

## **176.34 PLANNED DEVELOPMENT DISTRICTS.**

### **1. Intent.**

A. The intent of the Planned Development Districts is to permit greater flexibility and more creative, innovative and imaginative design in land development than generally is possible under conventional zoning techniques. Planned developments are intended to achieve:

B. A maximum choice of design alternatives by allowing a variety of land use and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.

C. A development pattern which preserves and utilizes natural, topographic and geologic features, scenic vistas, trees, and other vegetation, and other natural features, and prevents the disruption of natural drainage systems.

D. A more efficient use of land is generally achieved through conventional development, resulting in substantial savings through shorter utilities and streets.

E. A more useful pattern of open space and recreation areas and other public and common facilities than would otherwise be provided under conventional land development procedures.

F. A development plan in harmony with the objectives of the City's Comprehensive Community Plan with respect to land use, transportation, open space, and community facilities.

2. **Definitions.** In the context of this section, the term "planned development" means an area for which a unitary site plan has been prepared in accordance with the provisions set forth in this section. In the context of this section, the term "open space" has the same definition as included in Section 176.06 of this chapter. In addition, landscaped roof areas and decks may be considered as "open space" if structurally safe, adequately surfaced and protected, aesthetically designed, and usable for the purpose for which it is intended.

3. **Classifications of Planned Development Districts.** The following designations shall be used to classify Planned Development Districts:

A. **PD-R – Planned Development-Residential:** A planned development occupying any quantity of land area in which all buildings to be included in the district are used for residential or accessory purposes customarily related to residential uses.

B. **PD-C – Planned Development-Commercial:** A planned development occupying a land area of not less than two (2) acres in which

all the interior floor space to be included in the development is used for commercial purposes or accessory uses customarily related to commercial uses.

C. PD-I – Planned Development-Industrial: A planned development occupying a land area of not less than ten (10) acres in which more than 80% of the interior floor space of all buildings to be included in the development are used for industrial purposes or accessory uses customarily related to industrial uses.

D. PD-S – Planned Development-Special: A planned development not otherwise distinguishable under the previous classifications, or containing a mix of residential, commercial, industrial, and/or other uses. This classification may occupy any quantity of land area.

E. PD-MH – Planned Development-Manufactured/Mobile Home Community: A planned development in which the principal use will be residential occupancy of manufactured or mobile housing units, some or all of which do not meet the requirements of Section 176.35(19) of this chapter. This PD-MH classification is intended to accommodate manufactured/mobile home communities in those areas of the City where they will be compatible with existing and projected development. This zoning classification will generally be located in outlying areas of the City and must be served with adequate sewers, water, storm water facilities, streets, police and fire protection, and other necessary public facilities and services as more fully specified in Chapter 151 of this Code of Ordinances. Notwithstanding subsections 1, 4 and 8(A) of this section, the preliminary and final development plans and plan of improvements required pursuant to subsections 9, 10, and 11 of this section must comply with the standards for development of a manufactured/mobile home community established in Chapter 151.

4. General Requirement. Whenever there is a conflict or difference between the provisions of this section and those of the other sections of this Zoning Ordinance, the provisions of this section shall prevail. Subjects not covered by this section shall be governed by the respective provisions found elsewhere in this Zoning Ordinance.

5. Permitted Uses. The following uses are permitted in the applicable districts, provided that the development satisfies all other requirements set forth in this section:

A. PD-R

- (1) Single-family residential dwellings.
- (2) Two-family residential dwellings.

- (3) Three or four-family residential dwellings.
- (4) Multi-family residential dwellings.
- (5) Customary accessory or associated uses such as private garages, storage spaces, recreation and community facilities.
- (6) Public or private schools.
- (7) Churches, synagogues, chapels, and similar places of religious worship and instruction.
- (8) Golf courses, tennis courts, swimming pools, or similar outdoor sports facilities.
- (9) Nursery, rest or convalescent homes or day care centers.

B. PD-C. Any use permitted in the C-1, C-2, C-3, or C-4 Zoning Districts.

C. PD-I. Any use permitted in the I-1 or I-2 Zoning District.

D. PD-S. Any residential, commercial, industrial, or other uses, or combination thereof.

E. PD-MH.

(1) Single-family detached dwellings including those manufactured at a remote site and assembled for occupancy on the site which do not meet the requirements of Section 176.35(19) of this chapter.

(2) Accessory uses including, but not limited to, garages and storage buildings, manufactured/mobile home community office, community/recreational facilities, maintenance facilities and community storm shelters.

(3) Home occupations, subject to the provisions of Section 176.30.

(4) Public, quasi-public and governmental buildings and facilities:

a. Public and private parks, playgrounds, recreational buildings and facilities and community centers.

b. Churches, synagogues, chapels, and similar places of religious worship and instruction.

c. Public elementary, junior high and high schools, and private non-boarding schools having a curriculum similar to that in the permitted public schools.

d. Day care centers.

6. Coordination With Subdivision Ordinance. It is the intent of this section that subdivision review, when applicable, be carried out simultaneously with the review of the proposed Planned Development. The Development Plans required under this section may be submitted in a form which will satisfy the subdivision filing requirements set forth in Chapter 175, Subdivision Regulations, of this Code of Ordinances, provided that such Development Plans also satisfy the requirements of this section.

7. Building Permits. No land may be used or building permits issued on land within the Planned Development District until all procedural and regulatory provisions set forth in this section are complied with.

8. Design Standards.

A. Lot dimensions, lot area, building setbacks, building height, building size, off-street parking and loading, landscaping, density, and similar bulk and design standards are not subject to specific regulations or limits, but rather shall be subject to approval during the review process of such development as set forth in this section.

B. The planned development must conform with the spirit and intent of the City's Comprehensive Community Plan, and with the intent of this section.

C. The planned development must not adversely affect the existing character of the neighborhood in which it is to be located. Adequate safeguards must be provided to minimize possible detrimental effects on adjacent properties, the neighborhood, and the community.

D. The planned development must have ample provision for sanitary sewage disposal, storm and surface water drainage, water supply, and other utilities.

E. The planned development must allow for adequate availability to police and fire protection and other appropriate public services and community facilities.

F. The planned development must provide for safe pedestrian circulation.

G. The planned development must provide for safe and effective vehicular access and circulation to and within the site. Traffic circulation patterns must be designed so as to minimize traffic congestion.

H. The planned development must provide for adequate and well located off-street parking and loading spaces tailored to the specific needs of the development.

I. The planned development must provide a beneficial relationship between vehicular traffic, pedestrian circulation, and other proposed uses and activities.

J. The planned development must provide a beneficial and efficient use of such natural characteristics as topography, geography, soil conditions, trees and other vegetation, water courses, natural drainage systems, soil conditions, and similar characteristics.

K. The location, height, and bulk of buildings and structures on the site must be in proportion to each other and relate well to other structures and visual perspectives in the area.

L. The planned development must provide for effective use and design of open spaces, landscaping, amenities, and natural land features.

M. The planned development must provide that the installation of landscaping, driveways, recreational facilities and other site details are generally in harmony with the proposed development, adjacent properties, and with the rights and interests of the general public.

9. Filing Procedure - Petition For Zoning Change.

A. A petition for a zoning change to one of the PD-Planned Development District classifications identified in this section shall be submitted in accordance with all applicable provisions of the Zoning Ordinance and rules of procedure of the City Planning Commission.

B. A Preliminary Development Plan may, at the option of the petitioner, accompany the petition for rezoning to a PD-Planned Development Zone. If no Preliminary Development Plan is submitted, the petitioner shall submit a concept plan adequate to describe the proposed land uses and street patterns which the petitioner intends to develop within the Planned Development. Notwithstanding, the Commission or the Council may require some or all portions of the Preliminary Development Plan be submitted in the course of review of a Planned Development rezoning petition in order to resolve specific development concerns.

C. The filing fee for the petition to change to a PD-Planned Development District classification shall be the same as for any other petition for a zoning district classification change as provided in Section 176.39(8) of this chapter.

D. The Council shall refer the petition for PD-Planned Development District classification and the Preliminary Development Plan to the Commission for review and recommendation.

E. Commission Review and Approval – The Commission shall review the request for the zoning district reclassification and make its

recommendation to the Council based upon the broad type of land use indicated for the Planned Development District requested. If the proposed rezoning area is ten (10) acres or more, the Commission shall hold a public hearing upon the request prior to submitting its recommendation to the Council. The Commission may, in its discretion, hold a public hearing on any proposed Planned Development prior to making a recommendation.

F. Council Review and Approval – After receiving the Commission’s recommendation regarding the proposed change to a PD-Planned Development Zoning District classification, the Council shall hold a public hearing in accordance with State and local codes. Following the public hearing, the Council shall consider an ordinance approving, or approving with conditions, the proposed change to a Planned Development District classification. The effect of approval of a petition to establish, a Planned Development District classification shall be equivalent to a moratorium on development until such time as the required preliminary and final development plans have been reviewed and approved pursuant to this section.

10. Filing Procedure – Preliminary Development Plan.

A. A Preliminary Development Plan shall be submitted by the petitioner either concurrently with or subsequent to the petition for rezoning.

B. The filing fee for a Preliminary Development Plan shall be determined in the same manner as for a Preliminary Plat as provided in the Subdivision Ordinance.

C. The Commission shall review and make a recommendation to the Council on the Preliminary Development Plan in accordance with the following provisions:

(1) The Commission shall evaluate the Preliminary Development Plan in terms of conformance with the design standards set forth in subsection 8 above.

(2) The Commission may conduct a public hearing on any proposed Preliminary Development Plan prior to making its recommendation to the Council.

(3) After evaluating the proposed development and holding a public hearing, if appropriate, the Commission shall consider a resolution approving, approving with modification, or disapproving the Preliminary Development Plan.

D. The Preliminary Development Plan shall contain the following:

(1) Narrative – A written statement describing the character of the development. The statement shall include the following information:

- a. The proposed title of the development and a description of the land uses planned for the development.
- b. The relationship between the proposed development and the Comprehensive Development Plan for the Community.
- c. The relationship of the development to limiting conditions such as excessive grade or slope, flood plain, high water table, woodlands, scenic vistas, water sources, etc.
- d. The relationship of the proposed development to adjoining uses (both existing and projected).
- e. The relationship of the proposed development to existing and projected sanitary sewers, storm sewers, and other drainage structures, and streets and other transportation features.
- f. An expected schedule of development. If the development is to be constructed in stages, a description of the stages of development and identification of the locations and sequence of stages, density, use, utilities, and public facilities (including open space, landscaping, and parking) to be developed in each stage. An identification of estimated start and completion dates for each stage shall be included.
- g. Names and addresses of the owners, developers, engineers, land surveyors, landscape architects, land planners, architects, attorneys, or any other professionals associated with the development.
- h. Tabulations of the following information: total land area, number of buildings, total area covered by buildings, number of dwelling units, dwelling units per acre, total common open space area.

(2) Maps and Diagrams – A drawing of the planned development shall be prepared at a scale of one inch equals 100 feet or one inch equals 50 feet, or such other scale as may be recommended by City staff. The drawing must show the general location of proposed streets (public and

private), all buildings and their use, common open space, recreation facilities, parking and loading areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:

- a. All information and specifications required in submitting a subdivision Preliminary Plat as set forth in Chapter 175, the Subdivision Regulations, of this Code of Ordinances.
- b. Existing and proposed land uses within or adjacent to the site.
- c. Approximate locations, dimensions, height of existing and proposed buildings and other structures, including accessory buildings and structures.
- d. The character and approximate density of residential uses.
- e. The approximate amount of interior floor area of commercial and industrial uses.
- f. Location and type of natural conditions within or adjacent to the tract which may present limitations to development such as water courses, flood plains, marshes and wetlands, rock outcrops, wooded areas, isolated preservable trees one foot or more in diameter, and other significant features.
- g. Map and data, including north point, scale, and date of preparation.

(3) In conjunction with or following approval of the requested change in zoning district classification, the Council may review and, by resolution, approve, disapprove, or approve with conditions, the Preliminary Development Plan. If the Preliminary Development Plan is not considered concurrently with the zoning district classification, a separate public hearing shall be held thereon.



11. Improvements.

A. Before the Final Development Plan is approved and recorded, the development shall contain the required improvements or have such improvements assured by the posting of a bond as set forth in this section. All improvements shall conform to the Standard Specifications as set forth in this section.

B. Required Plan of Improvements – The following drawings, prepared by a registered professional engineer in Iowa, shall be submitted by the owner to the Council prior to the approval of the Final Development Plan:

- (1) Sanitary sewer plan and profile.
- (2) Storm sewer plan and profile.
- (3) Street plan and profile.
- (4) Sidewalk location and grades, if varying from City standard specification.
- (5) Water main plan and profile.
- (6) Such other engineering plans, profiles, or drawings as may be stipulated by the Council.

C. The required plans and profiles shall conform to the provisions set forth in Chapter 175, Subdivision Regulations, of this Code of Ordinances.

D. Permission to construct improvements – Following Council approval of the plan of improvements and before construction of each improvement, the owner shall have submitted an application to the City Engineer requesting permission to construct the improvement. The City Engineer shall then be notified as set forth under Chapter 175, Subdivision Regulations, regarding Inspection of Improvements.

E. Required Improvements – The improvements in the Planned Development shall conform to the provisions of Chapter 175, Subdivision Regulations, of this Code of Ordinances, unless otherwise approved by the Council in the Preliminary Development Plan and/or Plan of Improvements.

F. Guarantees of Performance – If, at the time of the presentation of the Final Development Plan, the required improvements are not completed or accepted before the Final

Development Plan is approved, the owner shall enter into a contract with the City to make such improvements at such time as may be therein stated, and in accordance with detailed engineering plans and specifications, contained in the plan of improvements which has been approved by the City Engineer and Council. The performance of the contract shall be secured by the filing of a surety bond or cash equal to the cost of the improvements as estimated by the City Engineer. The owner shall be the principal on any such surety bond. Although one bond covering all improvements is anticipated, separate bonds may be submitted and a contractor may be listed as an additional principal on any such bonds so as the bond clearly states that the owner and such contractor are jointly and severally liable on the bonds as obligors and so long as the only obligee on the bond is the City of Marion. In those cases where none of the lots or area in the Final Development Plan are improved with structures, the guarantees of performance provided for in this Section may be waived, where the only required improvement that has not been installed and accepted by the City consists of sidewalks. It shall be sufficient if the owner promises the installation of such sidewalks in accordance with the terms set out in the Memorandum of Agreement or contract with the City with respect to improvements and such sidewalks to be completely installed by a date not later than two years from the date of the approval of the Final Development Plan. The performance bond guaranteeing the construction of improvements in the planned development shall be drawn on a standard form as approved by the City Attorney. If the improvements are not completed within the time specified, the Council may use the security or any necessary portion thereof to complete said improvements. The Council may allow an extension of time for completion of improvements. The performance bond or certified check shall not be released until the Maintenance Bonds, as may be required in the specifications, are on file and the improvements have been satisfactorily completed and accepted by the City.

12. Filing Procedure – Final Development Plan.

A. Within eighteen (18) months following the approval of the Preliminary Development Plan, a Final Development Plan shall be submitted to the City. In its discretion and for good cause, the

Council may extend for six (6) months the period for the filing of the Final Development Plan upon request of the applicant.

B. The Final Development Plan may be in stages with each stage reflecting the approved Preliminary Development Plan, provided such stage conforms to these regulations.

C. Thirty (30) copies of the final Development Plan containing the information set forth in this section shall be submitted to the Clerk.

D. Filing Fee – The filing fee for a Final Development Plan shall be \$10.00 per acre or fraction thereof, with a minimum fee of \$40.00. If a Final Development Plan is submitted in conjunction with a Final Subdivision Plat, the applicant shall pay either the Final Development Plan fee or the Final Plat filing fee, whichever amount is greater. The filing fee is not refundable.

E. The Final Development Plan shall be submitted to the Commission which shall review such Plan and make a recommendation to the Council within a reasonable period of time after receiving the Plan. The Commission shall evaluate the Final Development Plan in terms of its conformity with the Preliminary Development Plan and the provisions of this section and recommend that the Final Development Plan either be approved, approved with minor modifications or disapproved.

F. If the Final Development Plan contains substantial changes from the approved Preliminary Development Plan as determined by the Council upon recommendation of the Commission, then the Final Development Plan shall not be approved until a revised Preliminary Development Plan has first been approved in accordance with the procedures set forth in this section.

G. In no event shall a Final Development Plan be approved without a revised Preliminary Development Plan if the Final Development Plan varies from the Preliminary Development Plan as follows:

- (1) A material change in the use of the development.
- (2) A 10% increase in the overall coverage of structures.
- (3) A 10% increase in the density of a residential development.
- (4) A 10% reduction in open space.
- (5) A 10% reduction in off-street parking spaces.
- (6) A significant change in the location of the street or utility system.

(7) A reduction in density, coverage or increase in open space may be permitted by the Zoning Official.

H. After receiving the recommendation of the Commission, the Council shall approve, approve with minor modifications, or disapprove the Final Development Plan.

I. All conditions, modifications, documents, and plans required by the Council must be delineated in the Final Development Plan or agreed to in writing prior to the Council approval.

J. Final Development Plan Content – The Final Development Plan shall include, but not be limited to:

(1) All information and specifications required in submitting a Final Plat, as set forth in Chapter 175, Subdivision Regulations, of this Code of Ordinances.

(2) An accurate legal metes and bounds description of each separate unsubdivided area, including common open space.

(3) Location of all buildings and structures to be constructed within the development.

(4) Tabulations of the following information: total land area, number of buildings, number of dwelling units, dwelling units per acre, total common open space area, percentage of total land area covered by buildings.

(5) All agreements, provisions, easements, or covenants which govern the use, maintenance, protection, performance, and/or design of the development and any of its common open area.

K. Recording the Final Development Plan – The approved Final Development Plan and, when applicable, final plat, and all agreements, provisions, or restrictive covenants which govern the use, maintenance, protection, performance and/or design of the development and any of its common open space shall be recorded

with the County Recorder and evidence of such recording shall be furnished to the Building Official before any building permits may be issued for such development. The recording of all Final Development Plans shall be accompanied by the recording of a restrictive covenant which shall provide that no lot, tract, parcel or other division of land shall be subdivided into two or more lots, tracts, or other division of land for the purpose of sale, transfer, or building development, whether immediate or future, including the re-subdivision or re-platting of land or lots, except in conformance with Chapter 175, Subdivision Regulations, of this Code of Ordinances.

L. Changes in the Final Development Plan – Minor changes from the Final Development plan in the location and siting of buildings and structures may be authorized by the Zoning Official if required by engineering or other circumstances not foreseen at the time the final Development Plan was approved. No change authorized by this section may cause any of the following:

- (1) A change in the use of the development.
- (2) An increase in excess of five percent (5%) in the overall coverage of structures.
- (3) An increase in excess of five percent (5%) in the intensity of use.
- (4) A significant change in the location of the street or utility system.
- (5) A reduction in excess of five percent (5%) of approved open space.
- (6) A reduction in excess of five percent (5%) of approved off-street parking space.

A reduction in density, coverage, or increase in open space may be permitted by the Zoning Official. All non-minor changes must be approved by the Council after receiving a recommendation from the Commission. Any changes which are approved in the Final Development Plan must be recorded as amendments in accordance with the procedures set forth in this section.

13. Open Space. All common open space shall either be conveyed to a municipal or public corporation, conveyed to a corporation or entity established for the purpose of benefiting the owners and residents of the planned development, or retained by the owner or owners with legally binding guarantees, in a form approved by the City Attorney, that the common open space shall be permanently preserved and maintained as an open area. All land conveyed to a corporation or

like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement for the common space.

14. Subdivision. If the planned development involves the subdivision of land as governed by Chapter 175 of this Code of Ordinances, no building permits may be issued until the procedural provisions of said Chapter 175 are satisfied.

15. Conditions and Guarantees. Prior to the approval of any planned development, the Council may stipulate such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of the planned development as deemed necessary for the protection of the public interest, protection of the adjacent area, and to secure the compliance with standards set forth in this section. In all cases in which planned developments are granted, the Council may require such evidence and guarantees, in addition to the guarantees of performance required under this section, that the Council may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

16. Failure to Begin Planned Development. If no construction has begun or no use established in the Planned Development within twenty-four (24) months from the approval of the Final Development Plan, the approved Final Development Plan shall lapse and be of no further effect. In its discretion and for good cause, the Council may extend for additional six month increments, the period of the beginning of the construction or the establishment of use.