

ORDINANCE NO. _____

AN ORDINANCE FOR CASE REZ22-04 BEING THE REQUEST OF SCI IOWA FUNERAL SERVICES INC TO REZONE 1200 EAST 39TH STREET FROM S-OS OPEN SPACE DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "C-1 Neighborhood Commercial District":

LOT 2 OF DAVENPORT MEMORIAL PARK ADDITION TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA

Section 2. That the following findings are hereby imposed upon said rezoning:

Findings:

1. The proposed rezoning to C-1 Neighborhood Commercial District is inconsistent with the Comprehensive Plan and adopted land use policies, which identifies the site as Parks and Recreation. Amending the property to a commercial zoning district is considered spot zoning.
2. The petition is not compatible with the zoning and land uses of nearby property.
3. The rezoning request is not compatible with the established neighborhood character, which includes cemeteries and multi-family residential dwellings.
4. The proposed amendment may be detrimental to the public health, safety, and welfare of the City.
5. Rezoning the property to C-1 Neighborhood Commercial District does not create any nonconformities.

Section 3. At its July 19, 2022 meeting, the City Plan and Zoning Commission voted to forward Case REZ22-04 to the City Council with a recommendation for denial with the listed findings.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful

provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk