

ORDINANCE NO. 15,510

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 1820 East Army Post Road from the "C-2" General Retail and Highway Oriented Commercial District to the 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 1820 East Army Post Road, more fully described as follows, from the "C-2" General Retail and Highway Oriented Commercial District to the Limited "M-1" Light Industrial District classification:

Lot 41 in NEW HOPE, an Official Plat, except commencing at the Southwest corner of Lot 41 in NEW HOPE; thence North 33.3 feet along the West line of Lot 41; thence Easterly to a point on the East line of Lot 41; 30.8 feet North of the Southeast Corner of Lot 41; thence South 30.8 feet along the East line of Lot 41 to the Southeastern Corner of Lot 41; thence West to the point of beginning, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Subject to all easements, covenants, and restrictions of record.

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, excluding adult entertainment businesses, taverns or nightclubs, liquor stores, off-premises advertising signs, and financial service centers that provide check cashing and loans secured by postdated checks or payroll guarantee as their primary activity; and
 - b) Fencing contractor business with retail, office and outdoor storage components.

- (2) Any outdoor storage on the Property shall comply with the following requirements:
 - a) Any outdoor storage shall be located to the north (rear) of the structure.
 - b) Any outdoor storage shall be screened from view with fencing of a height and material acceptable to the Planning Administrator, and one (1) evergreen tree shall be provided every 10 lineal feet along the exterior of the fence.
 - c) No items within any outdoor storage area shall be stacked higher than the perimeter screening.
 - d) Any storage area and driveways shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces as shall be 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.
- (3) Prior to issuance of any Certificate of Occupancy for the Property, the Property shall be brought into conformance with a Site Plan as reviewed and approved by the City's Permit and Development Center.
- (4) Any development of the Property shall comply with the City's Landscaping Standards as applicable in the "C-2" General Retail and Highway Oriented Commercial District.

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.

16-1654), passed by the City Council of said City at a meeting held September 26, 2016 signed by the Mayor on September 26, 2016 and published and provided by law in the Business Record on October 14, 2016. Authorized by Publication Order No. 9726.

Diane Rauh, City Clerk