

ORDINANCE NO. 04-17

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF REAL PROPERTY DESCRIBED AS LOTS, 1, 2, 3 AND 4, BLOCK 2, ORIGINAL PLAT OF THE CITY OF LAURENS, POCAHONTAS COUNTY, IOWA, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LAURENS, IOWA

WHEREAS, the property which is subject of this zoning amending is legally described as:

Lots 1, 2, 3, and 4, Block 2, Original Plat of the City of Laurens, Pocahontas County, Iowa,

which shall hereinafter be referred to as the "Property"; and

WHEREAS, the Property Owner has requested that the Property be rezoned from the current zoning classification of "R-2" Residential to "C-1" Commercial; and

WHEREAS, the Laurens Planning and Zoning Commission has considered the proposed rezoning and has recommended to the City Council that the requested rezoning be accomplished; and

WHEREAS, the Laurens City Council set a public on the rezoning proposal, gave and published notice as required by state law and ordinance of the city; held a public hearing on 5th day of June, 2017 and considered all comments and objections offered in support of and in opposition to the rezoning; and

WHEREAS, the Property Owner has signed and submitted to the city an Agreement for Property Use Restrictions in which the Property Owner agrees to fulfill certain conditions in regard to the use and maintenance of the Property pursuant to Section 414.5 of the Iowa Code, which Agreement is attached to this Ordinance; and

WHEREAS, the City Council has also considered the Laurens Comprehensive Plan and Land Use Map; and

WHEREAS, the Council makes the following findings:

A. The proposed re-zoning will not cause soil erosion and will not adversely affect urban development, street congestion, public safety and general welfare, or overcrowding or undue concentration of population.

B. The proposed re-zoning and use is the most appropriate use of the land.

C. The proposed re-zoning does not adversely affect agricultural land or existing schools and does not increase the probability of flooding; and

WHEREAS, the Council has determined that it is now appropriate to amend the Official Zoning Map and to accomplish the proposed rezoning classification.

NOW, THEREFORE, BE IT ORDAINED by the Laurens City Council as follows:

Section 1. The Official Zoning Map of the City of Laurens, Iowa, is hereby amended by changing the zoning classification of the Property from "R-2" Residential to "C-1" Commercial.

Section 2. The Agreement for Property Use Restriction as submitted by the Property Owner in regard to the use and maintenance of the Property is hereby approved and its execution authorized by the Mayor and City Clerk.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. This ordinance shall be in effect following its final passage, approval and publication as provided by law.

Passed by the Council the 5th day of June, 2017, and approved this 6th day of July, 2017.

Rod Johnson, Mayor

Attest:

Hilary Reed, City Manager/City Clerk

I hereby certify that the foregoing was published as Ordinance No. 04-17 in the Laurens Sun on the 12th day of July, 2017.

Hilary Reed, City Manager/City Clerk