

I, Mark Siekman, do hereby certify that I am the Publisher of the Malvern Leader, published in Mills County, Iowa and the attached Notice was published in said paper.

Mark G. Siekman

1 week(s), the last publication being Oct. 23, 1997

Subscribed and sworn to me the 28th Day of October, 1997

My Commission expires on 1st Day of July, 2000

Margaret Waugh

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ORDINANCE NO. 243
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MALVERN, IOWA, BY REPEALING ORDINANCE NO. 238; AMENDING THE ZONING ORDINANCE NO. 207, BY PARTIAL REZONING OF PORTIONS OF EAST RIDGE ESTATES; ALSO AMENDING THE ZONING ORDINANCE, NO. 207, BY ESTABLISHING ZONING FOR THOSE PORTIONS OF EAST RIDGE ESTATES SITUATED WITHIN THE RECENTLY ANNEXED AREA.

Be it enacted by the City of the City of Malvern, Iowa:

SECTION 1. PURPOSE. This ordinance is designed to repeal Ordinance No. 238; to amend the municipal zoning ordinance to reclassify those portions of Lots 1 and 2 of East Ridge Estates subdivision lying within the old corporate limits from an R-1 to an R-2 zone in order to permit multi-family dwelling units; to classify Lots 1 and 2 of East Ridge Estates in the newly annexed territory as an R-2 zone, and to classify the remainder of East Ridge Estates as an R-1 zone.

SECTION 2. ORDINANCE REPEALED. Ordinance No. 238, dated March 10, 1997, a purported amendment to the municipal zoning ordinance is hereby repealed in full. The operative language of the repealed ordinance read as follows: "SECTION MODIFIED: Article III, Section 2. The land encompassed in and included in the final plat to East Ridge Estates is hereby modified to include the area in the area where R-2 housing may be lawfully erected."

SECTION 3. ZONING ORDINANCE AMENDED. Article III, Section 2 of Ordinance No. 207 is hereby amended by adding the following two paragraphs:

"Those portions of Lots 1 and 2 of East Ridge Estates subdivision situated within the corporated limits of the City of Malvern as those limits existed prior to annexation on March 18, 1997, are hereby re-zoned from R-1 to R-2."

"Those portions of Lots 3 and 4 of East Ridge Estates subdivision situated within the old corporated limits will remain zoned R-1."

SECTION 4. ANNEXED AREA ZONING ESTABLISHED. Article III, Section 2 of Ordinance No. 207 is hereby amended by adding the following language:

"Those portions of Lots 1 and 2 of East Ridge Estates subdivision which were part of the territory newly annexed on March 18, 1997, shall be zoned R-2. The remainder of East Ridge Estates shall be zoned R-1."

SECTION 5. The official zoning map shall be updated and adopted in accordance with ARTICLE XXII, Section 2 of the zoning ordinance, No. 207, in order to reflect the above repealer and amendments.

SECTION 6. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

SECTION 7. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 8. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the City Council the 13th day of October, 1997, and approve this 13th day of October, 1997.

Karl M. Hertz
 Mayor

ATTEST:
 Diane Clay
 City Clerk

I certify that the foregoing ordinance was published as Ordinance No. 243 on the 23rd day of October, 1997.

Diane Clay
 City Clerk

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