

ORDINANCE NO. 15,538

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 245 and 247 East 19<sup>th</sup> Street from the “R1-60” One-Family Low-Density Residential 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 245 and 247 East 19<sup>th</sup> Street, more fully described as follows, from the “R1-60” One-Family Low-Density Residential District to Limited “M-1” Light Industrial District classification:

The North ¼ of Lot 20 (except the West 15 feet) and the West 158 feet of the South ¾ of Lot 19 (except the west 15 feet) of the Official Plat of the N/E ¼ Section 2, Township 78 North, Range 24 West of the 5th P.M., 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 on the Property shall be limited to the following:

- a) Uses as permitted in the “C-2” District, but prohibiting adult entertainment businesses, vehicle display lots, taverns or nightclubs, liquor stores, off-premises advertising signs, pawn brokers, and delayed deposit services.
- b) Contractor business with office, warehouse and outdoor storage components.

(2) Any outdoor storage on the Property shall comply with the following requirements:

- a) Outdoor storage shall be designed to prohibit any stored material, vehicles or equipment from encroaching into the required setbacks, and shall be maintained with both a dustless surface and a drainage system approved by the City Engineer.
  - b) All areas used for outside parking of vehicles shall be set back a minimum of 10 feet and screened by a 6-foot high solid opaque wooden fence from any adjoining residential (“R”) district, and shall be set back a minimum of 25 feet from any adjoining streets and alleys; and, shall be maintained with both a dustless surface and a drainage system approved by the City Engineer, unless a higher standard is imposed by the Site Plan regulations in Chapter 82.
  - c) All driveways, parking lots and areas used for temporary storage of vehicles shall be surfaced with an asphaltic or Portland cement binder pavement as 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.
  - d) Outside storage of inoperable or unsafe vehicles in quantities constituting a junk yard as defined by section 134-3 is prohibited.
- (3) Issuance of a Certificate of Occupancy by the Permit and Development Center for the existing 4,000 square foot shop/warehouse building on the Property is required.
- (4) The outside storage or expansion of the contractor business on the Property shall be brought into conformance with a Site Plan as reviewed and approved by the Permit and Development Center.
- (5) Any development of the Property under a Site Plan shall comply with the City’s Landscaping Standards as applicable in the “C-2” General Retail and Highway Oriented Commercial District; and

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:

Glenna K. Frank, 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. 16-2031), passed by the City Council of said City at a meeting held November 21, 2016 signed by the Mayor on November 21, 2016 and published and provided by law in the Business Record on December 9, 2016. Authorized by Publication Order No. 9817.

Diane Rauh, City Clerk