

ORDINANCE NO. 13,840

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 south of University Avenue between 25th and 31st Streets from an "R-3" Multiple Family Residential District to a Limited "NPC" Neighborhood Pedestrian 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 south of University Avenue between 25th and 31st Streets, more fully described as follows, from an "R-3" Multiple Family Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification:

Property owned by Drake University:

Lots 1 through 15, Lot 18 and Lots 33 through 50, Kingman Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa,

Lots 1 through 6, Lots 31 through 42, the North 46.0 feet of Lot 60, and all of Lots 61 through 63, Drake University Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, AND

Lots 40 through 44, Drake University 2nd Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Property owned by Lillian D. Campbell:

Lots 16 and 17, Kingman Place, an Official Plat, all now included in and forming a part

of the City of Des Moines, Polk County,
Iowa.

Property owned by United Methodist Church:

Except the North 7.0 feet, Lot 65; and, all
of Lot 64, Drake University Addition, an
Official Plat, all now included in and
forming a part of the City of Des Moines,
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 not be permitted
upon the Property:

1. Gas stations;
2. Locker plant;
3. Automotive and motorcycle accessory and parts store;
4. Lawn mower repair shops;
5. Radio stations;
6. Animal hospitals, veterinary clinics, or kennels;
7. Automobile, trailer, motorcycle, boat and farm
implement establishments for display, hire, rental and
sales (including sales lots);
8. Ballrooms and dance halls;
9. Billiard parlors, pool halls and game rooms;
10. Carpenter and cabinet making shops for retail
custom work;
11. Commercial baseball fields, swimming pools,
skating rinks, golf driving ranges, miniature golf
courses, trampoline centers, and similar recreational
uses and facilities;
12. Drive-in theaters;
13. Lumber yards;
14. Mini-warehouse
15. Monument sales yards;

16. Any business holding a liquor license, beer or wine permit which is not operated as either:
 1. a grocery store or pharmacy at least half of whose

gross income is derived from the sale of merchandise other than liquor, wine or beer; or
 2. a restaurant at least half of whose gross income is derived from the sale of prepared food and food-related services;
17. Plumbing and heating shops;
18. Sheet metal shops;
19. Sign painting shops;
20. Mobile home parks;
21. Used car sales lots;
22. Garage for general motor vehicle repair
23. Automobile washing establishments;
24. Adult entertainment businesses; and
25. Off-premises advertising signs.

B. Signage upon the Property shall be limited to that allowed in the "C-1" Neighborhood Retail Commercial District.

C. Prior to the demolition of any residential structure upon the Property by Drake University, and prior to the sale of any portion of the Property by Drake University which contains a residential structure, Drake University shall provide notice of such demolition or sale at least 120 days in advance to the City of Des Moines and to the Drake Neighborhood Association to allow interested parties an opportunity to negotiate with Drake University for the purchase and moving of the structures.

Sec. 3. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law or July 1, 2000.

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

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Roger K. Brown

Assistant City Attorney

Christine Hensley, Mayor Pro Tem

Attest:

I, Donna Boetel-Baker, 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. 00-3209), passed by the City Council of said City at a meeting held July 24, 2000, signed by the Mayor Pro Tem on July 24, 2000, and published as provided by law in the Business Record on August 7, 2000. Authorized by Publication Order No.2003.

Donna Boetel-Baker, CMC/AAE, City Clerk