



Roll Call Number

Agenda Item Number

66A

Date October 23, 2023

An Ordinance entitled, "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 in the vicinity of 3001 Southwest 9th Street from "RX1" Mixed-Use District to Limited "MX3" Mixed Use District classification",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage. Second by _____.

FORM APPROVED:

(First of three required readings)

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000042)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ Mayor

_____ City Clerk

leba

Prepared by: Chas M. Cahill, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309
Phone: 515-283-4533
Return Address: City Clerk - City Hall, 400 Robert D. Ray Drive, Des Moines, IA 50309
Title of Document: City of Des Moines, Ordinance No. _____
Grantor/Grantee: City of Des Moines, Iowa
Legal Description: See page 1 and 2, below.

ORDINANCE NO. _____

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 in the vicinity of 3001 Southwest 9th Street from "RX1" Mixed-Use District to Limited "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 vicinity of 3001 Southwest 9th Street from "RX1" Mixed-Use District to Limited "MX3" Mixed Use District classification, more fully described as follows:

THE NORTH 25 FEET OF LOT 4 AND ALL OF LOT 3, EXCEPT THE EAST 54 FEET OF SAID LOTS 3 AND 4, ALSO EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF THE NORTH 25 FEET OF LOT 4, THENCE NORTH ALONG THE WEST LINES OF LOTS 4 AND 3 A DISTANCE OF 60 FEET, THENCE SOUTHEASTERLY TO THE SOUTH LINE OF THE NORTH 25 FEET OF LOT 4 TO A POINT 3.5 FEET EAST OF THE WEST LINE OF LOT 4, THENCE WEST 3.5

FEET TO THE POINT OF BEGINNING AT THE SW CORNER OF THE NORTH 25 FEET OF LOT 4, ALL IN PROCTOR'S ADDITION, AN OFFICIAL PLAT, NOW 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. Any use permitted by right or by Conditional Use, as allowed and regulated in the "RX1" Mixed Use District, or,
2. A vehicle detailing business that complies with the supplemental use regulations for the "Vehicle Maintenance and Repair, Minor" use subcategory of the "Vehicle Sales and Service" use category.

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:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney