

ORDINANCE NO. 15,754

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 3506 University Avenue from the “R-3” Multiple-Family Residential District to 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 3506 University Avenue, more fully described as follows, from the “R-3” Multiple-Family Residential District to Limited “NPC” Neighborhood Pedestrian Commercial District classification:

THE NORTH 50 FEET OF THE EAST 180 FEET OF LOT 1 KAUFMANN PLACE, AN OFFICIAL PLAT, 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:

- A. The following uses of structures and land shall not be permitted upon the Property:
 - 1. Any business holding a liquor license, wine permit, or beer permit that is not operated as either:
 - a. a restaurant where at least half of whose gross income is derived from the sale of prepared food and food-related services; or
 - b. a tavern, which has a kitchen and offers a full menu for food service at all

times that the business is open to customers, so long as the Zoning Board of Adjustment grants a Conditional Use Permit allowing and further regulating such use;

2. Gas stations;
 3. Locker plant;
 4. Automotive and motorcycle accessory and parts store;
 5. Lawn mower repair shops;
 6. Radio stations;
 7. Animal hospitals, veterinary clinics, or kennels;
 8. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);
 9. Ballrooms and dance halls;
 10. Billiards parlors, pool halls and game rooms;
 11. Carpenter and cabinet making shops for retail custom work;
 12. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges miniature golf courses, trampoline centers, and similar recreational uses and facilities;
 13. Communication towers/antennas (excluding an extension of 20 feet or less from an existing building);
 14. Drive-in theaters;
 15. Lumber yards;
 16. Mini-warehouse;
 17. Monument sales yards;
 18. Plumbing and heating shops;
 19. Sheet metal shops;
 20. Sign painting shops;
 21. Mobile home parks;
 22. Used car sales lots;
 23. Garage for general motor vehicle repair;
 24. Automobile washing establishments;
 25. Adult entertainment businesses; and
 26. Off-premises advertising signs.
- B. Signage upon the Property shall be limited to that allowed in the "C-1" Neighborhood Retail Commercial District.

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

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

Glenna K. Frank, 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. 19-0422), passed by the City Council of said City at a meeting held March 11, 2019 signed by the Mayor on March 11, 2019 and published and provided by law in the Business Record on March 29, 2019. Authorized by Publication Order No.10618.

Diane Rauh, City Clerk