

ORDINANCE NO. 14,395

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 1901 - 1925 Lyon Street, and 1916 - 1922 Des Moines Street from the "R1-60" One Family, Low Density Residential District to a Limited "M-1" Light Industrial 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 1901 - 1925 Lyon Street, and 1916 - 1922 Des Moines Street , more fully described as follows, from the "R1-60" One Family, Low Density Residential District to a Limited "M-1" Light Industrial District classification:

Lots 8, 9 and 10, Goode and Likes Addition, an Official Plat; all the East/West alley right-of-way lying North of and adjoining Lots 8 through 12, inclusive, of said Goode and Likes Addition; Lots 3 through 7, inclusive, in Block 9, Sunnyside Addition, an Official Plat; all the Lyon Street right-of-way lying North of and adjoining said Lots 3 through 7, of said Block 9, Sunnyside Addition; and, Lot 187 and the East 14 feet of the vacated East 19th Street right-of-way lying West of and adjoining said Lot 187, Hubbell Avenue Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as 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 Leachman Lumber Company and is binding upon Leachman Lumber Company and its successors and assigns as follows:

- A. A ten foot landscaped parking lot setback and a twenty-five foot landscaped building setback shall be maintained from all existing adjoining single-family uses from any portions of the Property used for an industrial use.

- B. Any portion of the Property used for an industrial use shall be used and maintained in compliance with a site plan approved by the City of Des Moines in accordance with site plan regulations for the “M-1” District.
- C. The following uses of land and structures shall be prohibited upon the Property:
 - 1. Adult Entertainment Businesses.
 - 2. Bars, taverns and nightclubs.
 - 3. Off-premise advertising.
- D. Any additional land which is combined with the Property for a common use shall also be subject to the conditions identified above.

Sec. 3. The City of Des Moines hereby consents to the imposition of the above zoning conditions upon the City-owned rights-of-way included within the Property, to be binding upon the City, its successors and assigns.

Sect. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 5. That the City Clerk is hereby authorized and directed to cause certified copies of the vicinity map, this ordinance, proof of publication of this ordinance, and the Acceptance of Rezoning Ordinance signed by Leachman Lumber Company, 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. 04-2635), passed by the City Council of said City at a meeting held December 6, 2004 signed by the Mayor on December 6, 2004 and published as provided by law in the Business Record on December 22, 2004 Authorized by Publication Order No. 4553.

Diane Rauh, City Clerk