

ORDINANCE NO. 15,030

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 1710 High Street from the C-2 General Retail and Highway Oriented Commercial District to the NPC Neighborhood Pedestrian Commercial District classification, and repealing and replacing Ordinance No. 15,016.

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 1710 High Street, more fully described as follows, from the C-2 General Retail and Highway Oriented Commercial District to the NPC Neighborhood Pedestrian Commercial District classification:

West 44 feet, Lot 1, and all Lots 2, 3, and 4, and (except the West 13 feet) Lot 5, Block B, J.C. Saverys Addition, 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:

- A. General placement of any structure shall be with minimal setbacks toward both High Street and 17th Street with any surface parking located away from the corner separated by the building.

- B. Prohibit the use of the property for the following:
- (1) Billiard parlor/game room.
 - (2) Taverns and night clubs.
 - (3) Communication Tower/Antenna (unless as an extension of 20 feet or less from the structure).
 - (4) Gas Stations/convenience stores.
 - (5) Package goods liquor store.
- C. Any future development of the site shall be subject to the Plan and Zoning Commission's review and approval of a Site Plan under the Design Guidelines for the NPC Districts. Furthermore, any future multiple-family residential development of the site shall be subject to the Plan and Zoning Commission's review and approval of a Site Plan under the Design Guidelines for Multiple-Family Residential.
- D. When the Site Plan comes back to the Plan and Zoning Commission off-street parking shall be maximized.

Section 3. Ordinance No. 15,016 passed May 23, 2011, is hereby repealed and replaced by this Ordinance.

Section 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 5. 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. 11-1225), passed by the City Council of said City at a meeting held July 11, 2011 signed by the Mayor on July 11, 2011 and published as provided by law in the Business Record on July 29, 2011. Authorized by Publication Order No. 7491.

Diane Rauh, City Clerk