

ORDINANCE NO. 13,654

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 2A-5 of the Municipal Code of the City of Des Moines, 1991, by rezoning and changing the district classification of certain property located in the vicinity of S.E. 11th Street and Railroad Avenue from a Limited "C-1" Neighborhood Retail Commercial District to a Revised Limited "C-1" Neighborhood Retail 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 2A-5 of the Municipal Code of the City of Des Moines, Iowa, 1991, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of S.E. 11th Street and Railroad Avenue, more fully described as follows, from a Limited "C-1" Neighborhood Retail Commercial District to a Revised Limited "C-1" Neighborhood Retail Commercial District classification:

Lots 1 through 10, both inclusive; the North/South alley lying between S.E. 10th Street and S.E. 11th Street extending from Vale Street to Railroad Avenue; all that part of vacated Vale Street lying between S.E. 10th Street and S.E. 11th Street, all in Block 6, Allen's Second Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, (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. Only the uses of structures or land listed below shall be permitted on the Property:

1. Any use permitted in the "R-2" One and Two Family Residential District.
2. A shelter for a maximum of seventy-two (72) youth subject to any applicable requirements.
3. Clinics or group medical centers including dental clinics, but not including animal clinics or hospitals.
4. Day nurseries, day care centers and nursery schools, with snack bar or concession stand as an accessory use.
5. The following additional uses shall be permitted only within the confines of the existing building or a single story addition to the existing building located within the courtyard now surrounded on three sides by the existing building:

- (i) Institutions of a religious, educational, or philanthropic nature, including libraries.
 - (ii) Nursing, convalescent, and retirement homes.
 - (iii) Private clubs, lodges, or veterans organizations, excepting those holding a beer permit or liquor license.
 - (iv) Assisted living residential facility - provided the building shall not exceed a Floor Area Ratio of .75 and the individual dwelling units total floor area shall not exceed a maximum of 70 percent of the building total floor area.
- (B) The owner(s)/occupants(s) of the Property shall allow the gymnasium to be open to the surrounding neighborhood area on a scheduled basis and the existing parking lot shall remain open for use in conjunction with the adjoining softball field.
- (C) The owner(s)/occupant(s) of the Property shall install landscaping to provide for a 3 foot high opaque screen on both S.E. 10th and S.E. 11th Streets from the existing parking and loading area as approved by the Planning Director.
- (D) Maximum freestanding sign size shall be 24 square feet.

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

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown

Assistant City Attorney