

ORDINANCE NO. 15,745

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 2800 East University Avenue from the Limited “C-2” General Retail and Highway-Oriented Commercial District to a revised Limited “C-2” General Retail and Highway-Oriented Commercial 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 2800 East University Avenue, more fully described as follows, from the Limited “C-2” General Retail and Highway-Oriented Commercial District to a revised Limited “C-2” General Retail and Highway-Oriented Commercial District classification:

(EXCEPT AN IRREGULAR PIECE BEGINNING AT THE SW CORNER OF LOT 9; THENCE EAST 29 FEET; THENCE NORTHWESTERLY TO A POINT 27 FEET NORTH OF THE SW CORNER OF LOT 11; THENCE SOUTH TO THE POINT OF BEGINNING) LOTS 9, 10, 11 AND 12, IN BLOCK 9, FAIRVIEW, AN OFFICIAL PLAT, 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:

- A. The following uses of structures and land shall be prohibited upon the Property:
  - 1) Adult entertainment businesses;
  - 2) Tavern and/or nightclub;
  - 3) Off-premises advertising;
  - 4) Sales and display of vehicles larger than scooters, mopeds, motorcycles, or ATVs.

- 5) Pawn Brokers;
  - 6) Delayed Deposit Services;
  - 7) Any business selling alcohol, exclusive of a tobacco store.
- B. The north 50 feet of the Property shall not be used for any use except open space in conjunction with adjoining commercial use or a single-family dwelling, or for a driveway leading to an overhead door on the north façade of the building so long as the following criteria are satisfied:
- 1) Any driveway shall be in accordance with all Site Plan requirements and shall comply with all zoning regulations, such as minimum width, unless the Zoning Board of Adjustment grants an appeal of such.
  - 2) Any driveway shall exit either to the alley or to the existing parking lot and not directly to East 28<sup>th</sup> Street.
  - 3) A 6-foot tall solid wood fence shall be provided along the entire north property line, exclusive of the portion of the fence within the minimum required front yard which may be no taller than 3 feet tall.
  - 4) A chain and bollards shall be provided where the driveway accesses any alley or parking lot to minimize use of the driveway.
- C. Any outdoor display of scooter, mopeds, motorcycles, ATVs and similar small vehicles permitted upon the Property shall be in conformance with a Site Plan approved under the adopted procedures and design guidelines for a vehicle display lot.

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. 19-0172), passed by the City Council of said City at a meeting held January 28, 2019 signed by the Mayor on January 28, 2019 and published and provided by law in the Business Record on February 15, 2019. Authorized by Publication Order No. 10609.

Diane Rauh, City Clerk