

ORDINANCE NO. 2018-02

AN ORDINANCE CONDITIONALLY REZONING 3.15 ACRES OF PROPERTY ABUTTING MAIN STREET FROM C-1 MAIN STREET COMMERCIAL TO R-3 MULTIPLE-FAMILY RESIDENTIAL

WHEREAS, the applicant, Streb & Streb Partnership, has requested a rezoning of property zoned Main Street Commercial (C-1); and

WHEREAS, the applicant has proposed a concept plan that includes townhouse-style dwelling units to be constructed on the property; and

WHEREAS, the Planning and Zoning Commission has reviewed the proposed rezoning and determined that it complies with the Comprehensive Plan provided the actual development complies with the proposed concept plan; and

WHEREAS, Iowa Code §414.5 (2017) provides that the City of Hills may impose reasonable conditions on granting a rezoning request, over and above existing regulations, in order to satisfy public needs caused by the requested change; and

WHEREAS, the applicant has agreed that the property shall be developed in accordance with the terms and conditions of the Conditional Zoning Agreement attached hereto to ensure appropriate development in this area of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HILLS, IOWA:

SECTION I APPROVAL. Subject to the Conditional Zoning Agreement attached hereto and incorporated herein, the property described below is hereby reclassified from its current zoning designation of Main Street Commercial (C-1) to Multiple-Family Residential (R-3):

Lots 7 and 10 of Oakcrest Hill Estates - Part One in Hills, Iowa, as recorded in Plat Book 53, Page 7 in the Office of the Johnson County Recorder.

SECTION II. ZONING MAP. The building official is hereby authorized and directed to change the zoning map of the City of Hills, Iowa, to conform to this amendment upon the final passage, approval, and publication of the ordinance as approved by law.

SECTION III. CONDITIONAL ZONING AGREEMENT. The mayor is hereby authorized and directed to sign, and the City Administrator/Clerk is authorized and directed to attest, the Conditional Zoning Agreement between the applicant and the City, following passage and approval of this Ordinance.

SECTION IV. CERTIFICATION AND RECORDING. Upon passage and approval of the Ordinance, the City Administrator/Clerk is hereby authorized and directed to certify a copy of this ordinance, and to record the same in the Office of the County Recorder, Johnson County, Iowa, at the

applicant's expense, upon the final passage, approval, and publication of this ordinance, as provided by law.

SECTION V. REPEALER. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.


SECTION VI. SEVERABILITY. If any section, provision or part of the Ordinance shall be adjudged to be 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 VII. EFFECTIVE DATE. This Ordinance shall be in effect after its final passage, approval, and publication, as provided by law.

First reading on the 26th day of February, 2018.  
Second reading on the      day of Waived, 2018.  
Waived Third and final reading on the 26th day of February, 2018.

  
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TIM KEMP, MAYOR

ATTEST:

  
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CATHY FITZMAURICE-HILL  
CITY ADMINISTRATOR/CLERK

Drafted and approved as to form and substance by City Attorney:

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EREK P. SITTING, CITY ATTORNEY