

ORDINANCE NO. 15,300

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 2700 University Avenue from the Limited "NPC" Neighborhood Pedestrian Commercial District to an amended 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 2700 University Avenue, more fully described as follows, from the Limited "NPC" Neighborhood Pedestrian Commercial District to an amended Limited "NPC" Neighborhood Pedestrian Commercial District classification:

The South 41 feet of Lot 37, and all of Lots 38, 39, and 40 of DRAKE UNIVERSITY ADDITION, an Official Plat, 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:

- A. The following uses of structures and land shall not be permitted upon the Property:
1. Gas stations.
 2. Locker plant;
 3. Automotive and motorcycle accessory and parts store;
 4. Lawn mower repair shops;
 5. Radio stations;
 6. Animal hospitals, veterinary clinics, or kennels;
 7. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);
 8. Ballrooms and dance halls;

9. Billiard parlors, pool halls and game rooms;
10. Carpenter and cabinet making shops for retail custom work;
11. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges, miniature golf courses, trampoline centers, and similar recreational uses and facilities;
12. Drive-in theaters;
13. Lumber yards;
14. Mini-warehouse;
15. Monument sales yards;
16. Any business holding a liquor license, beer or wine permit which is not operated as either:
 - a. a limited retail or food establishment at least 40% of whose gross income is derived from the sale of merchandise other than liquor, wine, beer or tobacco products; or
 - b. a restaurant at least half of whose gross income is derived from the sale of prepared food and food-related services; or
 - c. an assembly/reception hall use limited to private events operated solely by Drake University, or its approved vendor, considered a tavern under provisions of the Zoning Ordinance;
17. Plumbing and heating shops;
18. Sheet metal shops;
19. Sign painting shops;
20. Mobile home parks;
21. Used car sales lots;
22. Garage for general motor vehicle repair;
23. Automobile washing establishments;
24. Adult entertainment businesses; and
25. Off-premises advertising signs.

B. Signage upon the Property shall be limited to that allowed in the “C-1” Neighborhood Retail Commercial District.

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:

Glenna K. Frank, 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. 14-1103), passed by the City Council of said City at a meeting held July 14, 2014 signed by the Mayor on July 14, 2014 and published and provided by law in the Business Record on August 1, 2014. Authorized by Publication Order No. 8258.

Diane Rauh, City Clerk