

ORDINANCE NO. 15,201

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 3500 Kingman Boulevard from the R1-60 One-Family Low-Density Residential 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 in the vicinity of 3500 Kingman Boulevard, more fully described as follows, from the R1-60 One-Family Low-Density Residential District, to a Limited NPC Neighborhood Pedestrian Commercial District classification:

Lots 1 and 2, Knox Place Plat 2, 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:

- (1) The use of the property shall be limited to the following:
 - (a) Any use as allowed and limited in the R1-60 District.
 - (b) Office space.
 - (c) Events center for meeting, reception, or assembly space.
- (2) Any use of the site and any future site modifications shall be in accordance with a Site Plan under the Design Guidelines for the NPC District as approved by the Plan & Zoning Commission.
- (3) Any use of the building must be in compliance with all City Building and Fire

Codes, including those related to occupancy loads, emergency exits, and restroom facilities.

- (4) In order to comply with minimum parking requirements, any use of the premises for an office and/or events center use shall occupy no more than 1,200 square feet of area for office space and no more than 1,950 square feet of assembly space.
- (5) The existing structure shall not be expanded and shall not be modified to alter the existing residential character.
- (6) The property shall not be a permanent licensed establishment for selling alcoholic liquor, wine, and/or beer. However, caterers, residents, renters, and guests may serve and consume alcoholic liquor, wine, and/or beer in accordance with all City and State requirements.
- (7) Hours of operation shall be limited to between 7:00 AM to 11:00 PM Sunday through Thursday and 7:00 AM to 12:00 Midnight Friday and Saturday, with all events ending by 10:00 PM Sunday through Thursday and 11:00 PM Friday and Saturday.
- (8) A 6-foot tall solid wood fence shall be provided along the west property line within the rear yard area, located on either the subject property or the adjoining property.
- (9) Signage on the premises shall be limited to one monument sign not to exceed 24 square feet.
- (10) The Site shall operate in compliance with article IV of chapter 42 of the Municipal Code (Noise Control Ordinance).
- (11) Any residential dwelling unit within the structure shall be in accordance with any necessary Rental Certificate as issued by the City's Neighborhood Inspections Division.
- (12) 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 steel gates.
- (13) Outdoor restroom facilities shall be prohibited unless otherwise required by law.

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. 13-1041), passed by the City Council of said City at a meeting held June 24, 2013 signed by the Mayor on June 24, 2013 and published and provided by law in the Business Record on July 12, 2013. Authorized by Publication Order No.8609.

Diane Rauh, City Clerk