

ORDINANCE NO. 14,953

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 1555 Des Moines Street from the "R1-60" One-Family Low-Density 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 in the vicinity of 1555 Des Moines Street, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification:

Except the West 25 feet of the North 90 feet, Lot 16, and all Lot 15, in Block 46, Stewarts Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein the "Property").

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 only uses of structures or land permitted upon the Property shall be those uses allowed in the "C-1" Neighborhood Retail Commercial District, except the following uses which are hereby specifically prohibited:
- (1) Package goods liquor stores,
 - (2) Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles,
 - (3) Pawn shops,
 - (4) Bakeries,
 - (5) Restaurants,
 - (6) Delicatessens,

- (7) Gas stations,
- (8) Grocery stores,
- (9) Laundrettes and coin-operated dry cleaning establishments,
- (10) Locker plants,
- (11) Automotive accessory and parts stores, and
- (12) Upholstery shops

- B. Any parking lot constructed on the Property shall provide a minimum 16-foot setback from the front (north) property line along Des Moines Street, a 7-foot setback from the front (east) property line along East 16th Street, and a 10-foot setback from the west property line.
- C. Any site development of the Property shall require the owner to legally combine all parcels being developed.
- D. Any parking lot constructed on the Property shall be in accordance with the "C-2" Landscape Standards.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:

Roger K. Brown, 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. 10-1308), passed by the City Council of said City at a meeting held August 9, 2010 signed by the Mayor on August 9, 2010 and published as provided by law in the Business Record on August 23, 2010. Authorized by Publication Order No. 7164.

Diane Rauh, City Clerk