

ORDINANCE NO. 15,438

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 1545 2nd Place from the "R1-60" One-Family Low-Density 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 1545 2nd Place, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial District classification:

The North 25 feet of Lot 26 and all of Lot 27 and the West half of the vacated alley (being Lot C) lying east of and adjacent thereto, all in MARSHALL'S SECOND ADDITION, an Official Plat, now included in an 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) 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-0", Commercial-Residential District.
 - b. Office buildings not to exceed a maximum height of 75 feet.
 - c. Parking lots for temporary placement of motor vehicles while the driver is engaged in some other activity, but not including a storage lot.
 - d. Express hauling and storage yards.

- (2) The Property shall be developed and landscaped in accordance with a Site Plan approved by the City's Permit and Development Center, which shall be in substantial compliance with the preliminary site plan of the Property submitted to the City with the following amendments and changes:
 - a. All uses including off-street parking, shall be set back at least 25 feet from 2nd Place and screened by a six foot tall opaque screen along the north and east of the

Property.

- b. Storage of vehicles, containers, and materials in excess of 10 feet in height must be setback at least 50 feet from the 2nd Place right-of-way line, and at least 25 feet from any residentially zoned property to the north.
- (3) There shall be no extension of parking to serve any use on the Property into any adjoining residentially zoned property.
- (4) Any development upon the Property shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This Site Plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties.

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. 15-2161), 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. 9402.

Diane Rauh, City Clerk