

ORDINANCE NO. 14,930

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 4448 and 4518 East 50th Street from the A-1 Agricultural 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 4448 and 4518 East 50th Street, more fully described as follows, from the A-1 Agricultural District to Limited M-1 Light Industrial District classification:

Lots 2, 3 & 4, Broadway Business Park Plat 2, AN OFFICIAL PLAT all now included in and forming a part of the City of Des Moines, IN POLK COUNTY, IOWA.

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. The following uses of structures and land shall be prohibited upon the Property:
 - a. Residential dwellings, duplexes, town homes, apartments, group homes, institutional residential facilities, mobile homes, or any other residential facility of any kind, except that hotels and motels who rent to transient guests are permitted;
 - b. Farms, except growing crops on any land that has not been improved;
 - c. Asphalt or concrete mixing or production facilities;
 - d. Refining, smelting or mining operations, including, but not limited to gravel extraction, or drilling for or extraction of subsurface substances;
 - e. Electrical, or gas generating facilities, except for use primarily on the premises where the same is generated;
 - f. Cemeteries;
 - g. Adult entertainment businesses;

- h. Arcades or game rooms as a substantial portion of a business;
 - i. Taverns and nightclubs;
 - j. Animal rendering or slaughter facility;
 - k. Off-premises advertising signage;
 - l. Sanitary sewer treatment facility (other than for waste material generated on the premises) or solid waste disposal facility;
 - m. Jail, prison, or any other correctional facility of any kind;
 - n. Any public or private nuisance or illegal activity;
 - o. Any use that presents an undue hazard of pollution, fire or explosion, including, but not limited to, the manufacture, storage, display or sale of explosives or fireworks;
 - p. Any use that creates hazardous or otherwise unreasonable levels of smoke, noise, vibrations, dust, pollutants, refuse, water borne waste, fumes, odors or other emissions; provided, that what level is “unreasonable” shall be determined with consideration given to the fact that the Property is dedicated for use as a retail commercial and light industrial area.
 - q. Temporary structures of any kind other than during construction for construction purposes, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
 - r. Pole buildings, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.
 - s. Package goods store for the sale of alcoholic beverages;
 - t. Vehicle display lots, including but not limited to used car sales lot;
 - u. Pawn brokerages; and,
 - v. Financial institutions where the majority of revenue is derived from lending guaranteed by collateral of future payroll or vehicle titles.
- B. The following standards shall apply to any building hereafter constructed for mini-warehouse use:
- 1. All storage unit building walls facing external to the site shall consist of a stone, masonry, or brick exterior material, or other durable material as approved by the Community Development Director.
 - 2. No storage access doors shall be oriented toward a public street or any adjoining residential development.
 - 3. No storage access doors shall be on the south façades of either the easternmost or westernmost mini-warehouse buildings.
 - 4. Any additional fencing along East 50th Street shall be wrought iron to match that along the Broadway Avenue frontage road.
- C. Outside storage on the premises shall be prohibited.

- D. Provision of down-lit shielded lighting to avoid shining obtrusively onto adjoining properties.
- E. Sidewalks shall be installed within East 50th Street right-of-way along both the existing mini-warehouse site and the expansion site prior to the issuance of a Certificate of Occupancy for any building hereafter constructed.
- F. All facades on the exterior wall of any building facing a public street must be comprised of no less than 20% in windows, doors, or masonry materials such as brick, cut stone, or decorative pre-cast concrete units, unless unique in architectural design and such design is approved by the Community Development Director to be consistent with the overall development and design of Broadway Business Park.
- G. All overhead doors and loading docks on any principal or accessory building shall not face East 50th Street or East Broadway Avenue, unless determined by the Community Development Director to be adequately screened and designed in such a manner that the overall development and design of Broadway Business Park is not compromised.

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

Sec. 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:

Michael F. Kelley, 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. 10-650), passed by the City Council of said City at a meeting held April 26, 2010 signed by the Mayor on April 26, 2010 and published as provided by law in the Business Record on May 10, 2010. Authorized by Publication Order No. 6891.

Diane Rauh, City Clerk