

ORDINANCE NO. 15,050

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 1825 East Army Post Road from the C-2 General Retail and Highway Oriented Commercial District to a Limited M-1 Light Industrial 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 1825 East Army Post Road, more fully described as follows, from the C-2 General Retail and Highway Oriented Commercial District to a Limited M-1 Light Industrial District classification:

West 1/2 Northwest ¼, and West 1/2 Southwest ¼, Northwest ¼, Northeast ¼, Section 35, 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.

Section 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) Permitted uses shall be limited to the following:

- a) Uses allowed in the C-2 District excluding adult entertainment businesses, off-premises advertising signs, and financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity; and
- b) Warehousing that is completely enclosed in a building or screened from view.

- (2) Outside display of general merchandise is permitted subject to the following requirements:
 - a) All display areas shall be identified on an approved Site Plan and generally limited to those areas identified on the submitted site sketch.
 - b) Any display area that adjoins a building shall include a minimum 5-foot wide open pedestrian access way from the parking lot to the main door of the building.
 - c) Merchandise displayed directly adjoining a building shall be stacked no greater than 8 feet in height.
 - d) Merchandise displayed in areas that do not adjoin a building shall be limited in size and scope by the material types identified on an approved Site Plan.
- (3) All outside storage areas and all display areas for automobiles, trailers, motorcycles, boats and/or farm implements shall comply with the following requirements:
 - a) Any such area shall be located outside of the front yard area.
 - b) Any such area shall be screened from view to the satisfaction of the Community Development Director. Slats in chain link fencing shall not be considered an appropriate screening material.
 - c) No items shall be stacked higher than the perimeter screening.
 - d) Any such area shall be designed to allow no part of any stored or displayed product to encroach into the required setbacks, and shall be maintained with both a dustless surface and a drainage system approved by the city engineer.
 - e) All display areas, driveways and areas used for temporary storage shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the city engineer so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
- (4) Any development of the property shall comply with the City's Landscaping Standards applicable to the C-2 District.
- (5) Submittal and approval of a Site Plan in accordance with City's Site Plan Regulations by December 31, 2011.
- (6) Completion of all site improvements in compliance with the approved Site Plan by June 1, 2012.

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

Section 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. 11-1667), passed by the City Council of said City at a meeting held September 26, 2011 signed by the Mayor on September 26, 2011 and published as provided by law in the Business Record on October 14, 2011. Authorized by Publication Order No. 7761.

Diane Rauh, City Clerk