

ORDINANCE NO. 13,945

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing paragraph (b) of Section 134-4 thereof, and enacting a new paragraph (b) of Section 134-4, to lower the amount of protest necessary to require a supermajority vote of the City Council to approve a proposed rezoning.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, be and is hereby amended repealing paragraph (b) of Section 134-4 thereof, and enacting a new paragraph (b) of Section 134-4, to lower the amount of protest necessary to require a supermajority vote of the City Council to approve a proposed rezoning, as follows:

**Sec. 134-4. Amendments.**

.....

b) *Procedures.* Amendment procedures shall be as follows:

(1) Whenever any person desires to amend zoning boundaries as to any property in the city, an application requesting such amendment and clearly describing the property and its boundaries as to which the amendment is desired shall be filed with the plan and zoning commission. The plan and zoning commission shall make a timely report to the council of such applications filed. The plan and zoning commission shall forward

such application, with report and recommendations to the council for vote thereon, within a reasonable time after the filing of the application. Reasonable notice of the proposed amendment to zoning boundaries, as established by the plan and zoning commission, shall be given to the owners and occupants of the property included in the area of the proposed amendment and within 250 feet of the exterior boundaries of the property proposed for amendment.

(2) If any proposed amendment to zoning boundaries or regulations has been disapproved by the plan and zoning commission such amendment shall not become effective except by the favorable vote of at least four-fifths of all members of the council.

(3) If a written protest against a change or repeal of a zoning boundary established by this ordinance is filed with the city clerk and signed by the owners of:

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(4) Whenever any application for an amendment to zoning boundaries shall have been denied by the city council, no new application covering the same property or the same property and additional property shall be filed with or considered by the city council until one year shall have elapsed from the date of filing the first application.

(5) The Federal Insurance Administration and the state department of natural resources shall be notified of each amendment to the boundaries or regulations of the FW district.

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Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston Daniels, Mayor

Attest:

I, Donna Boetel-Baker, 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. 01-1381), passed by the City Council of said City at a meeting held May 7, 2001, signed by the Mayor on May 7, 2001, and published as provided by law in the Business Record on May 21, 2001. Authorized by Publication Order No. 1742.

Donna Boetel-Baker, MMC, City Clerk