

ORDINANCE NO. 12-24

ORDINANCE AMENDING THE MARION CODE OF ORDINANCES REGARDING A REQUEST TO REZONE PROPERTY LOCATED EAST OF ALBURNETT ROAD ON AN EASTERLY EXTENSION OF BENT CREEK DRIVE FROM R-3, TWO-FAMILY RESIDENTIAL TO PD-R, PLANNED DEVELOPMENT - RESIDENTIAL (Jerry's Homes, Inc.)

WHEREAS, Jerry's Homes, Inc., owner, has made application to rezone from R-3, Two-Family Residential to PD-R, Planned Development - Residential property located east of Alburnett Road on an easterly extension of Bent Creek Drive in Marion, Iowa, more particularly described as follows:

Lot 32 and 33, Country Club Estates Fourth Addition in the City of Marion, Linn County, Iowa and the previously platted Bent Creek Drive right-of-way adjacent thereto.

WHEREAS, said application has been considered by the Planning and Zoning Commission and the Commission adopted CPC Resolution No. 12-21 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 R-3, Two-Family Residential to PD-R, Planned Development - Residential subject to the following:

1. Units on Lots 3-6 must have a minimum of 40% visible façade that does not include the garage door.
2. Buildings shall contain a mix siding colors and materials, including but not limited to, a mix of brick / stone / shake siding. Garage doors shall contain a panel of windows.
3. In addition to the front yard tree requirement per unit, at a minimum 1 shade tree per unit shall be installed within the rear yard of each unit to break the monotony of the building style along Alburnett Road.

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 That all ordinances and parts of ordinances in conflict with the same are hereby repealed.

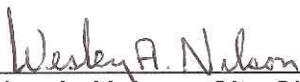
Section 3. This ordinance shall be in full force and effect from and after its passage, approval, and publication as by law provided.

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



Snooks Bouska, Mayor

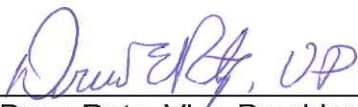
ATTEST:



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

JERRY'S HOMES, INC.



Drew Retz, Vice-President

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, 20 12.
Wes Nelson/pctt

City Clerk