

ORDINANCE NO. 15,500

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 3201, 3211 and 3221 Forest Avenue and 1414 and 1420 32<sup>nd</sup> Street from the Limited “NPC” Neighborhood Pedestrian Commercial District and “R1-60” One-Family Low-Density Residential District to 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 3201, 3211 and 3221 Forest Avenue and 1414 and 1420 32<sup>nd</sup> Street, more fully described as follows, from the Limited “NPC” Neighborhood Pedestrian Commercial District and “R1-60” One-Family Low-Density Residential District to amended Limited “NPC” Neighborhood Pedestrian Commercial District classification:

The South 135 feet of Lot 1, (except the North 80 feet) Lot 2, all of Lot 3, (except the North 142 feet) Lot 4, RUTLEDGE PLACE, 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 following uses shall be prohibited on the Property:
  - a) taverns and nightclubs,
  - b) billiard parlor/game room,
  - c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),

- d) delayed deposit services,
  - e) pawn brokers,
  - f) gas stations/convenience stores,
  - g) off-premises advertising signs, and
  - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales;
- (2) The density of any future residential development on the Property shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan;
  - (3) Any development of the Property shall be in accordance with a Site Plan under the Design Guidelines for the “NPC” District;
  - (4) Any development of a multiple-family residential use on the Property shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential;
  - (5) The siding material on the front façade of any structure on the Property shall primarily consist of full dimension brick or masonry materials, which material shall be used on side and rear facades in a pattern that relates to the front façade;
  - (6) The use of vinyl and/or EIFS siding is prohibited on the Property;
  - (7) Any shingles used on the Property shall be architectural style;
  - (8) Any off-street parking on the Property shall be landscaped and screened in accordance with the City’s Landscape Standards as applicable to the “C-2” District;
  - (9) Any development of the Property shall include a landscaped streetscape within adjoining Forest Avenue right-of-way in accordance with the City’s Landscape Standards as applicable to the “C-3” District; and
  - (10) Any trash enclosure on the Property shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that complement the principal building with steel gates; and

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. 16-1355), passed by the City Council of said City at a meeting held August 8, 2016 signed by the Mayor on August 8, 2016 and published and provided by law in the Business Record on August 26, 2016. Authorized by Publication Order No. 9716.

Diane Rauh, City Clerk