

ORDINANCE NO. 15,166

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 200 and 220 Southeast 6th Street from the M-1 Light Industrial District and M-2 Heavy Industrial District to Limited C-3B Central Business Mixed Use 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 200 and 220 Southeast 6th Street, more fully described as follows, from the M-1 Light Industrial District and M-2 Heavy Industrial District to Limited C-3B Central Business Mixed Use District classification:

South ½ Market Square, Town of De Moine, 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) The following uses shall be prohibited:

- a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
- b. Auction businesses.
- c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
- d. Lumberyards, retail and wholesale.
- e. Machine shops.
- f. Freestanding package goods stores for the sale of alcoholic beverages.

- g. Pawnshops.
- h. Printing, publishing houses and lithographing shops.
- i. Plumbing and heating shops.
- j. Miniwarehouse uses.
- k. Freestanding taverns and night clubs.
- l. Warehousing.

- (2) The site layout of any development shall be in accordance with the Market District of East Village Urban Design Study.
- (3) The density of any residential development shall be dependent upon Site Plan review.
- (4) Any residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
- (5) Any development shall be in accordance with a Site Plan that satisfies the design guidelines for the C-3B and Downtown Overlay Districts.
- (6) Any development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the Design Guidelines for Multiple-Family Residential use.
- (7) The developer shall be responsible for the costs associated with improvements within the adjoining public right-of-ways.

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. 13-0244), passed by the City Council of said City at a meeting held February 11, 2013 signed by the Mayor on February 11, 2013 and published as provided by law in the Business Record on March 1, 2013. Authorized by Publication Order No. 8223.

Diane Rauh, City Clerk