

ORDINANCE NO. 15,946

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located at 2716 Beaver Avenue from 'MXI' Mixed Use District to 'MX3' 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 134-1.10 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 at 2716 Beaver Avenue from 'MXI' Mixed Use District to 'MX3' Mixed Use District classification:

LOTS 29, 30 AND 31 AND THE NORTH HALF OF LOT 32 IN GRASSMERE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;
AND

LOT "A" IN GRASSMERE NO. 2, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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:

1. The only Permitted and Conditional Uses shall be sales of packaged alcoholic liquor subject to approval of a Conditional Use by the Zoning Board of Adjustment and those Permitted and Conditional Uses in common with the "MXI" Mixed Use District and as limited in the "MXI" Mixed Use District; and
2. Accessory structures shall be limited to Drive-Through Facility and those permitted in the "MXI" Mixed Use District per Table 135-2.22-1.

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:

Judy K. Parks-Kruse, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, 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. 20-1962), passed by the City Council of said City at a meeting held on November 23, 2020 and signed by the Mayor on November 23, 2020 and published and provided by law in the Business Record on December 11, 2020. Authorized by Publication Order No. 11328.

P. Kay Cmelik, City Clerk