

ORDINANCE NO. 14,452

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 SE 6th and Shaw Streets 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 SE 6th and Shaw Streets, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial District classification:

Lot 1 in Block 59, and Lot 6 in Block 54, Town of De Moine, an Official Plat; and, all that part of the 18 foot wide North/South alley right-of-way lying West of and adjoining Lot 6 of said Block 54; and, the East 1/2 of the 18 foot wide North/South alley right-of-way lying West of and adjoining Lots 6 through 9 of said Block 59; and, that part of Shaw Street right-of-way lying North of and adjoining said Block 59, except that portion lying 18 feet North of and adjoining Lot 10 of said Block 59, and lying 18 feet North of and adjoining the 18 foot wide vacated North/South alley lying West of and adjoining Lot 10 of said Block 59, 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 all owners of said property other than the City of Des Moines. The City of Des Moines hereby consents to the imposition of the following imposed additional

conditions upon the City-owned land. Such additional conditions shall be binding upon the owners and their successors, heirs, and assigns as follows:

- A. Only the following uses of land and structures shall be permitted upon the Property:
 - 1. Any use allowed in and as limited in the "C-1" Neighborhood Retail Commercial District.
 - 2. Offices and testing laboratory.
- B. Landscaping shall be provided for any development upon the Property in accordance with the site plan policies applicable to development in the "C-1" Neighborhood Retail Commercial District.
- C. The design of any building upon the property shall be subject to review and approval by the Community Development Director as being residential in character.
- D. All equipment and materials shall be stored indoors with the exception of no more than two (2) mobile drill rigs and related equipment. The outdoor area used for parking and storage of the mobile drill rigs and related equipment shall meet the screening and separation standards applicable to an outdoor storage area. All company vehicles parked on the Property shall be parked within a screened parking area.

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

Sec. 4. 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 James and Juliet Cunningham, 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, Jody Witmer, Chief Deputy 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. 05-1323), passed by the City Council of said City at a meeting held May 23, 2005 signed by the Mayor on May 23, 2005 and was published as provided by law in the Business Record on June 13, 2005 Authorized by Publication Order No.4810.

Jody Witmer, Chief Deputy City Clerk