

ORDINANCE NO. 16,116

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 2500 Dean Avenue from N3c-4 Neighborhood District to Limited RX2 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 in the vicinity 2500 Dean Avenue from N3c-4 Neighborhood District to Limited RX2 Mixed Use District classification, more fully described as follows:

THE SOUTH 100 FEET OF LOTS 97 AND 99 IN BLOCK 12 IN GRANT PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND

LOTS 97 AND 99, BLOCK 12, GRANT PARK, EXCEPT THE SOUTH 100 FEET OF EACH LOT, AND LOTS 101, 103, 105 AND THE WEST ONE-HALF (W 1/2) LOT 107, BLOCK 12, GRANT PARK, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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) Use of the Property shall be limited to either Household Living use or a Non-Accessory Surface Parking Lot use in accordance with a Conditional Use approval by the Zoning Board of Adjustment.
- (2) Any Non-Accessory Surface Parking Lot use constructed on the Property shall be for customer and employee parking only. Any use of the Property for commercial vehicle parking, loading or unloading, or storage of materials shall be prohibited.

- (3) Any Non-Accessory Surface Parking Lot use shall provide a heavy side and rear landscape buffer, in accordance with Des Moines Municipal Code Chapter 135, Article 7, along its north and east perimeters.
- (4) Any development on the Property shall be in accordance with a Site Plan approved pursuant to all applicable standards of Des Moines Municipal Code Chapter 135.

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:

Glenna K. Frank, 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. 22-0557), passed by the City Council of said City at the meeting held on April 4, 2022, and signed by the Mayor on April 4, 2022, and published and provided by law in the Business Record on April 22, 2022. Authorized by Publication Order No. 11870.

P. Kay Cmelik, City Clerk