

First Reading:

Second Reading

Bill No:

Ordinance No:

AN ORDINANCE REVISING AND REPLACING SECTION 400.510 OF THE CITY CODE.

WHEREAS, the city needs diversity of housing to sustain growth, and,

WHEREAS, the city wants to incentivize the infill of property, and

WHEREAS, mixed use zoning allows for diversity of development,

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF THE CITY OF WILLARD,
AS FOLLOWS:**

SECTION 1. REPEAL SECTION 400.510

Section 400.510 is hereby repealed in its entirety

SECTION 2. REPLACEMENT OF SECTION 400.510

Section 400.510 is hereby replaced with the following:

Section 400.510 - MIXED USE DISTRICT (MU)

- A. **Authority:** Upon enactment of an ordinance by the Board of Aldermen, a development plan for a Mixed-Use District may be approved in any district in the City of Willard, subject to the procedures and standards in this Section.
- B. **Purpose:** The intent of the **Mixed Use (MU) District** is to encourage more creative and imaginative design than generally is not possible under conventional zoning regulations. It is intended to permit, upon application and upon approval of site and use plans, the creation of MU districts. MU Zones have been established to encourage creative and efficient planning and development of land within our community by providing greater flexibility in the use of and placement of buildings and structures on the land, the consolidation and preservation of community-valued view corridors, open spaces and trails. Proposed developments should be designed to maximize the integration of improvements into the natural and proposed landscape, thereby minimizing the visual impact on both view corridors & viewsheds as well as from property to property within the community. These MU provisions are intended to create a more attractive, walkable, desirable environment within the City.
- C. **Permitted Uses:**
 - Single-family residential uses.
 - Multiple-family residential uses.
 - Townhouse and condominiums
 - **Commercial**

Any combination of the above uses, **or other uses** that may be determined by the Planning Commission to be compatible and in harmony with each other according to the designed ~~and approved~~ development.

- D. **Zoning Process**

1. **MU Zones:** Properties identified as MU zones on the future use map may be eligible for MU development. Additional properties without the MU designation would require approval from the Board of Aldermen via the rezone
2. **Application for zone change:** Any person desiring to develop property under the provisions of this article shall first file an application for a zone change on the standard form provided by the City. The applicant shall apply to have the property rezoned in accordance with the hearing process set forth in Section 400.360 of this code. In addition to the legal description of the property to be rezoned, the conceptual 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 Board of Aldermen as allowed in this Chapter. The applicant shall be required to pay for notification of all property owners within a 185 foot radius of the given project. They shall be notified of the intent to change zones and dates and times of public hearings.
 - i. ~~The zone change shall be posted to all the current requirements~~
 - b. ~~Conceptual Development Plan: All zoning requests shall be accompanied by a colored site development plan and written text for the entire property proposed to be developed~~
3. **Ownership:** A MU development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
 - i. ~~Open Spaces: Preservation, maintenance and ownership of open spaces within the development shall be accomplished by:~~
 1. ~~Dedication of land as a public park or parkway system; or~~
 2. ~~Granting to the City a permanent open space easement on or over the said private open spaces to guarantee that the open space will remain perpetually in common use, with ownership and maintenance being the responsibility of a homeowner's association established with articles of association and bylaws which are satisfactory to the Board of Aldermen; or~~
 - ii. ~~Creating and complying with bylaws which provide for the payment of common expenses for the upkeep of the common areas and facilities.~~
 - iii. ~~Concurrent Approval: For concurrent approval, the zone change application shall include a conceptual plan, and supporting text materials which describe the proposed land uses, density and the proposal's relationship to the City general plan, as well as elevations of proposed buildings within the development.~~
 1. ~~The applicant may request to defer the conceptual plan design approval to a later date. Deferred conceptual plans will have a time limitation of eighteen (18) months. Review and approval of deferred plans will comply with Section 400.500 D, E, F, & G~~

MU Flowchart: MU Administration Flowchart

- E. **Development Plan Review.** Upon application for a rezone to Mixed Use District, the Community Development Department shall arrange a meeting for the review of the development plan submitted in accordance with the requirements and provisions of Section 400.510. The Community Development Department staff and local utility providers 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 500.110 shall be paid to the City at the time of submittal, to defray the cost of review.
- F. **Staff Developer Review:** ~~Prior to the review of the MU Development plan and text by the Planning~~

~~Commission, the applicant shall schedule a meeting with the Community Development Department. **Staff Developer Meetings will be held on the 2nd and 4th Wednesdays and require a two (2) week scheduling notice.** Upon receiving an appointment notice, the planning department will invite all necessary staff and other agencies for the scheduled applicant meeting. The zone change application shall include a conceptual plan and supporting text materials which describe the proposed land uses, density and the proposal's relationship to the City comprehensive plan, as well as elevations of proposed buildings within the development. After the Staff Developer Meeting, the staff shall furnish to the applicant any comments regarding the zone change request that may help the applicant in preparing the request for submission. Staff shall hold such meetings with the applicant as are deemed necessary for proper review.~~

- G. **Public Hearing & Review By Planning Commission:** The Planning Commission will schedule a public hearing to consider the proposed zone change and shall review the conceptual plan, supporting text materials and staff comments for compliance with applicable general plan policies. The Planning Commission shall also make recommendations concerning the zone change request which will be forwarded to the Board of Aldermen
- H. **Public Hearing & Review by Board of Aldermen:** The Board of Aldermen will receive the recommendations of the Planning Commission and schedule a public meeting to consider official action on the zone change request.
- I. **Rezoning And Development Plan Approval.** Upon approval of the rezoning by the Board of Aldermen to the MU District, the development plan submitted with the rezoning request shall become the general guiding document for the uses to be established in the MU District. The final plat shall be in substantial conformance with the development plan.
- J. **Infrastructure Design And Construction.** Approved Mixed Use Development 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 Willard. 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.
- K. **Platting.** Upon the acceptance of the construction of all permitted infrastructure, the Mixed Use District may be subdivided by the approval and recording of a final plat pursuant to the requirements and procedures of Chapter 405 of the City of Willard Code.
- L. **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 MU 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.
- M. **Adjustments To Plan During Development.** During the construction of a **Mixed Use** development, the Board of Aldermen may authorize minor adjustments to the final development plan when such adjustments appear necessary considering technical or engineering considerations first discovered during actual development. Such minor adjustments must be brought to the Board of Aldermen's attention and must be voted on to be approved and made a part of the final development plan.
- N. **Amendments To Final Development Plan.** In addition to the minor adjustments authorized by Subsection (K) above, an approved final development plan may be amended, varied or altered in the same manner and subject to the same limitations as any other regulation established by this Article. In addition, an approved final development plan may be amended or altered pursuant to the procedures established by this Section for its original approval.
- O. **Compliance With Final Development Plan.** The construction and operation of a **Mixed Use** development shall be in compliance with the approved final development plan at all times.

P. Time Limitations: Building permits for construction within MU Zones must be obtained within ~~eighteen (18)~~ 24 months of the approval of a zone change to Mixed Use development - single lots. If ~~eighteen (18)~~ 24 months elapsed without the issuance of building permits for the construction of the approved plans within the MU Zone, all conceptual and preliminary plan approvals shall be deemed null and void, unless an extension is granted. The applicant shall request an extension on an approved development plan prior to the expiration of the ~~eighteen (18)~~ 24 months time limit. The Planning Director may approve a ~~six (6) month~~ extension up to 12 months on an approved development plan. ~~In the case that a second six (6) month extension is needed, the applicant shall request a second extension on the approved development plan prior to the expiration of the first six (6) month extension time limit.~~ The Board of Aldermen will approve or deny the requested second extension on the development plan. In the case that an approved development plan does expire, the zoning of the property shall remain a Mixed Use development, but no construction will be allowed on the property until a new plan is submitted and approved by the Planning Commission and the Board of Aldermen.

Decision Of Board of Aldermen: ~~The Board of Aldermen may approve, modify and approve, or deny the zone change and Conceptual Plan request~~

~~**Review by Planning Commission:** The Planning Commission will review the proposed final plan, supporting text materials and staff comments for compliance with applicable general plan policies. The Planning Commission shall review recommendations concerning the final MU Plan. Recommendations will be forwarded to the Board of Aldermen~~

~~**Final Review by Board of Aldermen:** The Board of Aldermen will receive the recommendations of the Planning Commission and consider official action on the final plan request.~~

GENERAL REQUIREMENTS:

- ~~i. **Application And Plan:** The applicant will submit an application for a zone change on the standard zone change application form of the City, along with a site conceptual development plan, as outlined in this article, for a Mixed Use Development~~
- ~~ii. **Planning Staff Review:** Prior to the review of the Preliminary Development plan and text by the Planning Commission, the applicant shall schedule a meeting with the planning department. **Staff Developer Meetings will be held on Wednesdays and require a two (2) week scheduling notice.** Upon receiving an appointment notice, the planning department will invite all necessary staff and other agencies for the scheduled applicant meeting. After the Staff Developer Meeting, the staff shall furnish to the applicant any comments regarding the zone change request that may help the applicant in preparing the request for submission. Staff shall hold such meetings with the applicant as are deemed necessary for proper review.~~

Q. CONTENT OF WRITTEN TEXT/SITE ~~CONCEPTUAL~~ PLAN:

All development plans shall follow this section and have information detailed below.

Buildings: The text shall indicate the type, character and proposed height of all buildings. The plot plan, elevations and perspective drawings shall be prepared by the applicant to help the Planning Commission and Board of Aldermen better understand the proposal. ~~(Elevations may not be required when applying for a residential single lot development.)~~

Building Coverage: The land coverage by all buildings shall not exceed Forty percent (40%) of the net lot or parcel acreage unless approved by the Board of Aldermen.

Common And Open Spaces: The location of any proposed school sites, churches, parks and other common or open spaces shall be identified. Common area and open spaces shall not be part of individual lots.

Deed Restrictions; Covenants: Copies of all deed restrictions, restrictive covenants, bylaws, architectural controls or other requirements that may be appurtenant to the proposed development.

Density: The density in terms of dwelling units per gross acre of land shall be indicated.

Developable Area Reserved For Landscaping: The amount of developable land area reserved for landscaping shall be indicated (~~with a minimum of 20 percent of the site area developed as landscaping~~).

Geotechnical Report: A geotechnical report identifying any possible flood, slope, faulting, soils or other related hazards on the site **may** be submitted with the application **as determined by the project engineer**.

Grading And Drainage Plan: A grading and drainage plan shall be submitted with the site development plan.

- A SWPPP Plan shall be provided detailing silt fencing, track pads and other stormwater drain protection.

Height Restrictions: **All buildings shall have their height defined in the conceptual plan.** No **single family residential** building shall be erected to a height greater than thirty-five feet (35') **unless specifically approved as part of the mixed-use plan.**

Improvements: Location, grades, widths, and type of improvements proposed for all streets.

Landscape Plan: A landscape plan showing the general location of the lawn area, shrubs, trees and fencing shall be submitted. (This may be part of the site or plot plan.) All landscaping shall be maintained by the governing body of the subdivision. All plants and trees shall be cared for and properly maintained ~~Any dead plants or trees shall be replaced within 30 days per~~ **Section 400 Article VIII**

Layout: The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways and walkways.

Lighting Plan: The plans submitted shall include a general lighting plan indicating the **type &** location of lights to be installed on site. Design shall follow **Section 400.1370**

Natural Features: Schematic diagram showing significant natural features such as stands of trees, sinkholes, wetlands, rock outcroppings, etc.

Off Street Parking: The arrangement and adequacy of off-street parking facilities & guest parking per **Article IX**

Offsite Improvement Guarantees: See section 400.1460

Open Space: Open space is defined as landscaping, approved trails, parks, park connectors, recreation areas, and designated open space. Detention areas, floodplains, and non developable land shall not be counted in the open space requirement

Open Space Requirement: All **Mixed Use** developments shall **show through their design how they have satisfied the intent of the MU zone by:**

1. Encouraging creative and efficient planning and development of land within our community
2. By providing greater flexibility in the use of and placement of buildings and structures on the land, the consolidation and preservation of community-valued view corridors, open spaces and trails.
3. Proposed developments should be designed to maximize the integration of improvements into the natural and proposed landscape, thereby minimizing the visual impact on both view corridors & viewsheds as well as from property to property within the community.
4. These MU provisions are intended to create a more attractive, walkable, desirable environment within the City. ~~have a minimum of Forty percent (40%) of the developable site area developed and maintained as landscaped or natural open space.~~

5. **Floodways unless altered (LOMAR) and slopes that exceed a specific percentage are not considered developable.** The applicant of the requested MU Zone shall show what areas are to be landscaped and what areas are to be left in a natural state.
6. **All required buffer requirements from Section 400.750 shall be met**
7. The Board of Aldermen shall determine if the proposed landscaped areas and the areas proposed to be left in a natural state will satisfy the **intent of the MU zone.** ~~the Forty percent (40%) landscape or natural open space requirement.~~ In any event, all landscaped and open green space areas shall be kept in a weed free condition. All proposed structures, future structures, roads and parking areas are excluded from the calculations used to satisfy this requirement.

Parking Requirements: The parking requirements shall be reviewed and approved per design of the development district. ~~of Section 400 Article IX of this code shall apply.~~

Phasing Plan: **A phasing plan shall be submitted showing all phases. Recreation areas shall be situated in every phase and be completed prior to the commencement of another phase.**

Planning Objectives: The text material shall set forth planning objectives to be accomplished through the development of the project and show that the requested MU zoning is in conformance with the City general plan and complies with the requested zoning designation.

Public Improvements: All public improvements shall comply with **Section 400 Article XVI (1430)**

Recreation Or Playground Areas: In developments with five (5) or more units, there shall be provided usable recreation or playground areas with a total minimum area of one thousand (1,000) square feet for five (5) units and an additional two hundred (200) square feet for each unit over five (5) units. No side measurement of each usable recreation or playground area shall be less than twenty feet (20') in width/length. ~~At least fifty percent (50%) of the usable area shall be in the form of open playground and green space.~~

Refuse Storage Areas: Refuse storage areas shall be screened so that materials stored within these areas shall not be visible from access streets, freeways and adjacent properties. Storage or refuse areas shall not be located within required building setbacks nor within utility easements.

Setbacks: ~~The setbacks for all Mixed Use Developments will be as follows:~~

1. **Front Yard:** Front yard setbacks ~~shall~~ **may** be a minimum of twenty feet (20'). Approved Corner lot side setbacks may be adjusted to be less than 20 feet if the property meets the intersection sight triangle requirements
2. **Building, Parking Required:** The front yard setback area shall not be used for long term parking of any motor vehicles, or for required additional visitor parking, except for the driveway directly in front of the garage or carport of the dwelling unit.
3. **Side Setbacks:** Side yard setbacks on interior lot lines ~~shall~~ **may** be a minimum of five feet (5') on one side and ten feet (10') on the opposite side for all dwellings, with a minimum of fifteen feet (15') between homes. Side yard setbacks on exterior lot lines (boundary lines) shall be a minimum of ten feet (10').
4. **Rear Setbacks:** Rear yard setbacks ~~shall~~ **may** be a minimum of ten feet (10').

***Setbacks differing from the above standards will require approval of the Board of Aldermen. In all cases building and fire codes shall be satisfied.**

Signage: **Signage identifying the project shall be installed.** The size, location, design and nature of signs, ~~if any,~~ and the intensity and direction of area flood lighting shall be detailed in the project materials. Signage shall be in accordance with **Section 400. Article X**

Signs And Advertising: The requirements of **Article X** of this code shall apply, except that in large

Stormwater Plan: An engineered stormwater plan will be produced by a registered engineer to evaluate potential flows and develop a stormwater drainage plan. Detention, retention and release shall be determined through this reporting. The stormwater drainage report shall be conducted in accordance with and shall include all applicable information, maps, calculations and other materials as specified in Chapter 405 Design Standards for Public Improvements, **Article V, Stormwater Design Standards — General Provisions**.

If the proposed development is located within a flood hazard area, the stormwater drainage report shall provide all applicable information as specified in the **Article XVII, Section 400.1520** (Floodplain Management Regulations).

Topography: Topography at contour intervals of two feet (2') shall be submitted.

Traffic Analysis: A traffic analysis and street study shall be done by a certified engineer showing the effect of the development on traffic conditions on new and abutting streets shall be shown. The traffic analysis must extend from the proposed subdivision to the nearest arterial. The analysis shall be done on all accesses to the project and note loads on all affected streets. **Access and turnaround for emergency vehicles and personnel shall be shown.** Existing traffic counts may be estimated from a study of the area served by the subject road or by counting vehicles consistent with good engineering practice.

Turning Spaces: Safe and convenient turning space shall be provided for cars, sewer vehicles, refuse collection vehicles, fire-fighting equipment, etc., at the end of private drives and dead-end streets.

Use Of Land: The applicant shall prepare a site plan and written text that show and clearly explain the projected use of land including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.

Utility Line Locations: A plan showing the location of all power, fiber, water, sewer and drainage lines in and through the project. **All utilities shall be located in dedicated utility easements.**

R . DEVELOPMENT GOALS:

The procedures herein established are intended to substitute procedural protections for substantive regulations in recognition of the fact that traditional density, bulk, spacing and use regulations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development or redevelopment of parcels which lend themselves to an individual, planned approach. In addition, a development plan should be designed to ensure that the following general goals will be achieved

Promoting Efficient Land Use

1. The development will efficiently utilize the available land and will protect and preserve, to the extent possible, natural features of the land such as trees, streams and topographic features.
2. The development shall provide for harmonious and coherent site and building design that creates a sense of place.
3. **The developer is encouraged to use creative and efficient planning and development of land within our community by providing greater flexibility in the use of and placement of buildings and structures on the land, the consolidation and preservation of community-valued view corridors, open spaces and trails.**
- ~~4. The development will be in an area in which transportation, Police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided however, that the applicant may make provision for such facilities or utilities which are not presently available.~~

Enhance Community and Social Interaction

1. **The developer shall show how the use of mixed-use areas prioritizes pedestrian and bicycle traffic,**

encouraging active modes of transportation and creates a more livable environment.

2. MU provisions are intended to create a more attractive, walkable, desirable environment within the City. The developer will demonstrate how it has incorporated parks, trails, landscaping, recreation areas, and mixed use principles into the development.

Support Sustainable Development

1. The developer may show how the mixed use has provided a wider range of housing options, varying square footage, ADA accessible units and adjustable rates, prompting affordable housing.
2. The development shall encourage infill, which will help reduce the costs of public services and preserve open space.

~~In determining whether a proposed MU District should be approved, the Planning and Zoning Commission and the Board of Aldermen should consider the extent to which the proposed development plan is consistent with the Willard Comprehensive Plan and the other adopted plans and policies of the City.~~

3. The proposed development may differ from the provisions of the other zoning districts of this Chapter but are congruent with the spirit and intent of this Chapter and the Willard Comprehensive & Vision Plans.

~~To achieve these purposes, the requirements for a MU District may vary from and be either more or less restrictive than the requirements of other district regulations in this Article.~~

~~**Procedure.** Conceptual Development Applications for MU District designation shall be submitted pursuant to a three-step review process as specified in this Section. The process shall include:~~

- ~~1. Staff Developer Review Completed~~
- ~~2. A Conceptual Development Plan; and~~
- ~~3. A Final Development Plan.~~

S. APPLICATION FOR CONCEPTUAL DEVELOPMENT PLAN

In addition to this section, Conceptual Development Plans shall follow Sections 400.510. E, F, I & J for design criteria

Minimum Lot Size: The minimum lot size in ~~single family residential~~ **mixed use zones &** subdivisions with ~~private individual lots~~ **may be adjusted by section O as approved through the Planning commission and Board of Aldermen** ~~(no common area within lots) is Seven thousand (7,000) square feet; provided, that at least Forty percent (40%) of the total project is developed and maintained as common open landscape or recreation area.~~ Areas of density greater than 3 houses per acre may be reviewed in accordance with this chapter

Starting Density: 3 houses per acre

T. Bonus Density: The density of a mixed use development shall conform to the density limitations of the general plan, except that the Board of Aldermen upon recommendation of the Planning Commission may approve a density greater than the general plan designation where the following findings are made:

1. The proposed dwellings are platted for individual ownership of the dwelling units, and
2. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with the surrounding area and fits harmoniously into the neighborhood, **but in no case shall exceed six (6.2) dwelling units per acre**

3. Density may be adjusted with addition of bonus density credits from the list below

To be considered for density increases, the applicant will include, as part of the development design, any of the following credits:

- **Landscaping Along Periphery Of Development:** A common area landscaped strip of twenty five feet (25') shall be created along the periphery of the development and surrounds at least Seventy percent (70%) of the development. Walking paths, benches and gathering places may be integrated into this open space. An approved subdivision sign shall be constructed within the landscaping strip. All open space and landscaping shall be maintained regularly. ~~Any landscaping plants that die shall be replaced within 30 days.~~ All landscaping will be owned and maintained by the HOA or designated party.
 - **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development.**
- **Tree Lined Streets:** Tree lined streets for all streets (internal and periphery) to provide shade for sidewalks and to reduce solar heat gain. If all streets within the development, on both sides of the streets, will have a landscape strip between the curb and sidewalk planted with shade trees at forty-five-foot (45') spacing or less, with trees that are of twenty four inch (24") box containers with a minimum of one and one-half inch (1½") caliper, All tree installations shall follow **Section 400.760** for installation and setbacks. ~~Trees shall be maintained until established, dead trees shall be replaced within 60 days of notice.~~ All trees shall be maintained by the HOA or designated party.
 - **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development**
 - ~~Qualifying trees~~ [Landscaping guide](#)
- **Walking Trail of 12' of concrete to be installed:** Where designated, a walking trail shall be established and designed to provide access to open space and connectivity to adjacent properties. Trails shall be installed in accordance with the City of Willard Trails specifications and Master Trails Plan. All approved trails and easements shall be dedicated to the City of Willard for maintenance and upkeep
 - **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development**
- **Interconnectivity** Interconnectivity of existing subdivisions is a priority. The connection of surrounding subdivisions to the new development is important. Credit will be given for the **donation** of the cost of installation of 1500 feet of Five foot (5) sidewalk within the city right of way of an existing subdivision.
 - An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development
- **Recreation Donation:** A donation to an existing recreation area for improvement or expansion of services. Donations may be monetary, or services rendered for the expansion and improvements of existing facilities.
 - An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development

- **Increased Recreational Facilities:** Additional designated approved recreational amenities, above the requirements as already set forth for **Mixed Use** development, may receive an increase in density, as approved by the Planning Commission and Board of Aldermen in accordance with this chapter.
 - **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development**
- **Architectural design:** ~~If The project is~~ **shall be** submitted and **reviewed** ~~approved~~ for architectural design ~~standards designated~~, layout, and by the City of Willard. ~~This includes~~ **The addition of** multiple floor plans, ~~and~~ sliding square footage, affordable housing options, ~~with restricted sales prices or rents on a percentage of houses,~~ and **inclusion of** ADA Accessible units as part of the project ~~will~~ **may** add to your possible total **score**.
 - **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development**
- **Pocket Parks and Park Connectors:** In accordance with **Section 405.115** the developer may establish a pocket park with available public connections for the entertainment and utilization of the public. **Pocket parks and recreation areas shall be connected by a Park Connector Trail per Section 400.156** ~~Design and installation shall follow Willard Park standards. upon approval of conceptual design.~~
- **See Section 400.155 and Section 400.156 for additional information on park connectors and trail**
- **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development**
- **Diversity of the Project:** The project will be evaluated on its use of multiple zones i.e. residential, commercial, R-3 etc. Project will be graded on use and design of mixed uses.
- **Combined Uses:** Bonus points will be awarded from use of combined uses within the project. Points will be given on design criteria, layout, height, location and accessibility.
- **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development**

U- ~~Preferred~~ **Certified** Developers-

A project that receives a score of 100 or more will qualify as a Certified Developer

Certified Developer Program

<u>Items to be Graded</u>	<u>Possible Points Awarded (140)</u>
Mixed Use Diversity of Design	20
Interconnectivity	20
Active Transportation	20
Architecture	20
Opens Space	20
Landscaping	20
Recreation Areas	20

Preferred **Certified** Developers will be eligible for

- Expedited Permitting Processes
- Preferred Plan Review
- Block Inspection Times
- Standard Permits on Homes

~~**Planning Commission Submittal**—Upon completion of the Staff Developer Review and submittal of the Conceptual Development application, the Director of Development shall forward to the Planning and Zoning Commission for public hearing as required by **Section 400.360** with written comments with respect to the proposed **Mixed Use** development and shall also provide such recommendations as may inform and assist the applicant in preparing an application for approval of a MU District. The Planning commission may Refuse, Modify or Accept proposed submittal per **Section 400.510.F.1-6**~~

~~**Board of Aldermen Submittal:** After giving the notice required by **Section 400.360** of the Willard Land Development Regulations, a public hearing on the proposed conceptual development plan shall be set, advertised and conducted by the Board of Aldermen within forty five (45) days of action or failure to act by the Planning and Zoning Commission. Within thirty (30) days following the conclusion of the public hearing, unless a delay is requested by the applicant, the Board of Aldermen may Approve with or without modifications, Deny, or Refer Preliminary Development Plan back to the Planning Commission for further consideration.~~

~~**Installation of Approved Utilities according to the Conceptual Development Plan**~~

- ~~1. All utilities and infrastructure shall be installed and inspected for compliance to city codes or

 - ~~a. **Per Section 400.1430** the developer may bond for infrastructure of the development to delay installation. In no case will the Final Development Plan or Final Plat be approved without the installation of all defined utilities.~~~~
- ~~2. As built drawings shall be submitted and approved to be in accordance with city statute.~~
- ~~3. **Per Section 400.1450** a warranty bond in the amount approved by the board of aldermen to guarantee that the developer will correct all defects in such improvements or facilities that occur within two (2) years after the offer of dedication of such facilities or improvements is~~

accepted by the City.

Final Action by the Planning Commission: ~~The Planning and Zoning Commission shall review the proposed final development plan for compliance to conformity of the approved conceptual plan. The final development plan shall be inspected to ensure that all conditions, regulations, ordinances, and codes have been satisfied as requested. If the final development plan has been found to be in compliance the planning commission shall recommend approval of a MU District and approval of the final development plan.~~

Final Action by Board of Aldermen. ~~Within forty five (45) days following the submission by the applicant or referral from the Planning and Zoning Commission of a complete application for the Final Development Plan or such longer period as may be agreed to by the applicant, the Board of Aldermen shall review the plan with respect to its conformity to the approved conceptual development plan; with respect to the merit or lack of merit of any departure of the final development plan from the conceptual development plan; and with respect to compliance of the final development plan with any conditions imposed by approval of the conceptual, State and City codes, ordinances and regulations. If the Final Development Plan is found to be in compliance the Board of Aldermen shall approve the Plan. The Board of Aldermen's action shall constitute final approval of the final development plan.~~

~~In any case, where the Board of Aldermen finds that the final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall not be approved. The failure of the Board of Aldermen to act within the aforesaid period shall be deemed a denial of the final development plan as submitted.~~

Building And Other Permits. ~~Upon, but not before, receiving notice that the final development plan has been approved and upon application by the applicant, all appropriate officials of the City may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved final development plan; provided however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the City have been met which are applicable to the permit sought.~~

V. MULTIPLE FAMILY DEVELOPMENT STANDARDS:

- A. **Density:** The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with the surrounding area and fits harmoniously into the neighborhood, as determined by the Board of Aldermen ~~but in no case shall exceed a twenty five percent (25%) dwelling units per acre increase as stated in the general plan~~
- B. **Minimum Lot Size:** ~~The minimum lot size in multiple-family residential subdivisions with private individual building pads and associated common area is twenty thousand (20,000) square feet; provided that at least twenty percent (20%) of the total project is developed and maintained as common, open, landscape, or recreation area.~~
- C. **Setbacks:** The setbacks for all **Mixed Use** developments - multiple family may be as follows, unless an approved setback alternative plan is granted by the Planning Commission and approved by the City Council:
 - 1. **Front Yard:** Front yard setbacks ~~shall~~ **may** be a minimum of twenty feet (20'). The street side of corner lots shall be the same as the front yard setback.
 - 2. **Building, Parking Required:** The front yard setback area ~~shall~~ **may** not be used for long term parking of any motor vehicles, or for required additional visitor parking, except for the driveway directly in front of the garage or carport of the dwelling unit.
 - 3. **Side And Rear Setbacks:** Side and rear setbacks on interior lot lines ~~shall~~ **may** be a minimum of ten

feet (10') for all dwellings.

4. **Group Dwellings:** In group dwellings, no two (2) buildings may be located closer together than ten feet (10') for one- story buildings, fifteen feet (15') for two-story buildings, and twenty feet (20') for approved three-story (or more) buildings.
5. **Two-Story Buildings:** For two-story (or more) buildings, the side and rear setbacks shall be at least twenty-five feet (25') along the boundary of a Single-Family Zone.

~~D.—~~

~~4.—~~

~~2.— **Parking Requirements:** The parking requirements shall be reviewed as part o~~

~~3.— **Signs And Advertising:** The requirements of chapter 18 of this title shall apply, except that in large residential Mixed Use developments (those containing more than 200 dwelling units), the Planning Commission may approve an overall sign scheme for the project which may exceed the restrictions contained in section 400 Article X~~

~~4.— **Height Restrictions:** All buildings shall have their height defined in the conceptual plan:~~

~~5.— **Size Requirement:** Each Mixed Use Development Zone shall contain a minimum of twenty thousand (20,000) square feet and four (4) dwelling units.~~

~~6.— **Landscape Plan:** A landscape plan showing the general location of the lawn area, shrubs, trees and fencing shall be submitted. (This may be part of the site or plot plan.) All landscaping shall be maintained by the governing body of the subdivision. All plants and trees shall be cared for and properly maintained Any dead plants or trees shall be replaced within 30 days per **Section 400 Article VIII**~~

~~7.—~~

~~a.— Floodways and slopes that exceed a specific percentage are not considered developable. The applicant of the requested MU Zone shall show what areas are to be landscaped and what areas are to be left in a natural state. The Board of Aldermen shall determine if the proposed landscaped areas and the areas proposed to be left in a natural state will satisfy the intent of the MU zone. fifty percent (50%) landscape or open green space requirement.~~

~~b.— In any event, all landscaped and open green space areas shall be kept in a weed free condition. All proposed structures, future structures, roads and parking areas are excluded from the calculations used to satisfy this requirement.~~

~~B. BUILDING PLAN REVIEW CONFERENCE:~~

- ~~1.— **Required:** Following the approval of the **Mixed Use** Development Residential Zone change and upon request for issuance of any building permit therein, the developer and contractor and the planning staff shall meet to review the requirements of the zone change and to make sure that the developer and contractor are aware of the conditions under which the zone change was granted.~~
- ~~2.— **Plans Stamped and Signed:** At the plan review conferences, the plans will be stamped and signed by the staff, developer and contractor as the official set of construction plans from which the work will be performed.~~
- ~~3.— **Changes or Modifications:** Any changes or modifications to the approved plan for development during the period of construction shall first be re-submitted to the planning staff for approval and if deemed significant and at the discretion of the staff, returned to the Planning Commission for their review and recommendations and to the Board of Aldermen for a public meeting to consider official action on the zone change.~~

