

ORDINANCE NO. 15,616

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 1916 Dean Avenue from the “R1-60” One-Family Low-Density 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 1916 Dean Avenue, more fully described as follows, from the “R1-60” One-Family Low-Density Residential District to Limited “M-1” Light Industrial District classification:

(Except the South 206 feet) The West 148.25 feet of Lot 21 of the OFFICIAL PLAT OF THE NORTHEAST 1/4 OF SECTION 2 - TOWNSHIP 78 - RANGE 24, 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) The following shall be prohibited as permitted uses on the Property:
 - a) adult entertainment businesses,
 - b) outdoor display of vehicles for sale,
 - c) taverns or nightclubs,
 - d) liquor stores,
 - e) off-premises advertising signs,
 - f) pawn brokers, and

- g) delayed deposit services.
- (2) Any outdoor storage on the Property shall comply with the following requirements:
- a) Shall be designed to allow no part of any stored material, vehicles or equipment to encroach into the required setbacks, and shall be maintained with both a dustless surface and a drainage system approved by the City Engineer.
 - b) All areas used for outside parking of vehicles shall be set back a minimum of 10 feet and screened by a 6-foot high solid opaque wooden fence from any adjoining residential (R) district; shall be set back a minimum of 25 feet from any adjoining streets and alleys; and shall be maintained with both a dustless surface and a drainage system approved by the City Engineer, unless a higher standard is imposed by the Site Plan regulations in the Des Moines Municipal Code.
 - c) All driveways, parking lots and areas used for temporary storage of vehicles shall be surfaced with an asphaltic or Portland cement binder pavement as 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.
 - d) No outside storage of inoperable or unsafe vehicles in quantities constituting a junk yard as defined by City Code Section 134-3.
- (3) The outside storage or expansion of the existing business on the Property shall be brought into conformance with a Site Plan as reviewed and approved by the Permit and Development Center.
- (4) Any development of the Property under a Site Plan 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. 17-1690), passed by the City Council of said City at a meeting held September 25, 2017 signed by the Mayor on September 25, 2017 and published and provided by law in the Business Record on October 13, 2017. Authorized by Publication Order No.10183.

Diane Rauh, City Clerk