

ORDINANCE NO. 15,259

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 4140 East 14<sup>th</sup> Street 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 4140 East 14<sup>th</sup> Street, 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:

Lots 19, 20, 21 and 22 (except South 130.85 feet of Lot 22; except South 130.85 feet of the East 8 feet of Lot 21; except South 125.42 feet of the West 65 feet of Lot 19; except North 125 feet of the South 250.42 feet of the West one foot of Lot 19), in SHAWNEE ACRES, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Lot 23 (except the South 130.85 feet thereof) and all of Lots 24, 25, 26, 27, 28, 29 and 30, in SHAWNEE ACRES, an Official Plat, 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) Only the following uses of land and structures shall be permitted on the property:
  - a) Any use allow in and as restricted in the "C-2" District, except the following uses which shall be prohibited upon the Property:
    - 1) Adult entertainment businesses.
    - 2) Taverns and nightclubs.

- 3) Off-premises advertising signs additional to one existing 672-square foot off-premises sign with two faces which is to remain.
  - 4) Liquor stores/package goods store for the sale of alcoholic beverages.
  - 5) Pawn brokerages.
  - 6) Delayed deposit services.
- b) Warehousing and outdoor contractor storage yard.
- 2) The existing non-conforming outdoor storage occurring on the property shall be relocated to be outside of any required front yard setback, at the earlier of the time that an additional warehouse building is built on the Property or November 1, 2014.
  - 3) All overhead doors on any principal or accessory building shall not face residentially zoned property, unless determined by the Community Development Director that no other reasonable location for the overhead doors exist and that they are adequately screened and designed in such a manner that their visual impact would be minimal.
  - 4) Any development of the property shall comply with the City's Landscaping Standards applicable in a "C-2" District.

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:

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. 14-0227), passed by the City Council of said City at a meeting held February 10, 2014 signed by the Mayor on February 10, 2014 and published and provided by law in the Business Record on February 28, 2014. Authorized

by Publication Order No. 8767.

Diane Rauh, City Clerk