

Diane Rauh, City Clerk