

AN ORDINANCE AMENDING CHAPTER 27-150, PLANNED UNIT DEVELOPMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF WARRENSBURG, MISSOURI.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WARRENSBURG, MISSOURI, AS FOLLOWS:

Section 1. Section 27-150 (b), of the Code of Ordinances of the City of Warrensburg is amended to read as follows:

(b) Designation of PUD; approval process.

(1) Planned unit development is an overlay district that modifies the regulations of the affected zoning district and requires a planned unit development conditional use permit. The granting of a planned unit development conditional use permit may be initiated by a verified application of one (1) or more of the owners of record of a lot or tract of land, or their authorized representatives, or by a resolution by the planning and zoning commission or the city council. Procedures for application, review and approval of a planned unit development conditional use permit shall be as follows:

(2) *Application.* Application for a planned unit development conditional use permit for a specific tract of land shall be filed in the office of the zoning official. The application shall be filed on forms prescribed for that purpose by the zoning official and be accompanied by the following:

- a. A filing fee as set by resolution of the city council.
- b. The correct legal description of the property.
- c. The present zoning district for the property.
- d. The name, address, and phone number of the applicant; the names, addresses, phone numbers, and signatures of all owners, their attorney and their designated representative (if any). Designated representatives shall present proper power of attorney signed by all owners and notarized showing authorization to act on their behalf.
- e. The names and address of property owners for a distance of three hundred (300) feet from all sides of the property determined by lines drawn parallel to and three hundred (300) feet distant from the property lines of the property in questions.
- f. A statement by the applicant describing how the proposed development departs from the City's standard development regulations, and how the

proposed development, on balance, is an improvement over what otherwise would be required under the community's standard zoning and land development regulations.

- g. Fourteen (14) copies of the development plan, which shall contain all the requirements of a final plat under Section 21-87, in addition to the following:
1. Proposed uses of structures on site including information on the number of seats, employees or other applicable unit to measure the intensity of the proposed uses.
 2. Dimensions of buildings and distances to other buildings, improvements, property lines, setback lines, driveways.
 3. The location, number, design, and dimension of all parking spaces and loading areas.
 4. Proposed ingress and egress to the site.
 5. Location of the public rights-of-way adjacent to the property. Show adjacent drives.
 6. Layout and design of the parking areas, including spaces for the disabled, required screening, loading areas and pavement construction details.
 7. Parking area lighting standards, location, and screening.
 8. Landscaping plan delineating location of trees and shrubs identified by type, species and size.
 9. Storm drainage: site grading, storm discharge and detention.
 10. Sidewalks as required by ordinance.
 11. Show dumpster enclosure(s) location, type, and screening.
 12. Show location and details of any proposed signs.
 13. Show location of any proposed fences/walls/retaining walls, decorative, security or otherwise.
 14. Location of nearest fire hydrants.

15. A table verifying that the requirements of Section 27-150 (g) for density and Section 27-150 (p) for open spaces have been satisfied.

- h. If lots are being created that match the exact footprint of a building, the applicant shall submit two full sets of the building plans.
 - i. A formal irrevocable offer of the owner for dedication to public use of all public streets, alleys, parks, public lands, shown thereof, and the granting of all easements required;
 - j. A statement on the plan which states that when the city accepts the street right-of-way for public streets shown on the plan as property, the city is under no obligation to improve the streets or to accept the streets for public maintenance.
 - k. Two (2) complete sets of construction drawings and specifications of the public improvements at the one (1) inch equals one hundred (100) feet scale;
- (3) The application for a planned unit development conditional use permit shall be filed with the zoning official and the zoning official shall:
- a. Check the application for accuracy and return incomplete applications to the applicant within three (3) business days of receipt.
 - b. Advise other concerned city departments and entities, of the proposed application and plan, requesting their review and comments. The Developer shall submit copies of the preliminary plan to each public utility including gas, electric, water, cable, and telephone. Proof of such delivery shall be submitted to the city. Each public utility shall have thirty days from the date of delivery in which to provide written comment to the city on the preliminary plan, together with any proposed alterations to public utility easements and right-of-way.
 - c. Prepare a recommendation for the planning and zoning commission.
 - d. Place the matter on the agenda of the next regular meeting of the planning and zoning commission occurring forty (40) days or more after a complete and accurate application is filed with the city.
 - e. Give written notice to the adjacent property owners for a distance of three hundred (300) feet from all sides of the property; as named in the application, of the proposed planned unit development conditional use permit and of the date of the planning and zoning commission meeting at which the matter will be considered. The notices shall be mailed at least fifteen (15) calendar days before the date of the meeting.

(4) *Review by the planning and zoning commission.* Before making a recommendation to the city council the planning and zoning commission shall review and consider the application for a planned unit development conditional use permit in an open public meeting. At such meeting, both those in favor of and those opposed to the planned unit development conditional use permit will be given reasonable opportunity to be heard.

- a. The criteria to be considered by the planning and zoning commission shall include, but not be limited to the following:
 1. If the proposed planned unit development conditional use complies with all applicable provisions of Chapter 27 and will conform to the general intent and purpose of Chapter 27, the intent of the underlying base zoning district in which the proposed planned unit development conditional use will be located, and Section 27-150 (a);
 2. If the proposed planned unit development conditional use is in accordance with the intent of, and furthers and promotes the goals of the City's Land Use Plan;
 3. If the proposed planned unit development conditional use at the specified location will contribute to and promote the welfare or convenience of the public;
 4. If the proposed planned unit development conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;
 5. If the location and size of the planned unit development conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will dominate the immediate neighborhood, consideration shall be given to:
 - (i) The location, nature and height of buildings, structures, walls, and fences on the site; and
 - (ii) The nature and extent of proposed landscaping and buffering on the site.
 - (iii) If adequate utility, drainage, and other such necessary facilities have been or will be provided; and

(iv) If adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

- b. The planning and zoning commission shall arrive at a decision on the preliminary plan within sixty (60) days of the first meeting, except the planning and zoning with the consent of the Developer may extend the sixty-day period. If the planning and zoning approves or approves with conditions, the application and the plan shall be sent to the city council. The planning and zoning commission shall transmit its findings and recommendations to the city council in writing; or
- c. If disapproved, the planning and zoning commission shall state in writing the reasons for its disapproval and refer specifically to those parts of the city plan or the intent of the city plan, the subdivision regulations, the major street plan, or Chapter 27 of the Code of City Ordinances, or other pertinent considerations including those specified in Section 27-150 (a) with which the development does not comply. After its decision, the planning and zoning commission shall forward its findings and recommendations in writing to the city council for final consideration; or
- d. If the planning and zoning commission cannot reach a decision within the time period, the Developer may proceed to Section 27-150 (b) (5).

(5) *City council consideration.*

- a. The city council shall not conduct a public hearing with regard to, nor act upon a planned unit development conditional use permit request until the planning and zoning commission shall have acted on the matter.
- b. After the findings and recommendations of the planning and zoning commission have been filed with the city council or the requisite time period has passed, the city council shall hold a public hearing on the matter. The city council may not grant a planned unit development conditional use permit until a public hearing has been held on such ordinance.
- c. Public notice. The zoning official shall cause public notice of the hearing to be published at least once in a newspaper of general circulation in the City of Warrensburg. Publication shall commence not less than fifteen (15) days before the hearing date. The notice shall include the date, time and place of the hearing, and state that the planned unit development conditional use permit application may be viewed at the municipal building. In addition, the notice shall also provide the following information:

1. The notice shall contain the approximate location or street address, the name of the petitioner; the present zoning district classification and the nature of the planned unit development conditional use permit sought.
2. A sign or signs shall be placed on each parcel of land for which the planned unit development conditional use permit is being considered at the hearing before the city council. Said sign(s) shall be placed on affected parcels of land at least fifteen (15) days prior to the public hearing to be held by the city council. The sign(s) shall be posted at a point(s) nearest to the right-of-way of any street or roadway abutting such land, and so as to be clearly visible to the traveled portion of such street or roadway. The zoning official shall determine the number of additional signs to be placed that may be necessary to carry out the intent of this chapter. The sign(s) shall bear there on the following: "PUBLIC HEARING" and "APPLICATION FOR CONDITIONAL USE PERMIT FILED WITH THE CITY OF WARRENSBURG CITY COUNCIL. PUBLIC HEARING WILL BE HELD ON (insert date and time) IN THE MUNICIPAL BUILDING, 102 S. HOLDEN, WARRENSBURG, MISSOURI." The zoning official may provide for such additional information to be placed on any such sign which would serve to fully inform the public as to the nature of the conditional use permit pending before the city council. It is unlawful for any person to tamper with any sign required for public notice.
- d. At the hearing, staff shall make a recommendation to the city council, the applicant shall be heard, and those both in favor of and opposed to the planned unit development conditional use permit will be given reasonable opportunity to be heard.
- e. When considering a conditional use permit application, the city council shall consider the criteria outlined in Section 27-150(b) (4) a for consideration by the planning and zoning commission.
- f. At the conclusion of the public hearing, the city council may proceed to vote on the proposed ordinance, refer it to a committee for further study; or take any other action consistent with its usual rules of procedure. If the city council does not take final action on a proposed planned unit development conditional use permit within sixty (60) days after final action of the planning and zoning commission, the proposed planned unit development conditional use permit shall be deemed approved.

The approved plan constitutes an acceptance of the plan including rights-of-way for public streets, alleys, easements, drainage ways and land dedicated for public use, but does not include improvements such as utilities, street paving or the proposed subdividing of blocks into lots.

g. Any vote of the city council to remove a condition or approve a plat disapproved by the planning and zoning commission shall require a four-fifths (4/5) approval for passage.

- (6) Prior to approval of the development plan by the city council, the Developer shall agree in writing, in a form provided by the City of Warrensburg, that he/she will:
- a. Install the required improvements in accordance with city standards prior to being issued a building permit. The construction and installation of required improvements may be to each lot for which a building permit is requested; however, no building permit shall be issued for construction on any lot within any subdivision until construction and installation of required improvements have been completed within the subdivision for and to the lot for which the building permit is to be issued; or
 - b. Provide a performance bond or escrow account, set up according to terms of the city, in an amount sufficient to ensure satisfactory construction, installation and dedication of the required improvements. If an escrow account is chosen by the Developer, estimates of completed improvements may be presented to the city council together with a request for release of funds in the amount of completed improvements. Upon certification by the City of Warrensburg that such improvements have been completed to city standards and specifications, the city council may release that portion of funds in the escrow account. Before final withdrawal of funds from the escrow account, the developer shall certify to the city that all bills have been paid for materials and work on the required improvements.

Building permits will be issued to any lot or area for which improvements have been completed and for which a performance bond or escrow account has been established in accordance with Section 27-150 (b) (6) b. In those cases where a performance bond or escrow account has been posted and the required improvements have not been installed within two (2) years, the city may thereupon declare the Developer to be in default and require that all improvements be installed regardless of the extent of the building development at the time of default.

- (7) Upon approval, the Developer shall submit upon acceptable mylar stock two (2) original drawings of the approved development plan, bearing original signatures by all persons claiming an interest in the property, all applicable taxing authorities certifying that no taxes are owed on the property and by the licensed surveyor preparing the development plan. The approval of the development plan shall be shown over the signature of the Mayor and attested to by the City Clerk on the original drawings. After approval, the City Clerk shall file the development plan with the county recorder's office as a final subdivision plat. The recording fee shall be paid by the city and the city shall

provide as many copies of the filing certification as requested by the Developer.

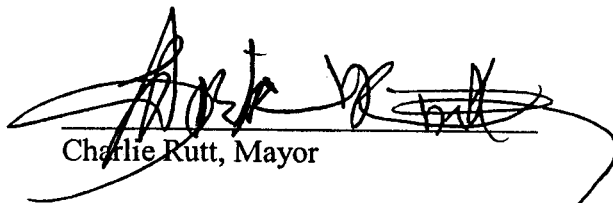
Section 2. Section 27-150 (c) of the Code of Ordinances of the City of Warrensburg is amended to read as follows:

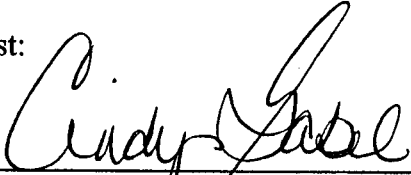
(c) *PUD design requirements.* Unless authorized by Sections 27-150 (d) through (g) and specifically approved as part of a planned unit development conditional use permit, the underlying base zoning district standards and other applicable regulations of Chapter 27 shall control development within a PUD.

Section 3. It is intended that the provisions of Sections One and Two of this ordinance shall become a part of the Code of Ordinances of the City of Warrensburg and it may be renumbered to accomplish that purpose.

Section 4. This ordinance shall be in full force and effect from and after its passage.

Read two (2) times and passed by title this 10th day of April, 2006


Charlie Rutt, Mayor

Attest:

Cindy Gabel, City Clerk

