

**First Reading:**

**Second Reading**

**Bill No:**

**Ordinance No:**

**AN ORDINANCE ADDING SECTION 400.515 OF THE CITY CODE.**

**WHEREAS**, the city would like attainable housing, and

**WHEREAS**, diversity of lot sizes and buildings is unobtainable in regular zoning, and

**WHEREAS**, the planned development district allows for unconventional, or 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.

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

**SECTION 1 ADD SECTION 400.515**

**Section 400.515** is hereby defined by the following:

**400.515** A development plan for a Planned Development District may be approved in any district in the City of Willard, subject to the procedures and standards in this Article.

**A. Purpose And Intent**

The purpose of the Planned Development District regulations is to allow for unconventional, or 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.

**B. Applicability**

1. **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.

**C. Eligibility Requirements For Planned Developments** 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 Planned Development District should not have an adverse impact on the property value of adjacent land, nor should it hinder the implementation of the Willard Comprehensive Plan & other plans.
2. The proposed development plan shall involve a diverse mixture or variation of densities.
3. The proposed development plan shall involve the provision of all infrastructure deemed necessary to adequately serve the potential development.
4. No Planned Development District should impose an undue burden on public services, facilities and infrastructure.
5. The proposed development plan shall involve design elements shown to lessen congestion in the streets; increase active transportation, support trails, interconnectivity, addition of parks and other recreation areas within the development.
6. A Planned Development District may be developed in phases, provided that no phase or unit of development shall be constructed without proportional development of recreation space and amenities.
7. The applicant shall provide and record easements and covenants and furnish other guarantees deemed necessary by the Board of Aldermen to assure performance in accordance with the final development plan and to protect the public interest in the event of abandonment before the development's completion.

Planned Development District Zoning			
	Overlay	Rezone	Annexation
<b>PDD-R</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
<b>PDD-C</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
<b>PDD-M</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
<b>MU</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>

#### **PDD-R, Planned Development District- Residential**

1. **Intent.** The intent of the PDD-R district is to support private residential development by providing incentives encouraging the use of innovative design techniques in order to achieve high-quality residential development.

2. **Size.** There is no minimum lot size for the PDD-R district; however, it must be large enough to enable its development as a complete identifiable unit and through the flexibility allowed by the PDD process provide a bona-fide benefit to the residents and users of the PDD. Minimum lot size for a detached single-family residential lot is **6,600 square feet** with the provision that the development demonstrates vision in the use of common & open spaces, use of trails, parks, and recreation areas to promote an active interconnected project.
  3. **Permitted uses.** For the PDD-R, the following uses shall be permitted, subject to meeting the adopted review criteria:
  4. All uses in the R-1, R-2, and R-3 zoning districts may be allowed for use in a Planned Development District
- D. The starting total number of dwelling units in a Planned Development District-R shall be defined by the underlying zoning district. The density of dwelling units in a Planned Development District shall also conform with the lot and bulk regulations of this Chapter. A development plan may include design and infrastructure elements to accommodate greater densities in localized areas of the development using these guidelines:
1. Any reduction in minimum lot size shall be compensated by common, open, or recreation space and highlighted in the development plan.
  2. The Commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in a particular location.
  3. The total ground area occupied by buildings and structures shall not exceed thirty-five percent (35%) of the total ground area of the planned development. If previous development in the neighborhood exceeds coverage of thirty-five percent (35%), the coverage area of the Planned Development District may be increased to correspond with that of the neighborhood as a whole as approved by the Board of Aldermen.
- E. All single family residential lots in a Planned Development District shall meet the following minimum lot requirements:
- Minimum twenty-five-foot front yard setback.
  - Minimum twenty-five-foot rear yard setback.
  - Minimum ten-foot side yard setbacks.
  - A minimum lot width of eighty (80) feet.

**F. PDD-C Planned Development District Commercial:**

1. **Intent.** The intent of the PDD-C district is to promote the architectural grouping of commercial and professional consumer oriented activities creating a harmonious relationship between people, structures and motor vehicles through the use of a well planned circulation, parking, pedestrian ways, courtyards, and landscaped open space areas.
2. **Size.** There is no minimum lot size for the PDD-C district, provided the proposed development is functional.
3. **Permitted uses.** For the PDD-C, the following uses shall be permitted, subject to meeting the adopted review criteria: all nonresidential uses in the **C-1** (Neighborhood Business District), **C-2** (General Business District), and **O** (Office District) zone. Business Districts within the 160 Parkway Corridor shall comply with **Section 400.500**

## **G. Procedure**

Planned Development District shall proceed toward the planned improvements, subdivision, and/or marketing according to the following process:

- H. Procedure For Rezoning.** The applicant shall apply to have an overlay zoned to the property in accordance with the hearing process set forth in **Section 400.360** of the Willard Municipal Code. In addition to the legal description of the property. The development plan shall be submitted with the zoning request and shall be subject to review, modification and approval by the Planning and Zoning Commission and Council as allowed in this Chapter.
- I. Development Plan Review.** Upon application for a overlay zone to Planned Development District, the Planning Department shall arrange a meeting for the review of the development plan submitted in accordance with the requirements and provisions of **Section 400.530 (C,P)** The Planning 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.
- J. 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.

**K. Board of Aldermen Consideration.** The Board of Aldermen 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.

**L. 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.

**M. 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 Willard.

1. All designs shall be reviewed and approved by the Community Development Department and Public Works Department prior to permitting and construction.
2. No construction shall commence except upon the issuance of a permit for the work to be performed.

**N. 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 **400** of the City of Willard Municipal Code.

**O. 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.

**P. Development Plans**

**Minimum Requirements.** Development plans accompanying an application for a new Planned Development District will be reviewed by City staff to verify satisfaction of the following minimum requirements 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 defined in **Section 400.530 C** 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. **Traffic Analysis:** The proposed development shall provide a traffic analysis and street study shall be done 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. 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. The proposed development plan shall articulate a plan for the circulation of vehicle and pedestrian traffic throughout the development according to the report.
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. The intent of this provision 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, buffer-yards, or other architectural and landscaping 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 define and identify the general location and type of planned amenities, pocket parks, trails, park connectors, parks, and recreation areas that bolster a sense of community, and support the purpose of this Article.
- Q. Evaluation Criteria.** The development plans proposed for any Planned Development District shall be evaluated by the City staff, the Planning and Zoning Commission, and the Board of Aldermen with regard to the following criteria:
  1. Satisfaction of the purpose and intent of this Article.
  2. Conformity with the adopted Comprehensive Plan and other adopted plans of the City of Willard
  3. The ability of the available or planned infrastructure to provide adequate service to the proposed development.
  4. The estimated impact of the proposed development on surrounding properties based on facts found pertaining to the purpose and intent in section
  5. A reliable and valid estimate of the costs and benefits of the proposed development upon the community.
  6. The duly authorized partnership of the public and private sectors for mutual benefit

- R. Rights/Privileges Conferred Upon Development Plan Approval.** The approval of a Planned Development District by ordinance of the Board of Aldermen of the City of Willard 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.

### **Infrastructure Design And Construction**

- S. Procedure.** The design, review and permitting of the construction of the infrastructure planned for the development shall proceed according to the provisions of Section **405** of the City of Willard Municipal Code.
- T. Evaluation Criteria.** Permits for land disturbance or construction of any improvements to the real property shall 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 traffic study 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 Willard Municipal Code and other adopted codes or laws of the City, State, or Federal governments.
  6. Conformity to amenities, open space, trails, parks and other design elements that foster a more interconnected and active development as articulated by the approved development plan.
  7. If the Planning Department determines the design of the development to not be in substantial conformity, the Planning & 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 Section 400.170 of the City of Willard Municipal Code.
- U. Amendments To The Plan.** Minor amendments to the development plan shall be submitted for staff review and approval. If staff determine that the changes are a substantial change to the development plan then the matter may be referred to the Planning Commission & Board of Aldermen to approve, amend or deny the proposed changes.
- V. Platting**
1. **Tentative Plat Approval.** The development plan reviewed by the Planning and Zoning Commission and approved by the Board of Aldermen may serve as a preliminary plat. If a more specific and detailed preliminary plat is required by either the Planning & Development Director or the applicant, such preliminary plat shall conform to the

requirements of Article **XIV** of Chapter **400** and shall be reviewed by the Planning and Zoning Commission and approved by the Board of Aldermen

2. If phased construction is not planned the construction and final platting shall be completed within four (4) years of the date of approval of the development plan.
3. If phased construction is planned the construction and final platting of the first phase shall be completed within two (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 eight (8) years of the date of approval of the development plan.
4. 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. Extension of the development plan shall be forwarded and reviewed by the Planning Commission and Board of Aldermen according to the same procedure for original adoption. One extension may be granted by the Board. If granted an extension will be for a maximum 1 year. 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.

**W. 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 **400.1190** of the City of Willard Municipal Code.