

ORDINANCE NO. 15,435

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 4141 East 14th Street from the "C-2" General Retail and Highway-Oriented Commercial District to 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 4141 East 14th Street, more fully described as follows, from the "C-2" General Retail and Highway-Oriented Commercial District to Limited "M-1" Light Industrial District classification:

Beginning at a point 33 feet East and 25 feet South of the NW corner of the SW ¼ of Section 24, Township 79 North, Range 24, West of the 5th P.M.; thence East along the South line of Aurora Avenue 200 feet; thence South 180 feet parallel to the East line of East 14th Street; thence West along a line parallel to the South line of Aurora Avenue 200 feet; thence North 180 feet to the Point of Beginning, now included in and forming a part of City of Des Moines, Polk County, Iowa, subject to road easement.

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 the 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 allowed 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.

- 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) Any change in occupancy for the building or the land is subject to compliance with all Building and Fire Codes.
- (3) Any outdoor storage shall comply with requirements in Sec. 134-1087(4) of the Zoning Ordinance, and shall be screened from public street views.
- (4) Any overhead doors on any principal or accessory building shall not directly face public streets, unless determined by the Community Development Director that no other reasonable location for the overhead doors exist and that they are adequately designed in such a manner that their visual impact would be minimal.
- (5) 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. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

Lawrence R. McDowell, Deputy 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. 15-2143), passed by the City Council of said City at a meeting held December 21, 2015 signed by the Mayor on December 21, 2015 and published and provided by law in the Business Record on January 8, 2016. Authorized by Publication Order No. 9399.

Diane Rauh, City Clerk