

 **Roll Call Number**

Agenda Item Number
68A

Date June 13, 2022

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 1210 & 1220 Army Post Road from Limited "MX3" Mixed-Use District to Limited "MX3" Mixed-Use District classification",

presented.

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

FORM APPROVED:

(First of three required readings)

/s/ Gary D. Goudelock
Gary D. Goudelock
Assistant City Attorney

(ZONG2022-0000027)

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

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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

Acting City Clerk

68A

Prepared by: Gary D. Goudeock, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309 515-283-4543
 Return Address: City Clerk - City Hall, 400 Robert D. Ray Dr., Des Moines, IA 50309
 Title of Document: City of Des Moines, Ordinance No. _____
 Grantor/Grantee: City of Des Moines, Iowa
 Legal Description: See pages 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 at 1210 & 1220 Army Post Road from Limited "MX3" 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 at 1210 & 1220 Army Post Road from Limited "MX3" Mixed-Use District to Limited "MX3" Mixed-Use District classification, more fully described as follows:

LOTS 1, 2, 3, 4, AND 392, DAVID MCKEE PLACE, AN OFFICIAL PLAT RECORDED IN BOOK "H" PAGE 16 AT THE POLK COUNTY RECORDER'S OFFICE, EXCEPTING THEREFROM THE NORTH 10 FEET FROM SAID LOTS 1, 2, 3, 4, AND 392 AND FURTHER EXCEPTING THE SOUTH 109 FEET OF SAID LOT 392, ALL 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) The following uses shall be prohibited on the Property:
 - a. Animal Boarding.
 - b. Bar.
 - c. Bail Bonds.
 - d. Delayed Deposit Service.
 - e. Pawnbroker.
 - f. Sign, General Advertising (billboard).
 - g. Vehicle Sales & Service Category, including Fuel Station, Vehicle Sales, Vehicle Rental, and Vehicle Maintenance/Repair, Minor, except Automotive Upholstery and Automotive Detailing uses are permitted.
 - h. Any use that that involves the sale or service of alcoholic liquor, wine, and/or beer.

- (2) Any commercial use on the Property shall be in accordance with all Site Plan and Building Code requirements, including issuance of all necessary permits by the City's Permit & Development Center.

- (3) No commercial use of the Property shall commence until a Certificate of Occupancy for such use has been issued by the City's Permit & Development Center.

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/ Gary D. Goudelock

Gary D. Goudelock
Assistant City Attorney