

ORDINANCE NO. 14,517

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 north of Filmore Street between E. 8th and E. 9th Streets from the Limited "C-1" Neighborhood Retail Commercial District and "C-2" General Retail and Highway Oriented Commercial District to a 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 north of Filmore Street between E. 8th and E. 9th Streets, more fully described as follows, from the Limited "C-1" Neighborhood Retail Commercial District and "C-2" General Retail and Highway Oriented Commercial District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification:

Lots 2, 3, 4, 5, 6, 7, 8 and 9, of the Partition Plat of the East One-half (1/2) of Outlot 1, DEAN'S SECOND SUBDIVISION of Outlots in the Northwest Quarter (1/4) of Section 3, Township 78 North, Range 24 West of the 5th P.M.; the South 1/2 of the vacated East/West alley right-of-way lying North of and adjoining said Lot 9; and, all the vacated North/South alley right-of-way lying East of and adjoining said Lot 7, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as 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. The only uses of land or structures permitted on the Property shall be those uses permitted in the "C-1" Neighborhood Retail Commercial District, but excluding gas stations and packaged goods stores for the sale of alcoholic beverages. Gas

stations and packaged goods stores for the sale of alcoholic beverages shall not be permitted on the Property.

- B. In addition to the normal requirements for approval of a site plan for the redevelopment of the Property for commercial use, the site plan shall include:
 - i) Building elevations which shall be compatible with the residential character of the neighborhood to the south; and,
 - ii) A landscaping plan which shall conform to the landscaping standards applicable within the "C-1" Neighborhood Retail Commercial District.
- C. There shall be no direct vehicular access between any portion of the Property used for a commercial use and Filmore Street.

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 the vicinity map, this ordinance, proof of publication of this ordinance, and the Acceptance of Rezoning Ordinance signed by all owners of the Property, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:

Roger K. Brown, 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. 05-2830), passed by the City Council of said City at a meeting held November 21, 2005 signed by the Mayor on November 21, 2005 and published as provided by law in the Business Record on December 5, 2005 Authorized by Publication Order No. 4976.

Diane Rauh, City Clerk