

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
AMENDING THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI, BY
AMENDING TITLE IV, LAND USE, CHAPTER 405, ZONING REGULATIONS, ARTICLE
IV, A PLANNED DEVELOPMENT DISTRICT, REGARDING PLANNED DEVELOPMENT
DISTRICTS**

WHEREAS, the City of Republic, Missouri, (herein called the "City" or "Republic") is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the City of Republic has recognized the need to continually review and revise Land Use Regulations regarding Planned Development Districts as the City continues to grow and develop; and

WHEREAS, the BUILDS Department did, thereafter, submit revisions to the Planning and Zoning Commission which did set March 8, 2021, as the date a Public Hearing would be held on such application and proposed revisions; and

WHEREAS, notice of the time and date of Public Hearing was given by publication on February 10, 2021, in The Greene County Commonwealth, a newspaper of general circulation in the City of Republic, such notice being at least 15 days before the date set for the Public Hearing; and

WHEREAS, a Public Hearing was conducted by the Planning and Zoning Commission on March 8, 2021; and

WHEREAS, on March 8, 2021, the Planning and Zoning Commission, by a vote of 5 Ayes to 0 Nays, recommended the approval to revise Land Use Regulations regarding Planned Development Districts and thereafter, submitted the same, together with its recommendations, to the City Council; and

WHEREAS, the revisions to the Land Use Regulations regarding Planned Development Districts was submitted to the City Council at its regular meeting on March 23, 2021, after which the City Council did proceed to vote to approve the revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC AS FOLLOWS:

Section 1. Title IV, "Land Use," Chapter 405, "Zoning Regulations," Article IV, "A Planned Development District" is hereby amended by amending the Sections below to read as follows:

Section 405.210 Purpose And Intent.

The purpose of the planned development regulations is to allow for **mixed-use**, unconventional, ~~or and~~ innovative arrangements of land uses and public facilities that, but for the provisions of these regulations, would otherwise be difficult to develop under the conventional land use and development regulations of the City. ~~It is not the intent of these regulations to provide for or facilitate the circumvention of the conventional regulations for development for the sake of mere convenience or in any other way that does not provide for a demonstrable public benefit based on the findings of the City's Planning and Zoning Commission and City Council.~~

Section 405.220 Applicability.

- A. Eligibility To Submit An Application For A Planned Development. An application for a Planned Development shall be submitted by the legal owner(s) of the real property subject to the application, or by a duly authorized representative of such owner, or by an individual or organization with a legitimate contractual interest in the purchase of the subject real property.
- B. Eligibility Requirements For Planned Developments – Generally. A proposal for a Planned Development shall demonstrate substantial congruence with each of the following conditions in order to be considered eligible for approval.
1. The proposed development plan shall involve a diverse mixture or variation of land uses or densities, ~~which cannot be accomplished by following the requirements set forth for conventional development and which contains aspects of development beyond mere convenience that necessitate use of a planned development.~~
 2. The proposed development plan shall involve the provision of all infrastructure deemed necessary to adequately serve the potential development.
 3. The proposed development plan shall involve design elements that promote the City of Republic's Comprehensive Plan **and other adopted plans of the City**.
 4. The proposed development plan shall involve design elements intended 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, parks, and other public requirements.

Section 405.240 Development Plans.

- A. Minimum Requirements. Development plans accompanying an application for a new Planned Development District will be reviewed by City staff in order to verify satisfaction of the following minimum requirements prior to being forwarded to the Planning and Zoning Commission for consideration:
1. Identification Of Permitted Land Uses. All land uses to be permitted within the Planned Development shall be identified in sufficient detail with regard to density, intensity, and location of the use. In this context, "sufficient detail" means a description of the permitted land use so as to explicitly limit the use of land in a way that is meaningful for the purposes of making determinations as to whether the particular land in question may be used for a specific purpose. Overly vague or ambiguous land use descriptions that evade predictability and certainty as to what sorts of land uses may be permitted shall not be allowed.
 2. Identification Of Circulation Elements. The proposed development plan shall articulate a plan for the circulation of vehicle and pedestrian traffic throughout the development. The circulation plan shall include sufficient detail with regard to the general location of these elements as well as their capacities and connections to existing facilities of the same or similar purpose.
 3. Identification Of Utility Sources. The proposed development plan shall accurately identify the location of proposed sources and any necessary extension or expansion of utilities to serve the identified land uses. It is not the intent of this provision to require the specific design or engineering of the extension or expansion of these utilities, rather it is merely to ensure that the necessary services are available and of adequate capacity, either presently or as a result of planned expansion, to serve the proposed development.
 4. Identification Of Transitional Elements. The proposed development plan

shall identify the general location and type of transitional elements between dissimilar or normally incompatible land uses. These transitional elements may include screens, bufferyards, or other architectural features that serve to lessen the visual, auditory, and olfactory impacts of land uses having significant differences in intensity.

5. Identification Of Other Amenities. The proposed development plan shall identify the general location and type of other planned amenities ~~intended to serve the public interest~~, a sense of community, and/or the purpose of this Article.
- B. Evaluation Criteria. The development plans proposed for any Planned Development shall be evaluated by the City staff, the Planning and Zoning Commission, and the City Council with regard to the following criteria:
 1. Satisfaction of the purpose and intent of this Article.
 - ~~2. Promotion of the public interest and a sense of community.~~
 - ~~3~~ 2. Conformity with the adopted Comprehensive Plan and other adopted plans of the City of Republic.
 - ~~4~~ 3. The ability of the available or planned infrastructure to provide adequate service to the proposed development.
 - ~~5~~ 4. The estimated impact of the proposed development on surrounding properties based on facts found pertaining to the purpose and intent of this Article.
 - ~~6~~ 5. A reliable and valid estimate of the costs and benefits of the proposed development upon the community.
 - ~~7~~ 6. The duly authorized partnership of the public and private sectors for mutual benefit.
- C. Rights/Privileges Conferred Upon Development Plan Approval. The approval of a Planned Development District by ordinance of the City Council of the City of Republic shall confer upon the applicant and any successive owners of the real property the conditional right to develop the land in accordance with the approved development plan.

Section 405.250 Infrastructure Design And Construction.

- A. Procedure. The design, review, and permitting of the construction of the infrastructure planned for the development shall proceed according to the provisions of Chapter 410 of the City of Republic's Municipal Code of Ordinances.
- B. Evaluation Criteria. Permits for land disturbance or construction of any improvements to the real property shall ~~be~~ not be issued except upon a determination by the Community Development Department that the designs are in substantial conformity to the approved development plan. Substantial conformity shall be determined according to the following criteria:
1. Conformity to the arrangement and type of land uses articulated by the approved development plan.
 2. Conformity to the circulation plan articulated by the approved development plan.
 3. Conformity to the Standards and Specifications for Public Improvements.
 4. Conformity to the transitional elements articulated by the approved development plan.
 5. Conformity to the applicable minimum requirements of the City of Republic's Municipal Code of Ordinances ~~or~~ **and** other adopted codes or laws of the City, State, or Federal governments.
 6. Conformity to any other amenities or design elements articulated by the approved development plan.

If the Community Development Department determines the design of the development to not be in substantial conformity, the Community Development Director and/or their designee shall transmit such findings, in writing, to the applicant along with a statement of the specific areas found to be in non-conformity. A determination of non-conformity may be appealed to the Board of Adjustment pursuant to the provisions of Article XII of Chapter 405 of the City of Republic's Municipal Code of Ordinances.

- C. Amendments To The Plan. Minor amendments to the development plan shall be submitted for staff review and approval. If staff determines that the changes are a substantial change to the development plan then the matter may be referred to Council to approve, amend or deny the

proposed changes. Amendments to the approved development plan may be forward to the Planning and Zoning Commission and City Council according to the same procedure for original adoption.

EXPLANATION – Matter in **bold-face** type in the above is added language. Matter in ~~striketrough~~ in the above is deleted.

Section 2. All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance shall remain unmodified and in full force and effect.

Section 3. The whereas clauses are hereby specifically incorporated herein by reference.

Section 4. The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.


Section 5. This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2021.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2021.03.18 10:09:56
-05'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____