

ORDINANCE NO. 15,109

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 1228 2<sup>nd</sup> Avenue from the M-1 Light Industrial District and R1-60 One-Family Low-Density Residential District to 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 1228 2<sup>nd</sup> Avenue, more fully described as follows, from the M-1 Light Industrial District and R1-60 One-Family Low-Density Residential District to NPC Neighborhood Pedestrian Commercial District classification:

All Lot 141, and the West ½ vacated alley lying East of and adjoining the South 101 feet Lot 142 and the South 101 feet Lot 142, and also the East ½ vacated alley West of and adjoining Lots 149 and 150, and (Except beginning at the Southeast corner of Lot 150 thence West 4.52 feet, Northeast 89.97 feet, South 89.81 feet to the Point of Beginning) Lots 149 and 150, Rutherford Heights, 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:

- (1) Prohibition of the following uses:
  - (a) billiard parlor/game room,
  - (b) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
  - (c) delayed deposit services,
  - (d) pawn brokers,
  - (e) gas stations/convenience stores,
  - (f) off-premises advertising signs,
  - (g) liquor stores where gross revenues of tobacco and alcohol products exceed 40%, and
  - (h) taverns and nightclubs.
  
- (2) Any submitted Site Plan shall adhere to NPC Design Guideline that requires the maximum number of off-street parking spaces provided to be limited to a number that is no greater than what is typically required as a minimum number of spaces in a standard commercial zoning district.
  
- (3) Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

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

Section 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:

Michael F. Kelley, 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. 12-0837), passed by the City Council of said City at a meeting held May 21, 2012 signed by the Mayor on

May 21, 2012 and published as provided by law in the Business Record on June 8, 2012.  
Authorized by Publication Order No. 7917.

Diane Rauh, City Clerk