

ORDINANCE NO. 14,849

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 4506 Southwest 9<sup>th</sup> Street from the C-1A Neighborhood Commercial Reuse District to Limited C-2 General Retail and Highway Oriented Commercial District, to allow a construction contractor's business limited to use of the building for offices and for parking over-the-road vehicles related to the business.

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 4506 Southwest 9<sup>th</sup> Street, more fully described as follows, from the C-1A Neighborhood Commercial Reuse District to Limited C-2 General Retail and Highway Oriented Commercial District, to allow a construction contractor's business limited to use of the building for offices and for parking over-the-road vehicles related to the business:

S 165 F E 125 F LT 20 & TRI PC LT C E & ADJ AMEND PLACE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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. Prohibit the use of the property for adult entertainment business, automobile establishments for display, hire, rental or sales, package goods liquor stores, pawn shops, financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles, off-premises advertising signs, and taverns and night clubs.

- B. Conformance with current Site Plan requirements, including landscaping standards and paving of all off-street parking; the property shall be brought into conformance with an approved Site Plan to the extent it does not eliminate minimum required parking and maneuvering.
- C. Enclose and gate all outdoor trash receptacles with an enclosure built of block, stone, masonry or other material compatible with the primary building, and with 100% opaque metal gates.
- D. Prohibit storage of materials or equipment outside of a building.
- E. That the City Council will initiate rezoning a C-1 district classification in the event the property is not brought into compliance with current Site Plan regulations and all other zoning conditions on or before October 31, 2009.

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:

Michael F. Kelley, 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. 09-758), passed by the City Council of said City at a meeting held May 4, 2009 signed by the Mayor on 4, 2009 and published as provided by law in the Business Record on May 18, 2009. Authorized by Publication Order No. 6607.

Diane Rauh, City Clerk