

ORDINANCE NO. 14,718

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 6260 SE 19th Street from the "R1-80" One-Family 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 6260 SE 19th Street, more fully described as follows, from the "R1-80" One-Family Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Lot 42, except that part of Lot 42 lying South of a line commencing on the West line of said Lot 42 at a point 30.8 feet North of the Southwest corner of said Lot 42, and extending to a point on the East line of said Lot 42 located 28.3 feet North of the Southeast corner of said Lot 42, now comprising a part of E. Army Post Road; Lot 43 except the South 28.23 feet; and Lot 44, all in New Hope, an Official Plat, 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 businesses;
 - (2) Vehicle display lots and used car sales lots;
 - (3) Taverns and nightclubs;
 - (4) Off-premises advertising signs; and,

(5) Garages for general motor vehicle repair

B. The following standards shall apply to any use of the Property for mini-warehouse use:

- (1) All storage unit building walls facing external to the site shall consist of a quality stone, masonry, or brick exterior material.
- (2) No storage access doors shall be oriented toward a public street or any adjoining residential development.
- (3) Fencing other than screen fencing along any public street shall be wrought iron or tubular metal construction coated black or a neutral tone, and should be broken up by masonry or stone pillars/columns that match the material on the storage buildings.
- (4) The use of the Property shall be limited to mini-warehouse use and outside storage shall be prohibited.

C. Provision of down-lit shielded lighting to avoid shining obtrusively onto adjoining properties.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. 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-

2071), passed by the City Council of said City at a meeting held October 22, 2007 signed by the Mayor on October 22, 2007 and published as provided by law in the Business Record on November 5, 2007, Authorized by Publication Order No.5878.

Diane Rauh, City Clerk