

ORDINANCE NO. 16,572

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 1310 East Diehl Avenue from “N3a” Neighborhood District, “MX3-V” Mixed Use District, and “MX3” Mixed Use District to Limited “NX3” Neighborhood Mix 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 of 1310 East Diehl Avenue from “N3a” Neighborhood District, “MX3-V” Mixed Use District, and “MX3” Mixed Use District to Limited “NX3” Neighborhood Mix District classification, more fully described as follows:

THE NORTH 170 FEET (EXCEPT THE EAST 710 FEET) OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 24, WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

PARCEL “H” BEING A PART OF LOT 2 IN BOWLARAMA PLACE, AN OFFICIAL PLAT, AND A PART OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION TWENTY-SEVEN (27), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS SHOWN IN THE PLAT OF SURVEY RECORDED IN BOOK 13755 AT PAGE 292, IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA.

AND

THE SOUTH 10 ACRES OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ (EXCEPT PARCEL ‘I’ OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA ON MARCH 28, 2013, AND RECORDED IN BOOK 14716 PAGE 881; AND EXCEPT THE WEST 300 FEET; AND LESS .40 ACRE FOR ROAD RIGHT-OF-WAY); AND THE NORTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ (EXCEPT THE WEST 300 FEET) ALL IN SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, 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 residential use containing two (2) or more dwelling units shall be restricted to occupancy by persons age 55 and older.
2. A minimum 20-foot wide landscape buffer shall be provided along the southern perimeter of the site providing a transition for the adjoining residential properties in the vicinity of East Diehl Avenue.
3. Plantings shall be provided within the buffer required by condition #2 at twice (2x) the quantity/density required by the medium buffer standard found in Chapter 135 of the City Code.

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: Emily A. Duffy, Assistant City Attorney

Connie Boesen, Mayor

Attest: I, Laura Baumgartner, 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. 26-0925), passed by the City Council of said City at the meeting held on August 3, 2026 and signed by the Mayor on August 3, 2026 and published and provided by law in the Business Record on August 21, 2026. Authorized by Publication Order No. 13363.

Laura Baumgartner, City Clerk