

ORDINANCE NO. 14,625

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 6304 SW 7th 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 6304 SW 7th 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:

Lots 2 through 17, Block 5, in Porter's Replat, an Official Plat, and the adjoining half of the adjoining public rights-of-way, 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 be prohibited upon the Property:
- 1) Adult entertainment business.
 - 2) Garage for general motor vehicle repair.
 - 3) Vehicle display, including but not limited to used car sales lot.
 - 4) Off-premises advertising signs.
 - 5) Package goods store for sale of alcoholic beverages.
 - 6) Taverns and nightclubs.
 - 7) Pawn shops.

- 8) Businesses that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.
- B. Any commercial use of the Property shall be in conformance with an approved site plan that eliminates and prohibits vehicular access between the Property and Lally Street.
- C. Any building upon the Property used for a commercial use shall have 75% of all non-glazed exterior wall surfaces covered with brick, split face concrete masonry units, stone or EIFS/stucco. No more than 25% of this material requirement may be satisfied with split face concrete masonry units or EIFS/stucco or EIFS.
- D. Any freestanding signs upon the Property shall be ground-mounted with a brick or masonry block pedestal compatible with the primary building material.
- E. The existing communications tower must remain in compliance with the following conditions established in the Decision and Order of the Zoning Board of Adjustment dated June 26, 2002, for so long as the tower remains:
 - 1) Provision of brick screening of the tower base from the south using either the equipment building or a wing wall extension, with brick to match the primary building.
 - 2) Provision of a landscape perimeter around the lease area comprised of 6' to 8' tall evergreens.

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 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:

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. 07-162), passed by the City Council of said City at a meeting held January 22, 2007 signed by the Mayor on January 22, 2007 and published as provided by law in the Business Record on February 5, 2007 Authorized by Publication Order No. 5434.

Diane Rauh, City Clerk