

ORDINANCE NO. 14,546

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 1919 Delaware Avenue from the "C-2" General Retail and Highway Oriented Commercial 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 1919 Delaware Avenue, more fully described as follows, from the "C-2" General Retail and Highway Oriented Commercial District to a Limited "M-1" Light Industrial District classification:

Lots 12, 13 and 14, Delaware Place, an Official Plat, all 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 land and structures shall not be permitted upon the Property:
 - 1) Adult entertainment business;
 - 2) Coalyard, cokeyard, or woodyard;
 - 3) Concrete mixing, concrete products manufacture;
 - 4) Off-premises advertising; and,
 - 5) Tavern and nightclub.

- B. For so long as the adjoining land east of the Property is used or zoned for residential use, the Property shall not be used for any industrial use unless

a solid opaque fence not less than 8 feet and no more than 10 feet in height is constructed and maintained along the east line of the Property.

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 all owners of the Property, 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. 06-390), passed by the City Council of said City at a meeting held February 20, 2006 by the Mayor on February 20, 2006 and published as provided by law in the Business Record on March 6, 2006 Authorized by Publication Order No. 5105.

Diane Rauh, City Clerk