

ORDINANCE NO. 15,774

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 120 East 5th Street from the “M-1” Light Industrial District to Limited “C-3B” Central Business Mixed Use 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 120 East 5th Street, more fully described as follows, from the “M-1” Light Industrial District to Limited “C-3B” Central Business Mixed Use District classification:

PARCEL 2017-207 OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER, POLK COUNTY, IOWA, IN BOOK 16761, PAGE 652, ALL IN LOTS 7,8,15, AND 16 AND THE ADJOINING VACATED NORTH/SOUTH ALLEY, ALL IN BLOCK 16, TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7; THENCE SOUTH 15°04'38" EAST, 89.62 FEET; THENCE SOUTH 75°01'22" WEST, 158.62 FEET; THENCE NORTH 15°23'48" WEST, 10.03 FEET; THENCE SOUTH 74°57'09" WEST, 50.20 FEET; THENCE NORTH 14°56'35" WEST, 79.30 FEET; THENCE NORTH 74°55'34" EAST, 208.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.42 ACRES MORE OR LESS AND SUBJECT TO EASEMENTS, AGREEMENTS, AND LICENSES OF RECORD.

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:

The following uses shall be prohibited:

- a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
- b. Auction businesses.
- c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.

- d. Lumberyards, retail and wholesale.
- e. Machine shops.
- f. Freestanding package goods stores for the sale of alcoholic beverages.
- g. Pawnshops.
- h. Printing, publishing houses and lithographing shops.
- i. Plumbing and heating shops.
- j. Miniwarehouse uses.
- k. Freestanding taverns and night clubs.
- l. Warehousing; 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. 19- 0749), passed by the City Council of said City at a meeting held May 6, 2019 signed by the Mayor on May 6, 2019 and published and provided by law in the Business Record on May 24, 2019. Authorized by Publication Order No. 10746.

Diane Rauh, City Clerk