

ORDINANCE NO. 15,603

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 1501 Keosauqua Way and 1157 15th Street from the “C-2” General Retail and Highway-Oriented Commercial District and “R-3” Multiple-Family 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 1501 Keosauqua Way and 1157 15th Street, more fully described as follows, from the “C-2” General Retail and Highway-Oriented Commercial District and “R-3” Multiple-Family Residential District to Limited “M-1” Light Industrial District classification:

Lots 27, 30, 31, & 32, and (Except the North 20 feet of the West 42.5 feet) Lots 34 & 35, Block 2, NORTHWESTERN HEIGHTS, 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) Use of the Property shall be limited to uses permitted in “C-2” Districts, auto-body repair shop, and warehouse; and the following uses are prohibited:
 - a) Adult entertainment businesses,
 - b) Auction businesses,
 - c) Automobile establishments for display, hire, rental, and sales,
 - d) Delayed deposit services,
 - e) Liquor stores,
 - f) Off-premises advertising signs,
 - g) Pawnbrokers,

- h) Taverns and nightclubs, and
- i) Tobacco stores.
- (2) Any auto-body repair shop or addition on the Property shall comply with all applicable Building and Fire Codes as well as Site Plan requirements, and with issuance of all necessary permits by the City's Permit and Development Center.
- (3) Any auto-body repair shop on the Property shall provide a minimum 4-foot tall brick, decorative block, or stone wainscot along the entire south and west building facades exclusive of door openings.
- (4) Any paint spray booth on the Property shall be of a waterborne, non-flammable technology.

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. 17- 1424), passed by the City Council of said City at a meeting held August 14, 2017 signed by the Mayor on August 14, 2017 and published and provided by law in the Business Record on September 1, 2017. Authorized by Publication Order No. 10170.

Diane Rauh, City Clerk