



**Roll Call Number**

**Agenda Item Number**

49A

**Date** May 6, 2024

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 3900 East Broadway Avenue from N2a” Neighborhood 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-2024-000006) (COMP-2024-000006)

| COUNCIL ACTION | YEAS | NAYS | PASS     | ABSENT |
|----------------|------|------|----------|--------|
| BOESEN         |      |      |          |        |
| SIMONSON       |      |      |          |        |
| VOSS           |      |      |          |        |
| COLEMAN        |      |      |          |        |
| WESTERGAARD    |      |      |          |        |
| MANDELBAUM     |      |      |          |        |
| GATTO          |      |      |          |        |
| 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

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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.

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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 3900 East Broadway Avenue from N2a” Neighborhood 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 3108 Southwest 9<sup>th</sup> Street from Limited “MX1” Mixed Use District to Limited “MX1”

Mixed Use District classification:

**PART OF LOTS 1 AND 2 IN BROADWAY ACRES, AN OFFICIAL PLAT IN POLK COUNTY IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 IN SYLVAN HEIGHTS PLAT 4, AN OFFICIAL PLAT IN POLK COUNTY IOWA; THENCE NORTH 00°26'34" WEST, A DISTANCE OF 485.59 FEET; THENCE NORTH 89°57'30" EAST, A DISTANCE OF 176.00 FEET; THENCE SOUTH 30°38'51" EAST, A**

**DISTANCE OF 273.01 FEET; THENCE NORTH 89°50'32" EAST, A DISTANCE OF 154.00 FEET; THENCE SOUTH 00°09'13" WEST, A DISTANCE OF 250.15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF E. BROADWAY AVENUE; THENCE SOUTH 89°51'53" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 464.75 FEET TO THE POINT OF BEGINNING, CONTAINING 4.00 ACRES, MORE OR LESS.**

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. Permitted uses shall be limited to the following:
  - a. Uses permitted in the "MX3" Mixed-Use District that are allowed in the "RX1" Mixed-Use District; and
  - b. Industrial Service, Light.

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