

ORDINANCE NO. 15,167

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 501, 509 and 513 Forest Avenue from the R1-60 One-Family Low-Density Residential District and C-1 Neighborhood Retail Commercial 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 501, 509 and 513 Forest Avenue, more fully described as follows, from the R1-60 One-Family Low-Density Residential District and C-1 Neighborhood Retail Commercial to NPC Neighborhood Pedestrian Commercial District classification:

South 82 feet of the East 50 feet, Lot 1, Bates Addition, an Official Plat, and the South 100 feet of the West 42 feet, Lot 1, Bates Addition, and the South 100 feet of the East 10 feet, Lot 1, Hedges Addition, an Official Plat, and the West 50 feet of Lot 1, Hedges Addition and Lot 3, Hedges Addition, and an un-numbered lot between Lots 1 and 3, Hedges Addition sometimes known as Lot 2, Hedges Addition, 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) taverns and nightclubs,
- b) billiard parlor/game room,
- c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
- d) delayed deposit services,

- e) pawn brokers,
 - f) gas stations/convenience stores,
 - g) off-premises advertising signs, and
 - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.
- (2) The density of any future residential development shall be dependent upon Site Plan review.
- (3) Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the C-2 District.
- (4) 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 solid 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. 13-0248), 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.8224.

Diane Rauh, City Clerk