

ORDINANCE NO. 14,609

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 219 College Avenue from the "R-3" Multiple Family Residential 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 219 College Avenue, more fully described as follows, from the "R-3" Multiple Family Residential District to a Limited "M-1" Light Industrial District classification:

The East 15 feet of Lot 7, Oakdale, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

Sec. 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:

- A. Landscaping and buffering shall be provided in accordance with the City's Landscaping Standards for development in the "C-2" District upon any redevelopment of the Property for non-residential use.
- B. Any redevelopment of the Property for non-residential use shall comply with all applicable Site Plan requirements.
- C. All necessary permits for shall be obtained for any construction and a Certificate of Occupancy shall be obtained prior to occupancy of any building on the property for non-residential use.
- D. The following uses of structures and land shall be prohibited upon the Property:

- (1) Adult entertainment business;
 - (2) Asphalt and concrete mixing and products manufacturing;
 - (3) Coalyards, cokeyards or woodyards;
 - (4) Off-premise advertising signs;
 - (5) Package goods stores for the sale of alcoholic beverages;
 - (6) Pawn shops, payroll and title loan institutions;
 - (7) Taverns and nightclubs; and,
 - (8) Vehicle display, hire, rental and sales, including used car sales lots.
- E. Any building upon the Property used for a commercial or industrial use shall comply with the following design standards:
- i) At least 60% of the exterior facade facing College Avenue, excluding windows and doors, shall be covered with stone, brick, architectural tilt-up concrete panels, tile or architectural block such as split-face block.
 - ii) Not more than 40% of the exterior façade facing College Avenue shall be metal or synthetic stucco (such as EFIS or Dryvit).
 - iii) The required materials used for the exterior facades facing College Avenue must wrap around the sides of the building in either a wainscoat application across the entire side or extend the entire height of the facade a distance of at least four (4) feet back from the facade facing College Avenue.
 - iv) No metal (such as standing seam metal), synthetic stucco material (such as EFIS or Dryvit) or other materials susceptibility to damage shall be used as an exterior material below four (4) feet above grade.
- F. The foregoing conditions shall apply to the Property and to any adjoining land developed with the Property for a common use.

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

Sec. 4. That the City Clerk is hereby authorized and directed to cause a certified copy of the Rezoning Ordinance Acceptance, 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. 06-2319), passed by the City Council of said City at a meeting held November 20, 2006 signed by the Mayor on November 20, 2006 and published as provided by law in the Business Record on December 4, 2006, Authorized by Publication Order No. 5418.

Diane Rauh, City Clerk