

**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 revise Land Use Regulations dealing with planned developments, and has proposed amendments to address the same; and

WHEREAS, the Community Development Department did, thereafter, submit said revisions to the Planning and Zoning Commission which did set the 14th day of September, 2020, 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 August 26, 2020, 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 September 14, 2020; and

WHEREAS, on September 14, 2020, the Planning and Zoning Commission, by a vote of 5 Ayes to 0 Nays, recommend the approval to revise Land Use Regulations dealing with planned developments and thereafter, submitted the same, together with its recommendations, to the City Council; and

WHEREAS, the revisions to the Land Use Regulations dealing with planned developments was submitted to the City Council at its regular meeting on September 15, 2020, 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 400, "Zoning Regulations," Article IV, "A Planned Development District" is hereby amended by amending Section 405.200, "Application And Review Of Existing Planned Development District" to read as follows:

Section 405.200 Application And Review Of Existing Planned Development District.

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~~ **rendering** a decision on the application.

Section 2. Title IV, "Land Use," Chapter 400, "Zoning Regulations," Article IV, "A Planned Development District" is hereby amended by amending Section 405.230, "Procedure" to read as follows:

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 in the amount of five hundred dollars (\$500.00) 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. ~~If the Planning and Zoning Commission has not recommended approval of the proposed Planned Development District rezone, the ordinance approving the rezone shall not pass except upon the affirmative votes of at least three-quarters (3/4) of the total membership of the City Council.~~

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 3. Title IV, "Land Use," Chapter 400, "Zoning Regulations," Article IV, "A Planned Development District" is hereby amended by amending Section 405.240, "Development Plans" to read as follows:

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 regards 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 regards 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 regards 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. Conformity with the adopted Comprehensive Plan **and other adopted plans** of the City of Republic.

4. The ability of the available or planned infrastructure to provide adequate service to the proposed development.

5. The estimated impact of the proposed development on surrounding properties based on facts found pertaining to the purpose and intent of this Article.

6. A reliable and valid estimate of the costs and benefits of the proposed development upon the community.

7. 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 4. Title IV, "Land Use," Chapter 400, "Zoning Regulations," Article IV, "A Planned Development District" is hereby amended by amending Section 405.260, "Platting" to read as follows:

Section 405.260 Platting.

A. Tentative Plat Approval. The development plan **reviewed by the Planning and Zoning Commission and approved by the Planning and Zoning Commission** ~~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~~ **and approved by the**

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.

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

Section 5. 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 6. The whereas clauses are hereby specifically incorporated herein by reference.

Section 7. 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 8. 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 _____ 2020.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk



Digitally signed by Scott
Ison
Date: 2020.09.14 20:17:42
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Approved as to Form: _____, Scott Ison, City Attorney

Final Passage and Vote: _____