

Article IV
A Planned Development District

Section 405.190 Authority.
[Ord. No. 18-10, 2-13-2018]

Upon enactment of an ordinance by the City Council repealing and replacing the prior Planned Development District procedures, a development plan for a Planned Development District may be approved in any district in the City of Republic, subject to the procedures and standards in this Article.

Section 405.200 Application And Review Of Existing Planned Development District.
[Ord. No. 18-10, 2-13-2018]

Those Planned Development Districts that are under development at the time of enactment of this ordinance may continue to operate and develop under the processes in place immediately prior to enactment of this ordinance. The legal owner(s) of the real property or a duly authorized representative of such owner or an individual or organization with a legitimate contractual interest in the purchase of the subject real property may submit an application to the Community Development Department seeking approval to proceed with future development of the Planned Development District under the new procedures and processes contained in this Article. The request may be approved, approved with conditions or disapproved. General guidance in making a determination is to assure that a change will not negatively impact the development as initially proposed; it shall not negatively impact adjacent property; the change will comply generally with the conditions in this Article; and the proposal will be of benefit and be in line with development within the City. The procedure for amendment of a plan set forth in Section 405.270(C) may be used in making a decision on the application.

Section 405.210 Purpose And Intent.
[Ord. No. 18-10, 2-13-2018]

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.
[Ord. No. 18-10, 2-13-2018]

- 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 405.230 **Procedure.**

- A. Planned Developments shall proceed toward the planned improvements, subdivision, and/or marketing according to the following process:
1. Procedure For Rezoning. The applicant shall apply to have the property rezoned in accordance with the hearing process set forth in Section **405.980** of this Chapter. In addition to the legal description of the property to be rezoned, the development plan shall be submitted with the rezoning request and shall be subject to review, modification and approval by the Planning and Zoning Commission and Council as allowed in this Chapter.
 2. Development Plan Review. Upon application for a rezone to Planned Development District, the Community Development Department shall arrange for the review of the development plan submitted in accordance with the requirements and provisions of Section **405.240**. The Community Development Department staff shall communicate, in writing, any known deficiencies relative to the requirements contained herein as well as a determination of eligibility. Upon the satisfactory completion of that review, the Community Development Department shall arrange for all necessary legal notices and forward the application and

development plan to the Planning and Zoning Commission for hearing and consideration. A fee as provided for in the fee schedule found in Section 800.500 of this code, shall be paid to the City at the time of submittal, to defray the cost of review.

3. **Planning And Zoning Commission Consideration.** The City's Planning and Zoning Commission will hold a public hearing concerning the application to rezone and the development plan, such hearing having been properly publicized as required for zoning amendments. The purpose of the hearing is for the Commission to find certain facts pertaining to the development plans conformity to the requirements of this Article as well the adopted plans of the City. Upon the closing of the public hearing, the Commission shall render their findings and vote to make a recommendation to the City Council concerning the approval of the proposed Planned Development District rezone and the approval of the development plan.
4. **City Council Consideration.** The City Council shall receive the findings of facts and recommendation of the Planning and Zoning Commission and will consider whether to approve the proposed Planned Development District rezone by ordinance.
5. **Rezoning And Development Plan Approval.** Upon approval of the rezoning to Planned Development District, the development plan submitted with the rezoning request shall become the general guiding document for the uses to be established in the Planned Development District. The final plat shall be in substantial conformance with the development plan.
6. **Infrastructure Design And Construction.** Approved Planned Developments shall be allowed to proceed toward the design and engineering of all necessary public improvements in accordance with the adopted standards and specifications of the City of Republic. All designs shall be reviewed and approved by the Community Development Department and Public Works Department prior to permitting and construction. No construction shall commence except upon the issuance of a permit for the work to be performed.
7. **Platting.** Upon the acceptance of the construction of all permitted infrastructure, the Planned Development District may be subdivided by the approval and recording of a final plat pursuant to the requirements and procedures of Chapter **410** of the City of Republic's Municipal Code of Ordinances.
8. **Building Permits.** Upon the approval and recording of a final plat or else upon the securing of all necessary public infrastructure by an appropriate financial surety, permits may be issued for the construction of buildings within the Planned Development District, provided that conditions pertaining to protection of life and safety sufficiently present as determined by the various code officials of the City, including the Building Code and Fire Code officials.

Section 405.240 Development Plans.
[Ord. No. 18-10, 2-13-2018]

- 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.
[Ord. No. 18-10, 2-13-2018]

- 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.

Section 405.260 Platting.
[Ord. No. 18-10, 2-13-2018]

- A. Tentative Plat Approval. The Development Plan reviewed by the Planning and Zoning Commission and approved by the City Council may serve as a preliminary plat. If a more specific and detailed preliminary plat is required by either the Community Development Director or the applicant, such preliminary plat shall conform to the requirements of Article **III** of Chapter **410** and shall be reviewed and approved by City Council.
 1. If phased construction is not planned, the construction and final platting shall be completed within 4 years of the date of approval of the development plan.
 2. If phased construction is planned, the construction and final platting of the first phase shall be completed within 2 years of the date of approval of the development plan. If the first phase has been constructed and a final plat issued, subsequent phases may be submitted covering portions of the approved development plan; provided, however, that all phases of the development plan and final platting must be completed within 8 years of the date of approval of the development plan.
 3. If the development plan and final platting have not been completed within the timeline set in this Section, then the development plan shall be resubmitted to the City for extension and approval in accordance with the provisions of Section 410.150 hereof. If an extension and

approval is not granted, the original development plan approval shall be null and void. It shall not be the responsibility of the City to notify the applicant of an expired development plan.

- B. Final Plat Approval. Upon the satisfactory completion of the construction of all required infrastructure and other site elements or amenities, or else by the security of the same by an appropriate financial surety, the applicant may submit a final plat document in accordance with the provisions of Chapter **410** of the City of Republic's Municipal Code of Ordinances.