

ORDINANCE NO. 15,413

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 1818 High Street from the "C-2" General Retail and Highway-Oriented District to Limited "C-3A" Central Business District Support 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 1818 High Street, more fully described as follows, from the "C-2" General Retail and Highway-Oriented District to Limited "C-3A" Central Business District Support Commercial District classification:

The West 13 feet of Lot 5 and all of Lot 6 and the East 44 feet of Lot 7; all in Block "B" in J. C. SAVERYS ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; and

The vacated North 8 feet of the East 123 feet of the West 333 feet of Lot "C" in J. C. SAVERY'S 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:

1. Any building constructed on the Property shall comply with the following design standards as approved by the Planning Administrator:
  - a) Buildings shall frame the street and maintain a minimal setback from the street.
  - b) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street façade. Actual percentage will be subject to approval of the Planning

Administrator.

- c) The front entrance should be oriented to the street.
  - d) Siding materials should consist of brick, stone, or other comparable durable material. Other material types may be used for accent purposes.
  - e) Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.
2. The following uses are prohibited on the Property:
- a) Adult entertainment establishments.
  - b) Assembly and packaging of small components from the following previously prepared materials: metal, wood, plastic, paper or rubber.
  - c) Automobile body and fender repair shop, but not including wrecking or used parts yards or outside storage of automobile component parts.
  - d) Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales.
  - e) Billiard parlor/game room.
  - f) Communication Tower/Antenna (would therefore only be allowed by a Special Permit).
  - g) Gas Stations/convenience stores.
  - h) Lumberyards and building material sales yards.
  - i) Manufacturing, packaging and storage of dairy products.
  - j) Manufacture or treatment of products incidental to the conduct of a retail business carried out on the Property.
  - k) Printing and publishing houses.
  - l) Storage of nonflammable and non-explosive goods.
  - m) Taverns and night clubs.
  - n) Transportation passenger terminals, including bus stations, railroad passenger stations or other passenger terminals.
  - o) Truck rental establishments.
  - p) Off-premises advertising signs.
  - q) Machine shops.
  - r) Package goods liquor store.
  - s) Sheet metal shops.
  - t) Mobile home parks.
  - u) Delayed deposit services/pawnbrokers.
  - v) Tobacco/alternative nicotine stores.
  - w) Vapor product stores.

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

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication

of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

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. 15-1740), passed by the City Council of said City at a meeting held October 12, 2015 signed by the Mayor on October 12, 2015 and published and provided by law in the Business Record on October 30, 2015. Authorized by Publication Order No. 9332.

Diane Rauh, City Clerk