

ORDINANCE NO. 12-23

ORDINANCE AMENDING THE MARION CODE OF ORDINANCES REGARDING A REQUEST TO REZONE PROPERTY LOCATED SOUTH OF MARION BOULEVARD, EAST OF ARMAR DRIVE FROM A-1, RURAL RESTRICTED AND O-2, OFFICE PARK TO R-3, TWO-FAMILY RESIDENTIAL (Cemar Holdings, LLC)

WHEREAS, Cemar Holdings, LLC, owner, has made application to rezone from A-1, Rural Restricted and O-2, Office Park to R-3, Two-Family Residential for property located south of Marion Boulevard, east of Armar Drive in Marion, Iowa, more particularly described as follows:

A-1 to R-3

Parcel 'A', Plat of Survey No. 1419 as recorded on October 16, 2007 in Book 6815, Page 323 of the records of the Linn County, Iowa Recorder; and,

Parcel 'A', Plat of Survey No. 1573, recorded in Book 7685, Page 299, in the Office of the Linn County Recorder.

And

A Part Of The Northeast Quarter Of The Southwest Quarter Of Section 1 Township 83 North, Range 7 West Of The 5th Principal Meridian, Marion, Linn County, Iowa Described As Follows:

Commencing At The Northwest Corner Of The Northeast Quarter Of The Southwest Quarter Of Said Section 1; Thence N87°18'37"E Along The North Line Of The Southwest Quarter Of Said Section 1 A Distance Of 275.27 Feet To The Northeast Corner Of Parcel 'A', Plat Of Survey #1573 As Recorded In Book 7685, Page 299 In The Office Of The Linn County Recorder; Thence S1°27'01"E Along The East Line Of Said Parcel 'A' A Distance Of 110.56 Feet To The Point Of Beginning; Thence S24°15'06"E A Distance Of 135.85 Feet; Thence S20°17'20"E A Distance Of 110.59 Feet; Thence S1°53'33"E A Distance Of 392.56 Feet To An Easterly Line Of Parcel 'A', Plat Of Survey #1419 As Recorded In Book 6815, Page 323 In The Office Of The Linn County Recorder; Thence N71°39'38"W Along Said Easterly Line A Distance Of 97.48 Feet; Thence N1°23'19"W Along An Easterly Line Of Said Parcel 'A', Plat Of Survey #1419 A Distance Of 310.34 Feet To The Northeast There Of And The Southeast Corner Of Parcel 'A', Plat Of Survey #1573; Thence N1°27'01"W Along The East Line Of Said Parcel 'A', Plat Of Survey #1573 A Distance Of 279.10 Feet To The Point Of Beginning.

Said Parcel Contains 44,503 Sq.Ft., 1.02 Acres Subject To Easements And Restrictions Of Record.

To Be Known As Parcel 'A', Plat Of Survey No. 1791, Marion, Linn County, Iowa

O-2 to R-3

Lot 'A', Legion Park Addition to Marion, Linn County, Iowa

WHEREAS, said application has been considered by the Planning and Zoning Commission and the Commission adopted CPC Resolution No. 12-19 dated August 14, 2012, recommending approval of said rezoning request; and,

WHEREAS, said application has heretofore been set for public hearing before the City Council as required by law and said public hearing having been concluded and the Council having considered the record and all statements for and against said application and being fully advised of the premises; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding said application.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION IOWA;

Section 1. That Section 176.04 of the Marion Code of Ordinances is hereby amended, including the Zoning District Map, and the zoning classification is changed for the above described real estate from A-1, Rural Restricted and O-2, Office Park to R-3, Two-Family Residential subject to the following conditions:

1. Architectural Requirements: The following standards shall be applied to all dwellings and/or buildings to prevent monotony:
 - a. A minimum of 30 percent of the units shall not have the garage side walls attached. Balance of structures shall have a minimum 4' separation between driveways.
 - b. To encourage a diversity of the dwelling's exterior appearances, the following shall be used throughout the development as needed to avoid a monotonous appearance.
 - i. Rotated orientation.
 - ii. Different roof configuration or orientation.
 - iii. Different materials or exterior walls. A mix of materials is encouraged on buildings. For example, the use of stone and shingle or brick and horizontal siding.
 - iv. The addition of architectural features that alter the appearance.
 - v. Identical color schemes shall require the addition of another differentiating feature from 1-4 above to offset the similarity in color.
2. Landscaping Standards. Landscaping shall be installed per Section 176.43 of the Marion Code of Ordinances.
3. Pedestrian Sidewalks and Trails. Sidewalks shall be placed within the city right-of-way on adjacent to all public streets as required by the Marion Code of Ordinances.

Section 2. That all ordinances and parts of ordinances in conflict with the same are hereby repealed.

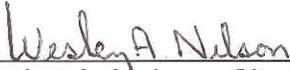
Section 3. This ordinance shall be in full force and effect from and after its passage, approval, and publication as by law provided.

Passed and approved this 4th day of October, 2012.



Snooks Bouska, Mayor

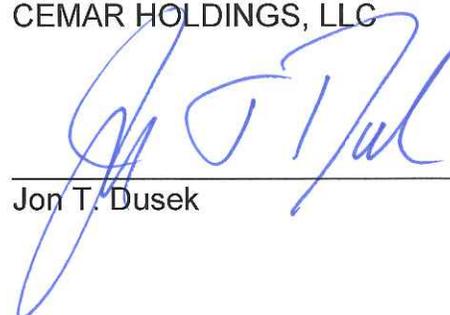
ATTEST:



Wesley A. Nelson, City Clerk

ACCEPTANCE: As the petitioner for this requested change in zoning district classification, I hereby accept the conditions as included in the above ordinance

CEMAR HOLDINGS, LLC



Jon T. Dusek

CERTIFICATE OF SERVICE

The undersigned City Clerk of Marion, Iowa certifies that the Ordinance & Summary shown immediately above was published in the Marion Times on the 18th day of October, 2012.
Wes Nelson / pch

City Clerk

