

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

April 16, 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

Steve Cobb

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Agenda Item #3

Agenda Amendments/Agenda Approval

CITY OF WILLARD
PLANNING AND ZONING
REGULAR MEETING
APRIL 16, 2024
6:00 P.M.

Notice posted on April 10, 2024, 4:00 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., April 16, 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 March 26, 2024.
5. Citizen Input.
6. Highway 160 Corridor. Discussion
7. Mixed Use. Discussion
8. Homeowner's Association (HOA). Discussion
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

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Agenda Item #4

**Approval of the Minutes from the regular meeting
March 26, 2024.**

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

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

Attendees: Larry Jones

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 David Keene and seconded by Jeff LaMontia 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 February 27, 2024

Ms. Simpson requested the Minutes be amended to reflect that all final plats must be approved by the Planning and Zoning Commission before being presented to the Board of Aldermen.

Motion was made by Valorie Simpson and seconded by Mayor Sam Baird to approve the minutes from February 27, 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.

PUD-R change to Mixed-use Residential and Mixed-use Commercial. Discussion

Mr. Ruesch presented a map showing pink development areas. He said these are our PD developments that are already in place. He said the lots are smaller and were developer defined. They got what they wanted, and the city didn't get anything. The only open spaces are the detention areas they were required to give to the city. He is proposing changing to a mixed-use Ordinance. We are working on infrastructure in the Meadows that will open everything to the south. He wants to grow and have Ordinances in place where the city has some sort of control. The city did not get any trails, parks, recreation areas, or sidewalks in some developments. Codes determine how the city can steer development. He is proposing submitting to the Board of Aldermen as a mixed-use Ordinance. No more than 60 percent of land can have buildings or roads. Ms. Simpson said she is fine with smaller lot sizes. Mr. LaMontia said this incentivizes the developers to place trees, trails, and brooks. Mr. Kathcart asked how we can enforce this. Mr. Ruesch said this is what

his department does. Mayor Baird said we need a way to describe this better than just 60/40 so the developers understand what we mean. The Commission agrees to have a minimum of 7,000-foot lots. If developers install parks and trails, to City standards, the city will accept donations and maintain them. All mixed-use zones will have Homeowner's Associations (HOAs) in place before a certain percentage of the development is completed. Ms. Simpson asked what the city can do if an HOA dissolves. Mr. Ruesch said we can do absolutely nothing. She asked if there is no HOA who is responsible for the upkeep. Mr. Ruesch said under the current code it can be considered a nuisance, and liens can be placed against the properties and the City will have to maintain. Mayor Baird said that if we are going to mandate HOAs we must set minimum standards. Mr. Ruesch said the standards are whatever the Planning and Zoning Commission decides. To have the mixed-use zoning the subdivisions must have an HOA. Application for Preliminary Development Plan was discussed including lot sizes, trails, and options for bonus density. Mr. LaMontia would like to see some developments with sidewalks on both sides of the streets. Ms. Simpson said P&Z must have a public hearing. They do not have to have two public hearings, but it must come back to P&Z for approval of the final plan development.

Need for additional board members. Discussion

Mr. Ruesch asked the members to think of friends or acquaintances that they feel would be an asset to the Planning Board. He would like to have Planning meetings twice per month. Ms. Simpson said we can call a special meeting anytime it's needed. The Planning Board can have up to thirteen members.

Conduct Planning and Zoning Commission meetings 2 times per month instead of monthly. Discussion/Vote

Discussion was held about moving the Planning and Zoning Commission meetings to twice per month.

Discussion was held on the best time of the month to hold Planning and Zoning Commission meetings. The meetings are not defined in City Code. Mr. Ruesch is proposing two meetings per month. Ms. Simpson said a special meeting can be called at any time.

Motion was made by Valorie Simpson to move the Planning and Zoning Commission meetings to two meetings per month with a second optional meeting as needed on the second Tuesday of the month. There was no second. The motion died.

Mr. Ruesch and Mayor Baird explained that if the P&Z Board met on the first and third Tuesdays of the month then anything voted on can immediately go to the Board of Aldermen the following week. This is much more time effective for developers. The first meeting of the month will be optional. The City Clerk will notify the Commission if there will not be a meeting.

Motion was made by Mayor Baird and seconded by Steve Cobb to move the Planning and Zoning Commission meeting to the first and third Tuesdays of the month with the first Tuesday being optional and the third Tuesday being the regular meeting.

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

New Business

Mayor Baird said this is probably his last meeting as Mayor and he appreciates everything they have all done. He will be back as a regular citizen to sit on the Commission.

Mr. Ruesch said he thinks we are getting close to wrapping up the Mixed-use Ordinance and Ms. Simpson agrees but said language still needs to be changed. Final plats must come back before the Commission before being presented to the Board of Aldermen. Mr. Ruesch said they still need to talk about short-term rentals and the 160 corridor. He has asked the Commission members to bring a picture of a house they like to the next meeting, so he knows what they are looking for and like.

Unfinished Business

Mr. Ruesch went to the Board of Aldermen for capacity fees studies. He is working on those fees. Mr. Kathcart asked when the new meeting schedule will start. The consensus was to meet the third week of April at 6:00 p.m.

Adjourn.

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

The meeting Adjourned at 7:23 p.m.

Valorie Simpson, Secretary

Terry Kathcart, Chairman

Attest: _____
Dona Slater, City Clerk

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Agenda Item #6

Highway 160 Corridor

Discussion

Section 400.500 Highway 160 Parkway Corridor Overlay District.
[Ord. No. 020227 §1(5.11), 2-27-2002]

- A. *Purpose.* The purpose of the Highway 160 Parkway Corridor Overlay District is to enhance and preserve the visual image and aesthetic quality along this major entryway corridor in the City of Willard; to foster a sense of place and community identity that enhances the desirable open space qualities of small community/rural life in the Ozarks; and to promote and protect the public's safety and general welfare. The Highway 160 Corridor through the City of Willard provides a driving/ visual experience unique to major highway corridors in the Springfield metropolitan area. The topography and location of Highway 160 provides a wide variety of slopes, overlooks, rock outcrops and curves through an area development predominantly in agricultural uses with some residential subdivisions and limited commercial/industrial development. Protection and preservation of this corridor through restriction of certain signs and through regulation of architectural standards of appearance of buildings and structures constructed or erected within the corridor is deemed an appropriate action to promote the public's safety and general welfare.
- B. *Highway 160 Parkway Corridor District Defined.* The Highway 160 Parkway Corridor Overlay District is defined as encompassing all property within six hundred (600) feet of the rights-of-way lines of Highway 160 within the boundaries of the City of Willard.
- C. *Permitted Uses.* All uses permitted as principal uses, accessory or temporary uses or conditional use in the underlying zoning district shall be permitted in the Highway 160 Parkway Corridor District, except those listed in Section **400.470(B)** and Section **400.480(B)** Conditional Uses, provided that the provisions in the following Subsections shall be complied with in addition to all applicable requirements of the underlying district. **[Ord. No. 181220E, 12-20-2018]**
- D. *Sign Regulations.* All signs located in the Highway 160 Parkway Corridor as defined herein shall be in compliance with the provisions of Article X, provided that the following additional restrictions shall apply:
1. No portable signs or roof signs shall be permitted within the Highway 160 Parkway Corridor.
 2. In any underlying zoning district within the Highway 160 Parkway Corridor District where off-premises signs are permitted, any off-premises sign oriented towards Highway 160 shall be located a distance of at least one thousand two hundred (1,200) feet from any other off-premises sign oriented towards Highway 160. However, in no case shall more than one (1) off-premises sign be permitted on any parcel or lot.
 3. Off-premises detached signs shall not have more than one (1) surface containing copy in each direction.
- E. *Exterior Building Facade Regulations.* This Subsection shall apply to all buildings or structures, excluding fences, erected in the "C-1", "C-2", "M-1" and "M-2" Zoning Districts within the Highway 160 Parkway Corridor Overlay District:
1. Any building or other structure erected shall have a stone, brick, wood or decorative block exterior or other similar facade treatment on that side of said building or structure which faces on Highway 160. If said building or structure also faces on a street that intersects with Highway 160, faces an adjacent residential district or faces a street that separates said building or structure from a residential district, then such side or sides of the building or structure shall

also be in conformance with the requirements of this Subsection.

2. Any building or other structure erected within the Highway 160 Parkway Corridor Overlay District shall conform to minimum architectural standards of appearance and in conformity with surrounding structures and shall not be unsightly or unsuitable buildings, detrimental to the stability of value and welfare of surrounding property, structures and residents and to the general welfare of the community.
3. Prior to the issuance of a building permit, the developer shall submit architectural design plans for the building or structure to the Planning and Zoning Commission for review and determination of compliance with this Subsection.

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Agenda Item #7

Mixed Use District

Discussion

Section 400.510 - MIXED USE DISTRICT (MU)

[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 Mixed Use 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 **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 MU districts. Suitability of such tracts for the 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. 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 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.

Staff developer review: Prior to the review of the 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 conceptual plan, and supporting text materials which describe the proposed land uses, density and the proposal's relationship to the City comprehensive 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.

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

1. **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.

2. **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.
- Multiple-family residential uses.
- Single-family residential uses.
- Townhouse and condominiums

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 conceptual development plan, as outlined in this article, for a Mixed Use Development
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. **Conceptual 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.) All landscaping shall be maintained by the governing body of the subdivision. All plants and trees shall be cared for and properly maintained. Any dead plants or trees shall be replaced within 30 days per **Section 400 Article VIII**

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. The analysis shall be done on all accesses to the project and not loads on all affected streets 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 MU 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 all 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. Lighting shall be in accordance with **Section 400.Article X**

Grading And Drainage Plan: A grading and drainage plan shall be submitted with the site development plan. A **SWPPP** Plan shall be provided detailing silt fencing, track pads and stormwater drain protection.

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. DEVELOPMENT GOALS:

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 MU 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.

J. **Procedure.** Conceptual Development Applications for MU District designation shall be submitted pursuant to a three-step review process as specified in this Section. The process shall include:

1. Staff Developer Review Completed
2. A Conceptual Development Plan; and
3. A Final Development Plan.

K. APPLICATION FOR CONCEPTUAL DEVELOPMENT PLAN

In addition to this section, Conceptual Development Plans shall follow Sections 400.510.D, E & L

Building Coverage: The land coverage by all buildings shall not exceed **Sixty percent (60%)** 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 acre**

Bonus Density: The density of a planned unit mixed use 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 **six (6.2) dwelling units per acre.**
3. 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 and surrounds at least **Seventy percent (70%)** of the development. All open space and landscaping shall be maintained regularly. Any landscaping plants that die shall be replaced within 30 days. 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-five foot (45') spacing or less, with trees that are of twenty four inch (24") box containers with a minimum of one and one-half inch (1½") caliper, All tree installations shall follow **Section 400.770** for installation and setbacks. An increase of one dwelling unit per acre shall be added to the minimum density for the development.
 - c. **Qualifying trees** [400.510.K.3.C - APPROVED LANDSCAPING PLANTS.docx](#)
 - d. **Walking Trail of 10' of concrete or asphalt to be installed:** A walking trail shall be established and designed to provide access to open space and connectivity to adjacent properties. Trails shall be installed in accordance with the City of Willard trails specifications. An increase of one dwelling unit per acre shall be added to the minimum density for the development
 - e. **Additional Sidewalks:** Per Section 405.150 a 5' sidewalk shall be established on one side of the street. The developer may provide sidewalks on both sides of the streets. By doing this he increases the pedestrian flow, mobility and safety of the proposed project. An increase of one dwelling unit per acre which shall be added to the minimum density for the development.
 - f. **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
4. **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').
5. **Parking Requirements:** The parking requirements of **Section 400 Article IX** of this title shall apply.
6. **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.
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. **Open Space Requirement:** All planned unit developments shall have a minimum of Forty percent (40%) 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 Forty percent (40%) 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. **Planning Commission Submittal-** Upon completion of the Staff Developer Review and submittal of the Conceptual Development application, the Director of Development shall forward to the Planning and Zoning Commission for public hearing as required by **Section 400.360** 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 MU District. The Planning commission may Refuse, Modify or Accept proposed submittal per **Section 400.510.F.1-6**
- N. **Board of Aldermen Submittal:** After giving the notice required by **Section 400.360** of the Willard Land Development Regulations, a public hearing on the proposed conceptual development 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 may Approve with or without modifications, Deny, or Refer Preliminary Development Plan back to the Planning Commission for further consideration.
- O. **Installation of Approved Utilities according to the Conceptual 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.

P. **Final Action by the Planning Commission:**The Planning and Zoning Commission shall review the proposed final development plan for compliance to conformity of the approved conceptual plan.The final development plan shall be inspected to insure that all conditions, regulations, ordinances, and codes have been satisfied as requested. If the final development plan has been found to be in compliance the planning commission shall recommend approval of a MU District and approval of the final development plan.

Q. **Final 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 conceptual development plan; with respect to the merit or lack of merit of any departure of the final development plan from the conceptual development plan; and with respect to compliance of the final development plan with any conditions imposed by approval of the conceptual, 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.

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.

400.511 - MULTIPLE FAMILY DEVELOPMENT STANDARDS:

A. Multifamily MU 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 Board of Aldermen 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

B. PLAN REVIEW CONFERENCE:

1. **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.
2. **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.
3. **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.

Section 400.510.K.3.C - APPROVED LANDSCAPING PLANTS
TREE AND SHRUB SUGGESTIONS FOR PROPERTIES WITHIN THE CITY OF WILLARD

LARGE TREES:

Bald Cypress, *Taxodium distichum*,
Black Oak, *Quercus veluntina*
Bur Oak, *Quercus macrocarpa*
Chinkapin Oak, *Quercus muehlenbergii*
Northern Red Oak, *Quercus rubra*
Swamp White Oak, *Quercus bicolor*
White Oak, *Quercus alba*
Willow Oak, *Quercus phellos*
Tulip (Yellow) Poplar, *Liriodendron tulipifera*
American Basswood, *Tilia Americana*
Northern Catalpa, *Catalpa speciosa*
Sugar Maple, *Acer saccharum*
London Plane Tree, *Platanus x acerifolia*
Ginko, *Ginkgo biloba*
Blackgum, *Nyssa sylvatica*
Kentucky Coffee Tree, *Gymnocladus dioica*
Norway Spruce, *Picea abies*
Pecan, *Carya illinoensis*

SMALL TO MEDIUM TREES

Persimmon, *Diospyros virginiana*
Flowering Dogwood, *Cornus florida*
Blackhaw, *Viburnum prunifolium*
Ohio Buckeye, *Aesculus glabra*
Red Buckeye, *Aesculus pavia*
Redbud, *Cercis Canadensis*
Serviceberry, *Amelanchier arborea*
American Holly, *Ilex opaca*
Deciduous Holly, *Ilex decidua*
Flowering Crabapple (Malus-cultivars)
Sassafras, *Sassafras albidum*
Zelkova serrata
Black or Rusty Blackhaw, *Nyssa sylvatica*

Eastern Wahoo, *Euonymus Atropurpureus*
Hawthorn (Numerous species and cultivars)

SHRUBS

Rhododendrons-Numerous species will grow here, but they must be planted in shaded sites.

Barberry

Buddleja (Butterfly Bush)

Lilac

Spiraea (Numerous species)

Quince

Forsythia

Hydrangea (Native is very hardy)

Ribes (Aromatic spineless)

Viburnum (Numerous species, Leatherleaf is a good one)

Weigela

Prohibited Trees/Shrubs

More importantly than preferred trees would be a strict prohibition on trees categorized as invasive by the Missouri Department of Conservation.

As of January 2022, the Missouri Department of Conservation (MDC) had identified the following as the top ten most invasive trees in Missouri:

1. Callery Pear (*Pyrus calleryana*): Also known as Bradford Pear or Cleveland Select
2. Tree of Heaven (*Ailanthus altissima*)
3. Siberian Elm (*Ulmus pumila*)
4. Japanese Honeysuckle (*Lonicera japonica*)
5. Autumn Olive (*Elaeagnus umbellata*)
6. Common Buckthorn (*Rhamnus cathartica*)
7. Chinese Privet (*Ligustrum sinense*)
8. Amur Honeysuckle (*Lonicera maackii*)
9. European Buckthorn (*Rhamnus frangula*)
10. Russian Olive (*Elaeagnus angustifolia*)