

ORDINANCE NO. 14,553

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 4411 SE 14th Street from the "R1-70" 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 4411 SE 14th Street, more fully described as follows, from the "R1-70" One-Family, Low-Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Beginning at the Southwest corner of Lot 15, Lesan Heights, an Official Plat; thence South 00°54'32" West 318.05 feet to a point; thence North 89°40'55" West 372.24 feet to a point; thence North 00°01'48" West 329.69 feet to a point; thence South 89°42'50" East 367.18 feet to a point on the West line of said Lesan Heights; thence South 00°54'32" East, 11.91 feet along said West line to the Point of Beginning, 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:

- A. The following uses of structures and land shall NOT be permitted upon the Property:
  - 1. Multiple-family residential dwellings;
  - 2. Adult entertainment businesses;
  - 3. Garages for general motor vehicle repair;
  - 4. Package goods stores for the sale of alcoholic beverages;

5. Vehicle display lots, including but not limited to used car sales lots;
  6. Off-premises advertising signs; and,
  7. Taverns/nightclubs.
- B. Any building upon the Property used for a commercial use shall have 75% of all non-glazed exterior wall surfaces constructed of brick, split face concrete masonry units, stone, EFIS/stucco, or other materials approved by the Community Development Director as being of similar quality and durability. No more than 25% of this material requirement may be satisfied with split face concrete masonry units or EFIS/stucco or EFIS.
- C. Any freestanding signs permitted must be ground mounted with a brick or masonry block pedestal compatible with the primary building material.

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. 06-698), passed by the City Council of said City at a meeting held April 10, 2006 signed by the Mayor on April 10, 2006 and published as provided by law in the Business Record on April 24, 2006 Authorized by Publication Order No. 5112.

Diane Rauh, City Clerk