

**Ordinance # 2024 – 16**

**“An Ordinance to Rezone Property Located in Van Meter, Iowa, and to Amend the Zoning Map”**

WHEREAS, a rezoning request was submitted to the Van Meter Planning & Zoning Commission by Bryan Jennings, property owner of;

Parcel 22-97 SE, City of Van Meter, Dallas County, Iowa

WHEREAS, the Planning & Zoning Commission met on April 24, 2024 to review the zoning request from A Agricultural to PUD Planned Unit Development - #2 and made the recommendation to rezone as requested to the City Council; and

WHEREAS, Notice of Public Hearing regarding the proposed rezoning was given on June 28, 2024 in the Des Moines Register; and

WHEREAS, Notice of Public Hearing regarding the proposed rezoning was given on July 3, 2024 in the Des Moines Register; and

WHEREAS, a Public Hearing was held, as published, on July 8, 2024 at 7 P.M. during the regular business meeting of the Van Meter City Council; now

WHEREAS, the City Engineer advised that the properties' current or anticipated use presents no inconsistencies or issues with the Zoning Ordinance and that the requested change in zoning designation should be granted; and

WHEREAS, the Code of Ordinances for the City of Van Meter Chapter 165 Zoning Regulations Section 12 Planned Unit Development District shall be amended to add subsection B – PUD DISTRICT #2; and

WHEREAS, the Official Zoning Map for the City of Van Meter, Iowa, will be amended per Chapter 165, Section 165.05 Boundaries of the Code of Ordinances and Chapter 165.09, Amendments to the Ordinance of the City of Van Meter.

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN METER, IOWA:**

SECTION 1: REZONING. The property as fully described and set forth herein will be rezoned from “A-Agricultural” to be zoned “PUD – Planned Unit Development - #2,” and the Official Zoning Map for the City of Van Meter, Iowa, will be amended.

SECTION 2: Addition of Chapter 165.12 (B) Zoning Regulations – Planned Unit Development District – PUD District #2 as written below:

165.12 B. PUD District #2. The PUD District #2 is created and approved as of the effective date of this ordinance, codified by this section, and is reflected on the official zoning map established pursuant to the zoning code:

1. The Master Plan, approved by the Council, is a graphic representation of the property included in PUD District #2 and delineates the approximate location and configuration of the parcel for the purpose of easier reference for the applicable provisions of this section. Changes or modifications to the graphic representation may be necessary to acquire workable grades and usable building sites. The graphic representation, including the relationship of uses to each other, the relationship of land use to the general planned framework and the development requirements shall, however, be used as a guide for implementing the planned unit development. The graphic representation is intended to convey the developers conceptual plan and meant to be illustrative and to provide guidance to all parties.
2. Prior to the development of any area in PUD District #2 the Council, after receiving a recommendation from the Planning and Zoning Commission, shall review and approve a detailed site plan, as required.
3. The allowed land uses within PUD District #2 are a mix of commercial and residential development within a single building or structure.
4. The allowed commercial uses within PUD District #2 include business and professional offices.
5. The residential use allowed within PUD District #2 includes a residential dwelling space within the primary building occupied by the allowed commercial use.
6. The minimum lot size in PUD District #2 is 1.90 acres.
7. Only one primary building is allowed in PUD District #2.
8. The allowable commercial use shall be the primary use of the building. The residential use shall be secondary and shall not be located on the street frontage.
9. Off-street parking shall be provided based on the anticipated maximum occupancy of the commercial space. Additional parking shall be provided for the residential living quarters, with said parking

to be interior to the structure or located on a side yard or rear yard of the parcel.

10. PUD District #2 shall conform with the following parcel specific bulk regulations:
  - a. Front yard setback shall be a minimum of 35 feet
  - b. Side yard setback shall be a minimum of 30 feet on each side
  - c. Rear yard setback shall be a minimum of 50 feet
  - d. Building height shall not exceed 30 feet
11. Accessory buildings or structures shall be located only as shown on the approved Master Plan and shall be located in the rear yard area. Bulk regulations applicable to the primary structure are applicable to any accessory building.
12. Any exterior lighting shall use cutoff fixtures and the allowable light level at the property line is 0.0 foot-candles, except immediately adjacent to a driveway connection to Richland Road.

SECTION 3: SEVERABILITY CLAUSE. 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 4: EFFECTIVE DATE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law and upon occurrence of the condition set forth herein.

1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading waived

3<sup>rd</sup> Reading waived

PASSED AND APPROVED this 8<sup>th</sup> day of July, 2024

\_\_\_\_\_  
Joe Herman, Mayor

ATTEST:

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Jessica Drake, City Clerk