

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE RENUMBERING ARTICLE III OF CHAPTER 64 OF THE CITY'S CODE OF ORDINANCES, REGARDING PLANNED UNIT DEVELOPMENT (PUD), IN ITS ENTIRETY.

WHEREAS, in order to add an amendment to Article II of Chapter 64 of the City's Code of Ordinances, it is first necessary to renumber the code sections in Article III of Chapter 64 of said Code of Ordinances; and

WHEREAS, the only changes to the Article III as a result of this ordinance are the renumbering of the respective code sections therein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEDALIA, MISSOURI, as follows:

Section 1.: Article III of Chapter 64 of the Code of Ordinances is hereby renumbered as follows:

"ARTICLE III. - PLANNED UNIT DEVELOPMENT (PUD)

Sec. 64-90. - Intent.

The planned unit development, hereinafter PUD, is designed to allow comprehensively planned projects which would provide innovative and imaginative approaches to urban design and land subdivision and development. The PUD is a process of developer and city negotiation, rather than a set of minimum requirements resulting in a standard land use product. It permits a flexibility of established land regulations as contained in the zoning districts and plat and subdivision regulation. When an area is developed under this article PUD, plat and subdivision requirements may be waived, zoning district requirements pertaining to area, height, spacing, and use may be waived or modified and various land use mixtures (both vertical and horizontal) may be permitted with appropriate application of building codes, screening, landscape buffers, and setback restrictions. In essence, the developer, with the review of a planning team and the approval of the city planning and zoning commission (hereinafter commission), may write their own rules for land subdivision and development of a planned unit. However, in no case shall the purpose of zoning and platting nor the intent of the district regulations be violated.

The use of the PUD should be focused on accomplishing the goals and principles outlined in the Sedalia Master Plan Chapter 4 Physical Development Pattern based upon the location of the proposed development. This is most critical when the proposed development is mixing residential densities; and/or residential, commercial and/or employment uses; and/or when it is located within the mixed-use centers and neighborhood centers.

Sec. 64-91. - Design standards.

The planned unit development shall be planned as integral units and may be residential, commercial, industrial, or a combination of land uses. When land uses are mixed, the PUD shall be designed to be compatible with adjacent areas. PUDs shall meet all zoning district requirements unless specifically addressed in the approved development plan, however, in no case shall a PUD be less than two acres in size, nor shall a PUD be less than five acres in size if commercial or industrial uses are included.

- (1) Environmental design. Existing trees, groves, waterways, scenic points, historic spots, and other natural assets and landmarks shall be preserved whenever possible. The location of trees must be considered when designing open spaces and planning the location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finish grade levels. Excessive site clearing of topsoil, trees, and natural features will be discouraged. A general landscaping plan shall be required for all PUDs.
- (2) Open space. Common open space will be encouraged for environmental amenity or collective enjoyment by occupants of the development.
- (3) Building spacing. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, or uses and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings. Yard, setback, lot size, type of dwelling unit, height, frontage requirements, and use restrictions may be waived for the PUD, provided that the spirit and intent of zoning are complied with in the total development plan, as determined by the commission. If topographical or other barriers within 50 feet of the perimeter of the development do not provide reasonable privacy for existing uses adjacent to the development, the commission shall impose either of the following requirements, or both:
 - (a) Structures located on the perimeter of the development must be set back in accordance with the provisions of the zoning district controlling the area within which the development is situated; and
 - (b) Structures located on the perimeter of the development must be well screened in a manner which is approved by the commission.
- (4) Traffic circulation. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within PUDs shall not be connected to local streets outside the development in such a way as to encourage their use by through traffic. The pedestrian circulation system and its related walkways shall be insulated completely and as reasonably as possible from the vehicular street system in

order to provide separation of pedestrian and vehicular movement. This shall include, when deemed to be necessary by the commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic. All nonresidential land uses within a PUD shall have direct access to a major street or frontage road, especially where large parking areas are included. Standards of design and construction for roadways, within PUDs may be modified as is deemed appropriate by the commission. Right-of-way width and street pavement widths may be reduced as deemed appropriate by the commission, especially where it is found that the plan for the PUD provides for the separation of vehicular and pedestrian circulation patterns and provides for adequate off-street parking facilities.

- (5) Community services. PUD approvals shall not be granted unless such facilities as water lines, sanitary sewer lines, and major streets exist in sufficient quantity to serve the PUD without overloading or creating traffic along local streets in residential neighborhoods, or unless the developer is willing to install them at his own expense.
- (6) Phase development. PUDs may be designed to be developed in phases. If the PUD is proposed in a residential zoning district, 20 percent of the total dwelling units must be physically constructed before any commercial use may begin construction.

Sec. 64-92. - Administration.

(a) Principal interests. A planned unit development should generally satisfy the requirements of final subdivision plats in the city and state statutes relating to the making and adopting of a city plan. The administration of a PUD involves the interaction and negotiation of three principal interests:

- (1) Developer. The landowners or the representative of the landowners which is authorized to file a PUD application in their names and represent their interests in negotiating the terms of the PUD.
- (2) Planning team. A review committee, chaired by the commission chairperson and composed of public works director, parks director, fire chief, police chief, and other professional or administrative personnel as requested by the commission. The planning team's function is to provide a review of the proposed PUD and make recommendations to maintain high quality planning standards to achieve a desirable urban environment.
- (3) Commission. The city planning and zoning commission has many and varied functions to perform in PUD projects. They determine whether the PUD conforms with the adopted city plan and land regulations, conduct public hearings to receive citizen input, and negotiate the terms for acceptance for the PUD.

(b) Preconference. It is intended that the filing, review, negotiation, deliberation, and approval process for a PUD avoids confusion or undue hardships on either the developer,

planning team, or commission. The preconference is a joint informational meetings of the developer and planning team for their general review and understanding of the proposed PUD and the development policies of the city. Before filing any application for a PUD, the developer shall submit to the chairperson preliminary plans, maps, sketches, and basic site information. The chairperson shall arrange a joint meeting for consideration and advice as to the relation of the proposed PUD to general development and policies of the city. The general outline of the proposed PUD is to be presented, reviewed, and discussed with opinions, suggestions, and general recommendations given to inform and assist the developer. Suggestions made during the preconference are not legally binding but merely informed reaction to development proposals which should guide the developer in preliminary plans.

Sec. 64-93. - Preliminary development plan.

(a) Major substantive review stage. The preliminary development stage is the point at which major substantive review of the proposed PUD takes place. Recommendations are made on any necessary zoning changes or city plan revisions, and the citizens have a chance for a major response to the proposed development.

(b) Developer. The developer shall initiate the action or a PUD by filing, with the building official, the following:

- (1) Fee. Filing fee in the amount set forth in the city's fee schedule.
- (2) Documentation. Written documents as follows:
 - a. A legal description of the total site proposed for subdivision and/or development, including a statement of present and proposed ownership and present and proposed zoning.
 - b. A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the developer. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the developer.
 - c. A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.
 - d. Quantitative data for the following: total number and type of dwelling units, parcel size or minimum parcel sizes, proposed lot coverage of buildings and structures, approximate gross and net residential densities, total amount of open space (including a separate figure for useable open space), total amount of nonresidential construction (including a separate figure for commercial or institutional facilities), and other studies as required by the planning team.
 - e. A copy of the proposed covenants, easements, and other provisions or land use restrictions proposed in the PUD.

- (3) Site plan and supporting maps. A site plan and any maps necessary to show the major details of the proposed PUD shall contain the following information:
- a. The existing site conditions including contours at two-foot to five-foot intervals, watercourse, floodplains (100-year flood elevations), unique natural features, and forest cover.
 - b. Proposed lot lines and plot designs. In industrial and commercial portions of a PUD, the requirements for final lot lines or plot plan may be waived, considering the general flexibility required by the subdivider or developer to size lots to meet needs of individual projects. However, if the requirement for lot lines is waived, then the PUD site plan and other appropriate written documents must address minimum lot sizes permissible.
 - c. The location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per type, and nonresidential structures (including commercial, industrial and public facilities).
 - d. The location and size in acres of square feet of all areas to be conveyed, and dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses.
 - e. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development).
 - f. The existing and proposed pedestrian circulation system, including its inter-relationship with the vehicular circulation system, indicating proposed treatments of points of conflict.
 - g. The existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines.
 - h. A general landscape plan, indicating the treatment of materials used for private and common open spaces.
 - i. Enough information on land adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape.
 - j. The proposed treatment of the perimeter of the PUD including materials and techniques used such as screens, fences, and walls.

- k. Any additional information as required by the planning team necessary to evaluate the character and impact of the proposed PUD.
- (c) Planning team. After the developer has initiated action by filing the proposed PUD with the building official, the planning team has 30 days to review the PUD in detail, then convey their findings and recommendations in writing to the commission.
- (d) Commission. The commission shall take the following actions:
- (1) Determine if the proposed PUD is in conformance with the intent of this chapter and the purposes of chapter 52, pertaining to plat and subdivision regulations.
 - (2) Conduct a public hearing, then consider the concerns the local citizens have expressed relating to the proposed PUD.
 - (3) Review the recommendations of the planning team and negotiate or arbitrate the differences between the developer, planning team, or local citizens.
 - (4) Determine if the PUD is in conformance with the adopted city plan.
 - (5) After weighing all the evidence, the commission shall either approve the PUD as presented, approve the PUD subject to certain specified modifications, or disapprove the PUD. If the PUD is approved and a zoning change is required, the PUD shall be presented at the next regularly scheduled city council meeting for council approval or disapproval. If the PUD is approved subject to modifications, no zoning change actions shall occur until after final development plans have been approved.

Sec. 64-94. - Final development plan.

- (a) Filing time limit. If the developer fails to apply for final approval within one year following the approval of the preliminary development plan, the approval shall be deemed to be null and void. At its discretion and for good cause, the commission may extend for six months the period for filing of the final development plan.
- (b) Final review. The final development plan shall be filed with the building official and sent to the planning team for review. The planning team shall within 30 days of filing with the building official determine that the final development plan does not vary substantially from the previously approved preliminary development plan and that all new information provided is in compliance with the ordinances requirements.
- (c) Commission action. The final development plan shall then be sent to the commission for final approval and appropriate changes in the zoning map and city plan shall be completed. If the commission does not approve a final development plan, their specific reasons for disapproval shall be stated in writing and made part of the public record, as well as presented to the developer.

(d) Acceptance and recording. After commission approval, the PUD shall be sent with a recommendation to the city council for acceptance of streets, easements, public ways, public areas, and official recording in the county recorder's office. A performance bond may be required by the council for the construction of all public improvements including streets, utilities, and public areas. Following the council's formal acceptance and recording, engineering and/or building permits may be issued and construction may begin.

(e) Failure. If the developer does not substantially complete the PUD, or any stage of the planned unit development, within the time limits proposed by the construction schedule, the commission shall review the PUD and may recommend that the time for completion be extended, that the PUD be amended, or that the approval be revoked and a new precise plan shall be required for any further development on subject property. If the developer has not begun development with the time limits imposed by the construction schedule, the approved and accepted PUD shall be considered null and void. Any zoning changes which resulted from the PUD approval shall automatically revert back to the original districts.

(f) Changes. Minor changes in the location, siting, and height of buildings and structures or the position of lot lines so long as the new lot lines do not violate minimum lot sizes permitted by the zoning classification or subdivision/development plan, may be authorized by the commission and city council without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this subsection may cause any of the following:

- (1) A change in the use or character of the development;
- (2) An increase in the problems of traffic circulation or public utilities;
- (3) A reduction in approved open space;
- (4) A reduction of off-street parking and loading space; or
- (5) A reduction in required pavement width.

All other changes in use, or any changes in the provision of common open spaces and changes other than listed in this subsection, must be made by the city council after report of the planning team and recommendations by the commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in community policy. Any changes which are approved in the final plan must be recorded as amendments in accordance with the procedure established for recording of the initial final plan documents.

Secs. 64-95—64-102. - Reserved.”

Section 2. This ordinance shall be in full force and effect from and after its passage and approval.

Read two times by title, copies of the proposed ordinance having been made available for public inspection prior to the time the bill is under consideration by the Council and passed by the Council of the City of Sedalia, Missouri this 3rd day of August, 2015.

Presiding Officer of the Council

Approved by the Mayor of said City this 3rd day of August, 2015.

ATTEST:

Stephen J. Galliher, Mayor

Arlene Silvey, MPCC, City Clerk