

# **CITY OF WILLARD, MISSOURI**

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



## **MEETING AGENDA AND PACKET**

### **PLANNING AND ZONING COMMISSION**

**Regular Meeting**

**March 26, 2024**

**6:00 p.m.**

**Willard City Hall**

**224 W. Jackson, Willard, MO**

### **PLANNING AND ZONING MEMBERS**

**Terry Kathcart, Chairman**

**Alderman David Keene, Vice-Chairman**

**Valorie Simpson, Secretary**

**Mayor Sam Baird**

**Jeff LaMontia**

**Burnis Coleman**

**Joshua Breeze**

**David Kinsman**

**Steven Cobb**

**[www.cityofwillard.org](http://www.cityofwillard.org)**

# CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



Agenda Item #3

## Agenda Amendments/Agenda Approval

**CITY OF WILLARD  
PLANNING AND ZONING  
REGULAR MEETING  
MARCH 26, 2024  
6:00 P.M.**

Notice posted on March 25, 2024, 3:00 p.m.

Notice is hereby given that the City of Willard Planning and Zoning Commission will conduct a regular meeting at 6:00 p.m., March 26, 2024, at the Willard City Hall, 224 W. Jackson, Willard, MO.

The tentative agenda of this meeting includes:  
PLEDGE OF ALLEGIANCE

1. Call the meeting to order.
2. Roll Call.
3. Agenda Amendments/Agenda Approval.
4. Approval of the Minutes from the meeting February 27, 2024.
5. Citizen Input.
6. PUD-R change to mixed-use Residential and mixed-use Commercial. Discussion
7. Need for additional board members. Discussion
8. Conduct Planning and Zoning Commission meetings 2 times per month instead of monthly.  
Discussion/Vote
9. New Business.
10. Unfinished Business.
11. Adjourn.

REPRESENTATIVES OF THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE BY CONTACTING:

Dona Slater  
224 W. Jackson  
Willard, Missouri 65781  
(417) 742-5302

# CITY OF WILLARD, MISSOURI

224 W Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



Agenda Item #4

**Approval of the Minutes from the regular meeting  
February 27, 2024.**

CITY OF WILLARD, MISSOURI  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
FEBRUARY 27, 2024  
6:00 P.M.

Staff present: Interim City Administrator, Donna Stewart, Planning and Development Director, Mike Ruesch, Planning Assistant, Tammy Nephew, and City Clerk, Dona Slater.

Attendees: Larry Whitman

The Meeting was opened by Chairman Terry Kathcart at 6:00 p.m.

**Pledge of Allegiance**

Mr. Kathcart led the Pledge of Allegiance.

**Roll Call**

The City Clerk conducted the Roll Call.

Present: Terry Kathcart, Valorie Simpson, Jeff LaMontia, Joshua Breeze, Steve Cobb, Alderman David Keene, David Kinsman, and Mayor Sam Baird.

Not present: Burnis Coleman.

**Agenda Amendments/Agenda Approval**

Motion was made by Terry Kathcart and seconded by Valorie Simpson to approve the agenda as written.

Motion carried with a vote of 8-0. Voting aye: Valorie Simpson, Jeff LaMontia, Joshua Breeze, Terry Kathcart, David Kinsman, Steve Cobb, Alderman David Keene, and Mayor Sam Baird.

**Approval of the Minutes from the Regular Meeting January 23, 2024**

Valorie Simpson requested the Minutes be amended by removing Mr. Bodenhamer's name because he was not at the meeting.

Motion was made by Mayor Sam Baird and seconded by Valorie Simpson to approve the minutes from January 23, 2024, as amended.

Motion carried with a vote of 8-0. Voting aye: Valorie Simpson, Jeff LaMontia, Joshua Breeze, Steve Cobb, Mayor Sam Baird, Alderman David Keene, David Kinsman, and Terry Kathcart.

**Citizen Input**

None.

**Future Land Use Survey Results**

Mr. Ruesch and Ms. Nephew presented slides of the results of the survey to the Commission. Mr. Ruesch said he would like the Commission's opinion on having the Future Use Survey drawn up as a Future Master Plan. A new survey could be put out to citizens every three to five years and update the Future Plan. This would also help developers. Out of 150 survey respondents, 103 said we need small local businesses, entertainment, shopping centers, and grocery stores. Ms. Simpson said she agrees with the survey that we need more green spaces and parks. Willard has open and developable land. Mr. Kathcart said the city has prime real estate on the highway 160 corridor. Mr. Ruesch said we can do a better job of spotlighting what is here. Mr. Kathcart said we need to get people to stop talking about what Willard was and talk about moving Willard forward.

## **Building Code Adoption**

### **1. 705.365 Inflow and Infiltration (I&I). Discussion/Vote**

Mr. Ruesch said according to our contract with Springfield for wastewater, we are required to have an Inflow and Infiltration Plan. He is attempting to produce this plan. Forty percent (40%) of the water sent to Springfield is groundwater. A plan will reduce the amount of groundwater sent to Springfield and will save the city money. Homes will be inspected by Public Works employees, and they will inform the homeowner if something needs to be fixed. He has not forwarded this plan to the City Attorney yet.

Motion was made by Mayor Sam Baird and seconded by Valorie Simpson to move forward with the I&I Code policy changes pending the review and amendments of the City Attorney.

Motion carried with a vote of 8-0. Voting aye: Terry Kathcart, Alderman David Keene, Valorie Simpson, Jeff LaMontia, Joshua Breeze, Mayor Sam Baird, David Kinsman, and Steve Cobb.

### **2. 500.010-500.100 Building Codes. Discussion/Vote**

Mr. Ruesch said we are currently on 2012 Building Codes, and he is looking to adopt the 2018 Building Codes. He said there will be amendments. He will draft a letter to design professionals and contractors in the area stating that as of a certain date we will be on the 2018 Building Codes and the changes to design and inspections they will be required to show. This will update our standards to what other cities are using.

Mayor Sam Baird left the meeting at 7:39 p.m.

Motion was made by Alderman David Keene and seconded by Steve Cobb to adopt and amend changes to the Building Code.

Motion carried with a vote of 7-0. Voting aye: Alderman David Keene, Valorie Simpson, Jeff LaMontia, Joshua Breeze, David Kinsman, Terry Kathcart, and Steve Cobb.

### **3. 400.510 Planned Development. Discussion**

Mr. Ruesch said that the Planned Development the city currently has gives the developer the opportunity to have smaller lot sizes and that is it. They would give a little bit of open space back and most of the time the space is unbuildable or drainage detention. The Ordinance allows them to establish an HOA, and maintain it themselves, or they can dedicate it back to the city to maintain. This is a rezone. A Planned Development Ordinance will be beneficial for the city. Developers will have to show details. The current Ordinance needs to be changed. Zoning will not be approved until the final plat goes to the Board of Aldermen. Ms. Simpson said backyards need to be bigger than ten feet. She said no mobile homes are allowed inside the city limits. She also said there are no regulations on Air BrBs.

## **New Business**

Mr. Ruesch will bring fee schedules to the Commission. He is proposing to change permitting and raise fees. Mr. Kathcart asked what the current fees are, but Mr. Ruesch didn't have them with him. Mr. Ruesch will be talking to an engineer about studies that have been done. He is looking at changing a lot of codes and will be bringing them to the Planning and Zoning Commission.

## **Unfinished Business**

None.

## **Adjourn.**

Motion was made by Valorie Simpson and seconded by Jeff LaMontia to Adjourn the meeting.

Motion carried with a vote of 7-0. Voting aye: Valorie Simpson, Jeff LaMontia, Joshua Breeze, Terry Kathcart, Alderman David Keene, Steve Cobb, and David Kinsman.

The meeting Adjourned at 8:12 p.m.

\_\_\_\_\_  
Valorie Simpson, Secretary

\_\_\_\_\_  
Terry Kathcart, Chairman

Attest: \_\_\_\_\_  
Dona Slater, City Clerk

# CITY OF WILLARD, MISSOURI

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Agenda Item #6

**PUD-R change to mixed-use Residential and mixed-use Commercial.**

**Discussion**



The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Section 400.510 ~~"PUD-R" Planned Development District.~~ **Mixed Use (MU) Single Family**  
[Ord. No. 020227 §1(5.12), 2-27-2002; Ord. No. 070108C §1, 1-8-2007]

*Authority.* Upon enactment of an ordinance by the Board of Aldermen, a development plan for a Planned Development District may be approved in any district in the City of Willard, subject to the procedures and standards in this Section.

- A. *Purpose.* The intent of the ~~Planned Unit Development Residential ("PUD-R") District~~ **Mixed Use (MU) District** is to encourage more creative and imaginative design than generally is possible under conventional zoning regulations. It is intended to permit, upon application and upon approval of site and use plans, the creation of ~~"PUD-R" MU districts.~~ Suitability of such tracts for the ~~"PUD-R" MU District~~ designation shall be determined by and shall be made in accordance with the Comprehensive Plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to preserve features of historical significance, to facilitate the adequate provision of transportation, water, sewerage, schools, and parks. ~~other public requirements and with a reasonable consideration being given to, among other things, the character of the district and its peculiar suitability for particular uses and with a view to conserving the land throughout the City.~~ **Residential-(PUD-R) MU Zones** have been established to encourage creative and efficient planning and development of land within our community by providing greater flexibility in the placement of buildings and structures on the land, the consolidation and preservation of community-valued view corridors, open spaces and trails, and the clustering of residential units. Proposed developments should be designed to maximize the integration of improvements into the natural and proposed landscape, thereby minimizing the visual impact on both view corridors/viewsheds as well as from property to property within the community. These ~~PUD-MU~~ provisions are intended to create more attractive and desirable environments within the residential areas of the City.

B. **REZONE APPROVAL PROCESS:**

**Application For Zone Change:** Any person desiring to develop property under the provisions of this article shall first file an application for a zone change on the standard form provided by the City.

**Planning Staff Review:** ~~Prior to the review of the Preliminary MU Development plan and text by the Planning Commission, the applicant shall schedule a meeting with the planning department. Staff Developer Meetings will be held on Wednesdays and require a week scheduling notice.~~ Upon receiving an appointment notice, the planning department will invite all necessary staff and other agencies for the scheduled applicant meeting. The zone change application shall include a Sketch plan, and supporting text materials which describe the proposed land uses, density and the proposal's relationship to the City conceptual plan, as well as elevations of proposed buildings within the development. After the Staff Developer Meeting, the staff shall furnish to the applicant any comments regarding the zone change request that may help the applicant in preparing the request for submission. Staff shall hold such meetings with the applicant as are deemed necessary for proper review. ~~Though the City strongly encourages Sketch Plans to be approved at the time of zoning approval, the applicant may request to defer the conceptual plan design approval to a later date. Deferred conceptual plans will have a time limitation of eighteen (18) months. Approval process for deferred conceptual plans will be required to follow subsections 1-2 and 3 of this section.~~

1. **Public Hearing By Planning Commission, With Review And Recommendation:** The Planning Commission will schedule a public hearing to consider the proposed zone change and shall review the conceptual plan, supporting text materials and staff comments for compliance with applicable general plan policies. The Planning Commission shall also make recommendations concerning the zone change request which will be forwarded to the Board

- of Aldermen
2. Review by Board of Aldermen: The Board of Aldermen will receive the recommendations of the Planning Commission and schedule a public meeting to consider official action on the zone change request.
  3. Decision Of Board of Aldermen: The Board of Aldermen may approve, modify and approve, or deny the zone change request.

**C. PERMITTED USES:**

"Home occupations", as defined in section 400.540 of this title.

~~Mobile homes or recreational vehicle developments.~~

Multiple-family residential uses.

Single-family residential uses.

Townhouse and condominiums (20,000 square foot lot and 4 unit minimum).

Any combination of the above uses, **or other uses** that may be determined by the Planning Commission to be compatible and in harmony with each other according to the designated and approved development.

**D. GENERAL REQUIREMENTS:**

1. **Application And Plan:** The applicant will submit an application for a zone change on the standard zone change application form of the City, along with a site development plan, as outlined in this article, for ~~a Planned Unit~~ **Mixed Use Development - Residential Zone change.**
2. **Planning Staff Review:** *Prior* to the review of the Preliminary Development plan and text by the Planning Commission, the applicant shall schedule a meeting with the planning department. **Staff Developer Meetings will be held on Wednesdays and require a week scheduling notice.** Upon receiving an appointment notice, the planning department will invite all necessary staff and other agencies for the scheduled applicant meeting. After the Staff Developer Meeting, the staff shall furnish to the applicant any comments regarding the zone change request that may help the applicant in preparing the request for submission. Staff shall hold such meetings with the applicant as are deemed necessary for proper review.
3. **Preliminary Development Plan:** All requests shall be accompanied by a colored site development plan and written text for the entire property proposed to be developed.
4. **Ownership:** A planned unit development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
5. **Open Spaces:** Preservation, maintenance and ownership of open spaces within the development shall be accomplished by:
  - a. Dedication of land as a public park or parkway system; or
  - b. Granting to the City a permanent open space easement on or over the said private open spaces to guarantee that the open space will remain perpetually in common use, with ownership and maintenance being the responsibility of a homeowner's association established with articles of association and bylaws which are satisfactory to the Board of Aldermen; or
  - c. Creating and complying with bylaws which provide for the payment of common expenses for the upkeep of the common areas and facilities.

## E. CONTENT OF WRITTEN TEXT/SITE PLAN:

**Use Of Land:** The applicant shall prepare a site plan and written text that show and clearly explain the projected use of land including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.

**Buildings:** The text shall indicate the type, character and proposed height of all buildings. The plot plan, elevations and perspective drawings shall be prepared by the applicant to help the Planning Commission and Board of Aldermen better understand the proposal. (Elevations may not be required when applying for a residential - single lot development.)

**Density:** The density in terms of dwelling units per gross acre of land shall be indicated.

**Common And Open Spaces:** The location of any proposed school sites, churches, parks and other common or open spaces shall be identified.

**Phasing Plan:** A phasing plan, if the development is proposed to be developed in phases, shall be submitted.

**Topography:** Topography at contour intervals of two feet (2') shall be submitted unless waived by the planning staff.

**Natural Features:** Schematic diagram showing significant natural features such as stands of trees, sinkholes, wetlands, rock outcroppings, etc.

**Landscape Plan:** A landscape plan showing the general location of lawn area, shrubs, trees and fencing shall be submitted. (This may be part of the site or plot plan.)

**Developable Area Reserved For Landscaping:** The amount of developable land area reserved for landscaping shall be indicated (with a minimum of 20 percent of the site area developed as landscaping).

**Utilities Underground:** All utilities shall be underground unless otherwise approved by the Planning Commission. Transformer equipment shall be screened from the streets and from adjacent properties.

**Refuse Storage Areas:** Refuse storage areas shall be screened so that materials stored within these areas shall not be visible from access streets, freeways and adjacent properties. Storage or refuse areas shall not be located within required building setbacks nor within utility easements.

**Lighting Plan:** The plans submitted shall include a general lighting plan indicating location of lights to be installed on site. Design shall follow **Section 400.1370**

**Turning Spaces:** Safe and convenient turning space shall be provided for cars, sewer vehicles, refuse collection vehicles, fire-fighting equipment, etc., at the end of private drives and dead end streets.

**Traffic Conditions:** A traffic analysis and street study shall be done by a certified engineer noting the effect of the development on traffic conditions on new and abutting streets shall be shown. The traffic analysis must extend from the proposed subdivision to the nearest arterial. Existing traffic counts may be estimated from a study of the area served by the subject road or by counting vehicles consistent with good engineering practice.

**Layout:** The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways and walkways.

**Off Street Parking:** The arrangement and adequacy of off street parking facilities & guest Parking per **Article IX**

**Offsite Improvement Guarantees:** See section 400.1460

**Planning Objectives:** The text material shall set forth planning objectives to be accomplished through the development of the project, and show that the requested PUD-R zoning is in conformance with the City general plan and complies with the requested zoning designation.

**Public Improvements:** All public improvements shall comply with **Section 400.1430**

**Improvements:** Location, grades, widths, and type of all improvements proposed for all streets.

**Line Locations:** A plan showing the location of all water, sewer and drainage lines in and through the project.

**Deed Restrictions; Covenants:** Copies of any deed restrictions, restrictive covenants, bylaws, architectural controls or other requirements that may be appurtenant to the proposed development.

**Signage:** The size, location, design and nature of signs, if any, and the intensity and direction of area flood-lighting shall be detailed in the text materials.

**Grading And Drainage Plan:** A grading and drainage plan shall be submitted with the site development plan.

**Stormwater Plan:** An engineered stormwater plan will be produced by a registered engineer to evaluate potential flows and develop a stormwater drainage plan. Detention, retention and release shall be determined through this reporting. The stormwater drainage report shall be conducted in accordance with and shall include all applicable information, maps, calculations and other materials as specified in Chapter 405 Design Standards for Public Improvements, Article V, Stormwater Design Standards — General Provisions.

If the proposed development is located within a flood hazard area, the stormwater drainage report shall provide all applicable information as specified in the Article XVII, Section 400.1520 (Floodplain Management Regulations).

**Geotechnical Report:** A geotechnical report identifying any possible flood, slope, faulting, soils or other related hazards on the site shall be submitted with the application

F. The procedures herein established are intended to substitute procedural protections for substantive regulations in recognition of the fact that traditional density, bulk, spacing and use regulations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development or redevelopment of parcels which lend themselves to an individual, planned approach. In addition, a development plan should be designed to ensure that the following general goals will be achieved

1. The proposed development may differ from the provisions of the other zoning districts of this Chapter, but are congruent with the spirit and intent of this Chapter and the Willard Comprehensive Plan.
2. The development will efficiently utilize the available land and will protect and preserve, to the extent possible, natural features of the land such as trees, streams and topographic features.
3. The development shall provide for harmonious and coherent site and building design that creates a sense of place.
4. The development will be located in an area in which transportation, Police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided however, that the applicant may make provision for such facilities or utilities which are not presently available.
5. In determining whether a proposed MU District should be approved, the Planning and Zoning Commission and the Board of Aldermen should consider the extent to which the proposed development plan is consistent with the Willard Comprehensive Plan and the other adopted plans and policies of the City.
6. To achieve these purposes, the requirements for a "PUD-R" District may vary from and be either more or less restrictive than the requirements of other district regulations in this Article.

- I. **Effect Of MU District Approval.** Approval of a MU **Zoning** District shall constitute an amendment to the zoning ordinance. Designation of a property as a MU District in accordance with an approved development plan shall supersede all existing and prior zoning classifications. Such property shall for zoning purposes be identified by the letters MU followed by an identifying number.

~~Uses And Densities Permitted.~~ The development plan shall specify both for the project as a whole and/or for sub-areas within the project, as appropriate, those principal and accessory uses and development densities that are to be permitted. The Planning and Zoning Commission may recommend to the Board of Aldermen and the Board of Aldermen may include or exclude uses from the development plan or include uses with attached conditions as appropriate to achieve the intent of these provisions. In making its determination of the uses and development densities to be permitted within the "PD" District, the Planning Zoning Commission and the Board of Aldermen may consider the compatibility and relationship of uses within the project, the compatibility and relationship of permitted uses adjoining or in proximity to the "PD" district, the appropriateness of permitted uses for the area in general and their overall impact on the community and the consistency of the permitted uses with the Willard Comprehensive Plan and other adopted plans and policies.

- J. **Application.** An application for approval of a development plan may be filed by the owner of, or any person having a contractual interest in, the property which is the subject of the application.
- K. **Procedure.** Conceptual **Development** Applications for ~~"PUD-R"~~ MU District designation shall be processed, **submitted** pursuant to a three-step review process as specified in this Section. The process shall include:

1. Staff Developer Meeting Attended
2. A preliminary development plan; and
3. A final development plan.

~~Sketch Plan.~~ Prior to filing a preliminary development plan, the applicant shall prepare a sketch plan of the proposed planned development for review by the Director of Development and such other City department heads as may be desirable. The Director of Development shall coordinate sketch plan review of the proposed planned development and shall organize a meeting wherein any person who lives or owns real property within one hundred eighty five (185) feet of any property being brought into a planned development district may inquire of the developer of the planned development district as to his/her vision of how the planned development district will effect its surrounding neighbors and to keep an open line of communication between the developer and the neighbors of the planned development district. An invitation shall also be sent by mail, postage paid, to all neighborhood association officers if there is a recognized neighborhood association. This meeting shall be at a time and place mutually agreeable to both the developer and the City of Willard. The developer shall pay for all costs associated with the meeting herein required.

#### L. **Application for Preliminary Development Plan**

**Application of Preliminary Development Plan shall follow Sections 400.510.D, E & L for design factors. In addition developers may**

**Building Coverage:** The land coverage by all buildings shall not exceed fifty percent (50%) of the net lot or parcel acreage.

**Minimum Lot Size:** The minimum lot size in single-family residential subdivisions with private individual lots (no common area within lots) is Seven thousand (7,000) square feet; provided, that at least twenty percent (20%) of the total project is developed and maintained as common open landscape or recreation area.

**Starting Density:** 3 houses per acres?? Possibility of 6.2 houses per acres?? (43,560)

**Bonus Density:** The density of a planned unit residential - single lot development shall conform to the density limitations of the general plan, except that the City Council upon recommendation of the Planning Commission may approve a density greater than the general plan designation where the following findings are made:

1. The proposed dwellings are platted for individual ownership of the dwelling units, and
2. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with the surrounding area and fits harmoniously into the neighborhood, as determined by the Board of Aldermen but in no case shall **exceed eight (6.2) dwelling units per acre**. To be considered for density increases, the applicant will include, as part of the development design, any of the following credits:
  - a. **Landscaping Along Periphery Of Development:** If a common area landscaped strip between twenty feet (20') and twenty five feet (25') is created along the periphery of the development (which is beyond the 50 percent requirement of parcel coverage for non-structures), and surrounds at least sixty seven percent (67%) of the development. An automatic watering system shall be installed to ensure the landscaping gets established. All landscaping will be owned and maintained by the HOA unless expressly donated and accepted by the city. **An increase of one dwelling unit per acre shall be added to the minimum density for the development.**
  - b. **Tree Lined Streets:** Tree lined streets for all streets (internal and periphery) to provide shade for sidewalks and to reduce solar heat gain. If all streets within the development, on both sides of the streets, will have a landscape strip between the curb and sidewalk planted with shade trees at forty foot (40') spacing or less, with trees that are of twenty four inch (24") box containers with a minimum of one and one-half inch (1 1/2") caliper, **an increase of one dwelling unit per acre shall be added to the minimum density for the development.**

Qualifying trees?

- c. **Walking Trail of 10' of concrete or asphalt to be installed?** an increase of one dwelling unit per acre shall be added to the minimum density for the development
  - d. **Landscaped Open Spaces:** For every ten percent (10%) of landscaped open space incorporated into the development (which is beyond the 50 percent requirement of parcel coverage for non-structures), and not receiving density increases through other provisions of this section, may receive an increase of one dwelling unit per acre which shall be added to the minimum density for the development.
  - e. **Increased Recreational Facilities:** Additional designated recreational amenities, above the requirements as already set forth for planned unit development, may receive an increase in density, as approved by the Planning Commission and Board of Aldermen on a case by case basis. **an increase of one dwelling unit per acre shall be added to the minimum density for the development**
3. **Setbacks:** The setbacks for all Planned Unit Developments - Residential will be as follows, unless an approved setback alternative plan is granted by the Planning Commission and approved by the City Council:
    - a. **Front Yard:** Front yard setbacks shall be a minimum of twenty feet (20'). The street side of corner lots, shall be the same as the front yard setback.
    - b. **Building, Parking Required:** The front yard setback area shall not be used for long term parking of any motor vehicles, or for required additional visitor parking, except for the driveway directly in front of the garage or carport of the dwelling unit.
    - c. **Side Setbacks:** Side yard setbacks on interior lot lines shall be a minimum of five feet (5') on one side and ten feet (10') on the opposite side for all dwellings, with a minimum of fifteen feet (15') between homes. Side yard setbacks on exterior lot lines (boundary lines) shall be a minimum of ten feet (10').
    - d. **Rear Setbacks:** Rear yard setbacks shall be a minimum of ten feet (10').
  4. **Parking Requirements:** The parking requirements of chapter 16 of this title shall apply.

5. **Signs And Advertising:** The requirements of Article X of this code shall apply, except that in large residential planned unit developments (those containing more than 200 dwelling units), the Planning Commission may approve an overall sign scheme for the project which may exceed the restrictions.
  - 6.
  7. **Height Restrictions:** No building shall be erected to a height greater than thirty five feet (35') unless specifically approved as part of the zone change approval.
  8. **Size Requirement:** Each Planned Unit Development Zone shall contain a minimum of twenty thousand (28,000) square feet and four (4) dwelling units.
  9. **Landscape Requirement:** All planned unit developments shall have a minimum of fifty percent (50%) of the developable site area developed and maintained as landscaped or natural open space. Floodways unless altered (LOMAR) and slopes that exceed a specific percentage are not considered developable. The applicant of the requested MU Zone shall show what areas are to be landscaped and what areas are to be left in a natural state. The Board of Aldermen shall determine if the proposed landscaped areas and the areas proposed to be left in a natural state will satisfy the fifty percent (50%) landscape or natural open space requirement. In any event, all landscaped and open green space areas shall be kept in a weed free condition. All proposed structures, future structures, roads and parking areas are excluded from the calculations used to satisfy this requirement.
  10. **Time Limitations:** Building permits for construction within MU Zones must be obtained within eighteen (18) months of the approval of a zone change to planned unit development - single lots. If eighteen (18) months elapsed without the issuance of building permits for the construction of the approved plans within the MU Zone, all conceptual and preliminary plan approvals shall be deemed null and void, unless an extension is granted. The applicant shall request an extension on an approved development plan prior to the expiration of the eighteen (18) month time limit. The Planning Director may approve a six (6) month extension on an approved development plan. In the case that a second six (6) month extension is needed, the applicant shall request a second extension on the approved development plan prior to the expiration of the first six (6) month extension time limit. The Board of Aldermen will approve or deny the requested second extension on the development plan. In the case that an approved development plan does expire, the zoning of the property shall remain a planned unit development, but no construction will be allowed on the property until a new plan is submitted and approved by the Planning Commission and the Board of Aldermen.
  11. **Recreation Or Playground Areas:** In developments with five (5) or more units, there shall be provided usable recreation or playground areas with a total minimum area of one thousand (1,000) square feet for five (5) units and an additional two hundred (200) square feet for each unit over five (5) units. No side measurement of each usable recreation or playground area shall be less than twenty feet (20') in width/length. At least fifty percent (50%) of the usable area shall be in the form of open playground and green space.
- M. **Public Hearing.** After giving the notice required by Section 400.360 of the Willard Land Development Regulations, a public hearing on the proposed ~~sketch~~ **Conceptual Development Plan** shall be set, advertised and conducted by the Planning Commission. An invitation shall also be sent by mail, addresses and postage shall be provided by the developer, to all property owners within 185' from the edges of the development, within forty five (45) days of action or failure to act by the Planning and

~~Zoning Commission. Within thirty (30) days following the conclusion of the public hearing, unless a delay is requested by the applicant, the Board of Aldermen shall either:~~

**N. Planning Commission Submittal**-Upon completion of the Staff Developer Review of the ~~sketch plan review~~, and submittal of the Conceptual Development application, the Director of Development shall forward to the Planning and Zoning Commission for public hearing with written comments with respect to the proposed planned development and shall also provide such recommendations as may inform and assist the applicant in preparing an application for approval of a "PUD-R" MU District. The Planning commission may refuse or accept proposed submittal per Section 400.510.F.1-6

**O. Public Hearing.** After giving the notice required by Section 400.360 of the Willard Land Development Regulations, a public hearing on the proposed sketch plan shall be set, advertised and conducted by the Board of Aldermen within forty-five (45) days of action or failure to act by the Planning and Zoning Commission. Within thirty (30) days following the conclusion of the public hearing, unless a delay is requested by the applicant, the Board of Aldermen ~~shall either:~~ may Approve with or without modifications, Deny, or Refer Preliminary Development Plan back to the Planning Commission for further consideration.

**P. Installation of Approved Utilities according to the Preliminary Development Plan**

1. All utilities and infrastructure shall be installed and inspected for compliance to city codes or
  - a. Per **section 400.1430** the developer may bond for infrastructure of the development to delay installation. In no case will the Final Development Plan or Final Plat be approved without the installation of all defined utilities.
2. As built drawings shall be submitted and approved to be in accordance with city statute.
3. Per **section 400.1450** a warranty bond in the amount approved by the board of aldermen to guarantee that the developer will correct all defects in such improvements or facilities that occur within two (2) years after the offer of dedication of such facilities or improvements is accepted by the City.

~~1. Refuse to approve the sketch plan;~~

~~2. Shall refer the sketch plan back to the Planning and Zoning Commission for further consideration of specified matters; or~~

~~3. Shall approve the sketch plan with or without modifications.~~

~~I. Preliminary Development Plan.~~

~~1. Purpose and effect. The preliminary development plan is intended to provide the applicant with an opportunity to submit a plan showing the basic concept, character and nature of the entire proposed planned development without becoming involved in the preparation of detailed development plans or engineering drawings. In order to permit the City and the applicant to proceed with some assurance, approval of the preliminary development plan binds the applicant and the City with respect to the following development constraints:~~

~~a. Categories of uses to be permitted;~~

~~b. Overall maximum density of residential uses and intensity of non-residential uses;~~

~~c. General location of vehicular and pedestrian circulation systems;~~



- d. ~~General location and extent of public and private open space;~~
- e. ~~General location of residential and non-residential land uses; and~~
- f. ~~Staging of development.~~

2. ~~Application.~~ Upon completion of the sketch plan requirements, an application for a preliminary development plan may be submitted. Twelve (12) copies of applications for approval of a preliminary development plan shall be submitted to the Director of Development.

The application for a preliminary development plan shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the Director of Development in written rules but shall in all instances contain at least the following information and documentation, which information and documentation, taken together, shall constitute a preliminary development plan:

- a. ~~The applicant's name and address and his/her interest in the subject property.~~
- b. ~~The owner's name and address, if different than the applicant, and the owners signed consent to the filing of the application.~~
- c. ~~The names and addresses of all professional consultants advising the applicant with respect to the proposed planned development.~~
- d. ~~The legal description of the subject property.~~
- e. ~~The zoning district classification and present use of the subject property.~~
- f. ~~One (1) or more maps at a scale of not less than one (1) inch to two hundred (200) feet delineating the existing physical characteristics of the site, including:~~
  - (1) ~~Topography at contours not more than five (5) feet;~~
  - (2) ~~Slopes of fifteen percent (15%) or more;~~
  - (3) ~~Property boundary lines and dimensions; available utilities; and easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property.~~
  - (4) ~~Watercourses, drainage ways, sinkholes, ground water recharge areas, ponds, lakes and bodies of water;~~
  - (5) ~~A generalized description of vegetation and tree cover;~~
  - (6) ~~Marshes and floodplains, including the delineation of the 100 year floodplain, where applicable;~~
  - (7) ~~Drainage patterns;~~
  - (8) ~~Other physical features that may affect the development of the property that the applicant may wish to delineate.~~
- g. ~~A map depicting both the existing development of the subject property and appropriate adjacent property and showing the approximate location of existing streets, property lines, easements, water mains and storm and sanitary sewers.~~

- ~~h. A written statement, with supporting graphics, generally describing the overall concept of the proposed planned development, the market which it is intended to serve and its relationship to the Willard Comprehensive Plan; the uses included and any limitations upon uses; a description of the general architectural design or theme to be employed; building types and prototypical site layouts, if appropriate; any proposed agreement, dedications or easements; any proposed private covenants and restrictions; and any other information required by this Article or pertinent to a determination of compliance with this Article.~~
- ~~i. One (1) or more maps at a scale of not less than one (1) inch to two hundred (200) feet and a written description of the proposed planned development describing the following features of the project:~~
- ~~(1) A general land use plan with a description of the type, location and nature of land use within each area of the development;~~
  - ~~(2) A proposed traffic circulation concept which illustrates both external and internal traffieways related to the development, including proposed right-of-ways, travel lanes and other transportation improvements;~~
  - ~~(3) A generalized layout and description of water service, sanitary sewerage, utilities, refuse collection, management of stormwater runoff and similar essential services;~~
  - ~~(4) A generalized landscape plan for the development, including the buffer and perimeter areas;~~
  - ~~(5) A delineation and description of the minimum open space areas, including the buffer and perimeter area;~~
  - ~~(6) A description of screening and berming adjacent to existing residential areas; and~~
  - ~~(7) A sign plan that coordinates the size, location, illumination and relation to surrounding uses of signs within the proposed planned development.~~
- ~~j. A tabulation of the following information:~~
- ~~(1) The approximate total number of dwelling units proposed by type of structure and approximate number of bedrooms for multi-family units;~~
  - ~~(2) The approximate total square feet of building floor area proposed for non-residential uses by general type of use;~~
  - ~~(3) The total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to residential and non-residential uses, by type of structure; streets; and off-street parking and loading areas; and~~
  - ~~(4) The proposed number of off-street parking and loading spaces for each proposed type of land use.~~
- ~~k. If the planned development is proposed for construction in phases during a period extending beyond a single construction season, a proposed and tentative schedule for the development of such phases shall be submitted, stating the approximate beginning and completion date for each phase, the proportion of the total public and private open space and the proportion of each type of proposed land use to be provided or constructed during each such phase; and the overall chronology of development to be followed from phase to phase. All public~~

~~improvements directly related to each phase shall be completed at the time the phase is developed and improvements serving the proposed planned development as a whole and any adjoining area in the planned development shall be completed in a sequence assuring full utility of the planned development as a whole and all areas within the planned development. All public improvements shall also be completed so that future public improvements required by this Article and other applicable ordinances of the City are not compromised or rendered unduly difficult.~~

- ~~l. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed planned development, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including a current certified abstract of title or commitment for title insurance.~~
- ~~m. A traffic impact analysis indicating the relationship of the proposed development to traffic and road use and plans in the immediate surrounding area.~~
- ~~3. *Public notice and hearing before Planning and Zoning Commission.* After giving the notice required by Section **400.360** of the Willard Land Development Regulations, a public hearing on the development plan shall be set, advertised and conducted by the Planning and Zoning Commission within twenty-eight (28) days of the filing of a complete application in accordance with the provisions of this Section.~~
- ~~4. *Action by Planning and Zoning Commission.* Within sixty (60) days following the conclusion of the public hearing, unless a delay is requested by the applicant, the Planning and Zoning Commission shall transmit to the Board of Aldermen its recommendation that the preliminary development plan either be approved, be approved subject to modifications or not be approved; otherwise the plat is deemed approved by the Commission. In considering the preliminary development plan and formulating its recommendation, the Planning Commission shall be guided by the standards made applicable to proposed planned developments by Subsection **(B)**.~~

~~The failure of the Planning and Zoning Commission to act within sixty (60) days following the conclusion of such hearing, or such longer period as may be agreed to by the applicant, shall be deemed a recommendation for the denial of the preliminary development plan as submitted.~~

- ~~5. *Public notice and hearing before Board of Aldermen.* After giving the notice required by Section **400.360** of the Willard Land Development Regulations, a public hearing on the proposed development plan shall be set, advertised and conducted by Board of Aldermen within forty-five (45) days of action or failure to act by Planning and Zoning Commission in accordance with the provisions of this Section.~~
- ~~6. *Action by Board of Aldermen.* Within thirty (30) days following the conclusion of the public hearing, unless a delay is requested by the applicant, the Board of Aldermen shall either refuse to approve the preliminary development plan; shall refer it back to the Planning and Zoning Commission for further consideration of specified matters; or shall, by ordinance duly adopted, approve the preliminary development plan with or without modifications to be accepted by the applicant as a condition of such approval; provided however, that if such plan is approved with modifications, no application for approval of a final development plan shall be filed or considered until the applicant has filed with the Director of Development his/her written consent to such modifications. In the event the Board of Aldermen shall fail to act within the time limit herein specified, the preliminary development plan shall be deemed finally denied. Within seven (7) days of the Board of Aldermen's action or its failure to act as above provided,~~

the Mayor or his/her designee shall mail notice thereof to all parties entitled thereto.

- ~~7. *Action by applicant.* When a preliminary development plan has been approved or approved with modifications acceptable to the applicant, the applicant shall proceed to file a final development plan in accordance with the provisions of Subsection (J) below.~~
- ~~8. *Effect of preliminary development plan approval.* Unless the applicant shall fail to meet time schedules for filing a final development plan or plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Section or any approval granted pursuant to it, a preliminary development plan which has been approved or approved with modifications which have been accepted by the applicant shall not be modified, revoked or otherwise impaired, pending the application for approval of a final development plan or plans, by any action of the City without the consent of the applicant.~~
- ~~9. *Standards for approval of a preliminary development plan.* A preliminary development plan shall contain at least the following provisions:~~
  - ~~a. *Intensity of development.* The preliminary development plan shall contain provisions to regulate the intensity of development within the planned development district. Such provisions may apply to the project as a whole or to subareas within the project.~~
    - ~~(1) For non-residential development, the intensity of development may be regulated:~~
      - ~~(a) By specifying a floor area ratio (FAR) or ratios;~~
      - ~~(b) By specifying maximum square footage or gross leasable area;~~
      - ~~(c) By specifying setbacks, height and bulk restrictions; or~~
      - ~~(d) By a combination of such restrictions for the project as a whole or for components or subareas within the project. In addition, non-residential preliminary development plans may specify performance standards to be imposed on the project and restrictions regarding the location and nature of industrial, commercial and other non-residential activities. In making its determination regarding the intensity of development and appropriate performance standards, the Planning and Zoning Commission and the Board of Aldermen may consider the character and scale of similar development, the character and scale of surrounding development and the area in general, the real or anticipated impact on public facilities and services.~~
    - ~~(2) The maximum number of dwelling units permitted shall be computed based on the requirements of Subsection (D). The permitted number of dwellings units may be distributed in any manner over the residential portion of the project consistent with the intent and provisions of this Section. The preliminary development plan shall specify distribution of residential density for the project as a whole or for subareas within the project. In making its determination regarding the distribution of residential densities, the Planning and Zoning Commission and the Board of Aldermen may consider the compatibility of residential densities with other uses within the district as well as outside the district, the impact of residential densities on public facilities and services.~~
  - ~~b. *Uses permitted.* For non-residential development the specific uses shall be listed. For residential uses the types of dwellings shall be listed.~~
  - ~~c. *Bulk, area and height requirements.* The preliminary development plan shall specify bulk, area~~

and height restrictions for the project as a whole or for sub-areas and/or components of the project. In making its determination regarding such restrictions, the Board of Aldermen may consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district and the general character and scale of similar development within the area of the proposal:

- d. ~~*Public facilities.* The preliminary development plan shall specify conditions, restrictions and standards relating to the timely provision of necessary public facilities. In making its determination regarding such conditions, restrictions and standards, the Board of Aldermen may consider the adequacy of existing facilities, the timely provision of adequate facilities, the impact of the proposed development on existing and/or planned facilities and the overall cost to the community.~~
- e. ~~*Access to public thoroughfares.* The preliminary development plan shall specify the location and general design of ingress and egress to the project along with any proposed access restrictions. The Board of Aldermen may impose such access standards and restrictions as are necessary to protect the integrity and function of the City's thoroughfare system and to insure the safe and efficient circulation of vehicles and pedestrians within the "PD" District. In making its determination regarding such access standards and restrictions, the Board of Aldermen may consider the classification and function of the thoroughfare system, existing and projected volumes, the condition and design of the affected thoroughfares, the effect of the proposed development on traffic flow and circulation patterns and the consistency with the Willard Comprehensive Plan and other adopted plans and policies.~~
- f. ~~*Off-street parking and loading requirements.* Unless specifically modified by the preliminary development plan, the off-street parking and loading requirements imposed by this Article shall apply. Reductions in off-street parking and loading standards may be approved only if it can be demonstrated that parking demand will be less due to design and/or occupancy characteristics of the project and/or the availability of public transportation.~~
- g. ~~*Sign requirements.* The sign plan shall be approved only if the general intent of the sign regulations, Article X, regarding size, location, illumination, structural integrity and relation to surrounding uses is satisfied.~~
- h. ~~*Landscaping and perimeter treatment.* The preliminary development plan shall specify the design and arrangement of landscaping on all open space areas in the "PD" District and on all buffer and perimeter areas provided to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. The Board of Aldermen may impose such standards and requirements for perimeter treatment it deems necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.~~
- j. ~~*Final Development Plan.*~~
  - 1. ~~*Purpose.* The final development plan is intended to particularize, refine and implement the preliminary development plan. A final development plan may be submitted for the entire planned development or in phases as approved in the preliminary development plan. When approving the preliminary development plan, the Planning and Zoning Commission and the Board of Aldermen may permit review and approval of the final development plan in its entirety or for specified portions of the project. Planning and zoning review and approval shall be granted only if the preliminary development plan offers sufficient detail and assurances to adequately safeguard the public interest or review procedures normally required by other~~

~~regulations would offer adequate review to safeguard the public interest.~~

- ~~2. Application. Upon approval of the preliminary development plan, the applicant shall submit an application for final development plan approval to the Director of Development. The application for final development plan may include the entire area included in the approved preliminary development plan or one (1) or more stages or units thereof in accordance with a staging plan approved as part of the preliminary development plan. The application shall contain a plan which refines, implements and is in substantial conformity with the approved preliminary development plan and shall contain such information and documentation as shall be prescribed from time to time by the Planning and Zoning Commission but shall in all instances contain at least the following information and documentation, which information and documentation, taken together, shall constitute a final development plan:~~
  - ~~a. The applicant's name and address and his/her interest in the subject property.~~
  - ~~b. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.~~
  - ~~c. A legal description of the property for which final development plan approval is sought.~~
  - ~~d. The date on which preliminary development plan approval was granted.~~
  - ~~e. A preliminary plat of subdivision that includes a survey certified by a registered land surveyor. A survey shall be required even if a plat is not necessary.~~
  - ~~f. A tabulation of the following information with respect to the area included in the final development plan:
    - ~~(1) The total number of dwelling units proposed by type of structure and number of bedrooms for multi-family;~~
    - ~~(2) The total square feet of building floor area proposed for non-residential uses by general type of use;~~
    - ~~(3) The total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to residential uses by type of structure; non-residential uses; public and private open space; streets; and off-street parking and loading areas; and~~
    - ~~(4) The proposed number of off-street parking and loading spaces for each proposed type of land use.~~~~
  - ~~g. A landscape plan specifying the design, description and arrangement of landscaping for all open space, buffer and perimeter areas in the "PD" District, including materials and techniques to be used. A statement and plan of the proposed treatment of the buffer and perimeter areas of the proposed planned development, including materials and techniques to be used. The plan shall be approved only if the general intent of the screening regulations, Article VIII, and landscaping and buffer yard regulations are satisfied.~~
  - ~~h. When the proposed planned development or stage thereof includes provisions for public or private open space or service facilities, a statement describing the provision that is to be made for the dedication or care and maintenance of such open space or service facilities. If it is proposed that such open space be owned or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such~~

entity shall be submitted:

- ~~i. Copies of any restrictive covenants that are to be recorded with respect to property included in the final development plan.~~
  - ~~j. Utility plans indicating placement of water mains, sanitary and storm sewerage, gas, electric and telephone lines and related facilities.~~
  - ~~k. A statement summarizing all changes which have been made in any document, plan, data or information previously submitted, together with revised copies of any such document, plan or data.~~
  - ~~l. Proof of recording any easements and restrictive covenants prior to the sale of any land or structure or portion thereof within the planned development and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or private common open space or service facility.~~
  - ~~m. All certificates, seals and signatures required for the dedication of land and recordation of documents.~~
  - ~~n. Such other and further information as the Planning and Zoning Commission and Board of Aldermen shall find necessary to a full consideration of the entire proposed planned development or any stage or unit thereof.~~
- ~~3. *Substantial conformity defined.* A final development plan shall be deemed not to be in substantial conformity with an approved preliminary development plan if it:~~
- ~~a. Increases by more than five percent (5%) from the maximum density approved in the preliminary development plan, except that in no event shall the maximum density exceed the density permitted for the underlying district by Subsection (D);~~
  - ~~b. Increases by more than five percent (5%) the maximum floor area to be devoted to any residential or non-residential use;~~
  - ~~c. Increases height by more than five percent (5%);~~
  - ~~d. Decreases by more than five percent (5%) the area approved for public and private open space or changes the general location of such areas;~~
  - ~~e. Relocates approved circulation elements to any extent that would decrease the ability of such elements to function efficiently, adversely affect their relation to surrounding lands and circulation elements or would reduce their effectiveness as buffers or amenities;~~
  - ~~f. Significantly alters the arrangement of land uses within the planned development;~~
  - ~~g. Violates any provision of the codes and ordinances applicable to the proposed planned development; or~~
  - ~~h. Departs from the preliminary development plan in any other manner which the Planning and Zoning Commission or Board of Aldermen shall, based on stated findings and conclusions, find to materially alter the plan or concept for the proposed planned development.~~
- ~~4. *Action by the Planning and Zoning Commission.* When the Planning and Zoning Commission's~~

~~approval has been granted in the preliminary development plan, within thirty (30) days following the submission of a complete application for the final development plan or such longer period as may be agreed to by the applicant, the Planning and Zoning Commission shall review the plan with respect to its conformity to the approved preliminary development plan; with respect to the merit or lack of merit of any departure of the final development plan from substantial conformity with the preliminary development plan; and with respect to compliance of the final development plan with any conditions imposed by approval of the preliminary development plan and with the provisions of this Article and all other applicable Federal, State and City codes, ordinances and regulations. If the Planning and Zoning Commission finds that there is substantial conformity between such plans and shall further find the final development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the preliminary development plan and with the provisions of this Article and all other applicable, Federal, State and City codes, ordinances and regulations, it shall forward it to the Board of Aldermen for final approval.~~

~~If the Planning and Zoning Commission shall find that the final development plan lacks substantial conformity to the preliminary development plan but merits approval notwithstanding such lack of conformity, it shall transmit such plan to the Board of Aldermen together with its recommendation that the final development plan be approved.~~

~~In any case, where the Planning and Zoning Commission finds that the final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall transmit such plan to the Planning and Zoning Commission, together with its recommendation that the final development plan not be approved.~~

Q **Public Hearing.** After giving the notice required by **Section 400.360** of the Willard Land Development Regulations, a public hearing on the proposed Final Development Plan shall be set, advertised and conducted by the Board of Aldermen within forty-five (45) days of action Within thirty (30) days following the conclusion of the public hearing, unless a delay is requested by the applicant.

Q. **Action by Board of Aldermen.** Within forty-five (45) days following the submission by the applicant or referral from the Planning and Zoning Commission of a complete application for the Final Development Plan or such longer period as may be agreed to by the applicant, the Board of Aldermen shall review the plan with respect to its conformity to the approved preliminary development plan; with respect to the merit or lack of merit of any departure of the final development plan from the preliminary development plan; and with respect to compliance of the final development plan with any conditions imposed by approval of the preliminary development plan and with the provisions of this Article and all other applicable Federal, State and City codes, ordinances and regulations. If the Final Development Plan is found to be in compliance the Board of Aldermen shall approve the Plan. The Board of Aldermen's action shall constitute final approval of the final development plan.

~~If the Board of Aldermen finds that there is substantial conformity between such plans and shall further find the final development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the preliminary development plan and with the provisions of this Article and all other applicable, Federal, State and City codes, ordinances and regulations, it~~



~~shall approve the final development plan. The Board of Aldermen's action shall constitute final approval of the final development plan.~~

~~If the Board of Aldermen shall find that the final development plan lacks substantial conformity to the preliminary development plan but merits approval notwithstanding such lack of conformity, the final development plan shall be approved subject to its recommendations.~~

In any case, where the Board of Aldermen finds that the final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall not be approved. The failure of the Board of Aldermen to act within the aforesaid time period shall be deemed a denial of the final development plan as submitted.

- R. ***Building And Other Permits.*** Upon, but not before, receiving notice that the final development plan has been approved and upon application by the applicant, all appropriate officials of the City may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved final development plan; provided however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the City have been met which are applicable to the permit sought.
- S. ***Adjustments To Plan During Development.*** During the construction of a planned development, the Board of Aldermen may authorize minor adjustments to the final development plan when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments must be brought to the Board of Aldermen's attention and must be voted on to be approved and made a part of the final development plan.
- T. ***Amendments To Final Development Plan.*** In addition to the minor adjustments authorized by Subsection (K) above, an approved final development plan may be amended, varied or altered in the same manner and subject to the same limitations as any other regulation established by this Article. In addition, an approved final development plan may be amended or altered pursuant to the procedures established by this Section for its original approval.
- U. ***Compliance With Final Development Plan.*** The construction and operation of a planned development shall be in compliance with the approved final development plan at all times.

#### RESIDENTIAL - MULTIPLE FAMILY DEVELOPMENT STANDARDS:

- V. **Multifamily PUD-R shall follow sections D, E, and L for design along with the following:**
1. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with the surrounding area and fits harmoniously into the neighborhood, as determined by the City Council but in no case shall exceed a twenty five percent (25%) dwelling units per acre increase as stated in the general plan
  2. **Setbacks:** The setbacks for all planned unit developments - multiple family will be as follows, unless an approved setback alternative plan is granted by the Planning Commission and approved by the City Council:
    - a. **Front Yard:** Front yard setbacks shall be a minimum of twenty feet (20'). The street side of corner lots, shall be the same as the front yard setback.
    - b. **Building, Parking Required:** The front yard setback area shall not be used for long term parking of any motor vehicles, or for required additional visitor parking, except for the driveway directly in front of the garage or carport of the dwelling unit.

- c. **Side And Rear Setbacks:** Side and rear setbacks on interior lot lines shall be a minimum of ten feet (10') for all dwellings.
3. **Group Dwellings:** In group dwellings, no two (2) buildings may be located closer together than ten feet (10') for one- story buildings, fifteen feet (15') for two-story buildings, and twenty feet (20') for approved three-story (or more) buildings.
4. **Two-Story Buildings:** For two-story (or more) buildings, the side and rear setbacks shall be at least twenty five feet (25') along the boundary of a Single-Family Zone, and twenty feet (20') along the boundary of other zones.

**W. PLAN REVIEW CONFERENCE:**

A. **Required:** Following the approval of the Planned Unit Development - Residential Zone change and upon request for issuance of any building permit therein, the developer and contractor and the planning staff shall meet together to review the requirements of the zone change and to make sure that the developer and contractor are aware of the conditions under which the zone change was granted.

B. **Plans Stamped And Signed:** At the plan review conferences, the plans will be stamped and signed by the staff, developer and contractor as the official set of construction plans from which the work will be performed.

C. **Changes or Modifications:** Any changes or modifications to the approved plan for development during the period of construction shall first be re-submitted to the planning staff for approval and if deemed significant and at the discretion of the staff, returned to the Planning Commission for their review and recommendations and to the Board of Aldermen for a public meeting to consider official action on the zone change as provided for in section S. of this article.

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**SHORT TERM RENTAL DEVELOPMENT STANDARDS:**