

ORDINANCE NO. 15,281

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 200 SE 6<sup>th</sup> Street from the Limited "C-3B" Central Business Mixed-Use District to a Limited "C-3" Central Business District 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 200 SE 6<sup>th</sup> Street, more fully described as follows, from a Limited "C-3B" Central Business Mixed-Use District to a Limited "C-3" Central Business District Commercial District classification:

The North 136.5 feet of the South 273 feet of Market Square in TOWN OF DE MOINE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein 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:

- (1) Only the following uses of land and structures shall be permitted upon the Property:
  - a. Display lot for rental vehicles and minor automotive repair.
  - b. All uses permitted in and as limited in the "C-3B" District, except the following uses which are prohibited:
    - i. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
    - ii. Auction businesses.
    - iii. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles, including but not limited to delayed deposit service businesses.

- iv. Lumberyards, retail and wholesale.
  - v. Machine shops.
  - vi. Liquor stores, also known as freestanding package goods stores for the sale of alcoholic beverages.
  - vii. Pawn broker businesses.
  - viii. Printing, publishing houses and lithographing shops.
  - ix. Plumbing and heating shops.
  - x. Miniwarehouse uses.
  - xi. Freestanding taverns and night clubs.
  - xii. Warehousing.
- (2) Any current or future development shall be in accordance with a Site Plan that satisfies the design guidelines for the “C-3B” and Downtown Overlay Districts.
- (3) The site layout of any development other than a display lot for rental vehicles shall be in accordance with the Market District of East Village Urban Design Study.
- (4) The density of any future residential development shall be established in the site plan review process.
- (5) Any future residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
- (6) Any future development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the design guidelines for multiple-family residential use.
- (7) In the event the adjoining segment of vacated Market Street is improved and dedicated as a public street, the owner of the Property shall be responsible for installing the parking plantings and perimeter landscaping along that segment of Market Street in conformance with the site plan standards.

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

Sec. 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:

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. 14-0774), passed by the City Council of said City at a meeting held May 19, 2014 signed by the Mayor on May 19, 2014 and published and provided by law in the Business Record on June 6, 2014. Authorized by Publication Order No. 8789.

Diane Rauh, City Clerk