

## Appendix A – Planned Development

### A-1. PD Planned Development Districts

#### A-1.1. Intent and purpose.

- 1) The purpose of the planned development districts is to provide a means of achieving greater flexibility in development of land in a manner not always possible in conventional zoning districts; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; and to afford a more thorough review process over both the design and future operation of the development.
- 2) Planned developments are not intended to allow excessive densities, or the development of incompatible land uses, either with the development, or as the development relates to the general neighborhood.
- 3) The planned development districts are intended to facilitate the use of flexible technique of land development and site design, by providing relief from zoning requirements designed for conventional developments in order to obtain one (1) or more of the following objectives:
  - a. Environmental design in the development of land that is a higher quality than is possible under the regulations otherwise applicable to the property.
  - b. Diversification in the uses permitted and variation in the relationship of uses, structures, open space, and height of structures in developments intended as cohesive, unified projects.
  - c. Functional and beneficial uses of open space areas.
  - d. Preservation of natural features of a development site.
  - e. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
  - f. Rational and economical land use in relation to public utilities and services.
  - g. Efficient and effective traffic circulation, both within and adjacent to the development site.

#### A-1.2 Relationship of Planned Development Districts to Zoning Map.

- 1) The PD designation is not intended to be attached to existing zoning districts as an overlay. The PD designation is a separate use district and may be attached to a parcel of land through the process of rezoning and zoning map amendment.

#### A-1.3 Coordination with Section 76 and Section 13 of this Ordinance

- 1) When a planned development involves any subdivision activity, the subdivision review and approval procedure requirements contained in Section 76 of this Ordinance shall be carried out simultaneously with the review of a planned development under this section of this ordinance. As applicable, reference is made to requirements in the Uniform Development Code.
- 2) Since obtaining a PD district designation requires a map amendment (rezoning), the requirements and procedures of Section 13 Amendments shall apply. As applicable, reference to Section 13 is made within this section.

#### A-1.4 Previously Approved Planned Developments and Density Development Plans

- 1) Any previously approved planned developments or subdivisions approved under the density development plan provisions of the previous zoning ordinance shall be subject to the terms and conditions of the ordinances approving such plans. However, the designation of each planned development or density development plan shall be pursuant to the revised nomenclature as indicated in Section 2.2 of this Ordinance
- 2) Any amendments to previously approved planned development or density development plans shall be subject to the provisions of this ordinance.

**A-1.5 General Development Standards**

- 1) The approval of planned development may provide for such exceptions from the regulations associated with traditional zoning districts as may be necessary or desirable to achieve the objectives of the proposed planned development. No planned development shall be allowed which would result in:
  - a. Inadequate or unsafe vehicular access to the development;
  - b. Traffic volumes exceeding the capacity of the adjoining or nearby streets. Capacity shall be based on a street providing "level of service D" as defined in the latest publication of Transportation and Traffic Engineers Handbook, Institute of Transportation Engineers;
  - c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities or utilities which serve or are proposed to serve the planned development;
  - d. A failure to comply with the performance standards referenced in Section 4.12 or
  - e. Other detrimental impacts on the surrounding area including, but not limited to, visual pollution.
- 2) In addition to the above requirements, all planned developments shall be subject to the review criteria established in Section 9.3 of this ordinance. It shall be the responsibility of the applicant to clearly establish that the above requirements are met.
- 3) An ordinance approving a planned development may provide for greater setbacks and/or buffer areas than required herein and may include other restrictions on the development not otherwise specified or required in this ordinance, provided that such additional requirements or restrictions are reasonable and necessary to address specific issues related to the site and/or to protect areas adjacent to the proposed development.

**A-1.6 PD-R Planned Development-Residential**

- 1) **Permitted uses.**
  - a. Permitted uses shall be as established in the conditions of the ordinance adopted by the Board governing the particular PD-R District. Specific uses may include those uses designated as permitted or conditional uses in any of the dwelling districts.
  - b. Non-residential uses in PD-R developments: Non-residential uses are limited to those specifically listed in the preceding residential zoning district. Such non-residential uses shall be subject to all requirements for lot area, width, height, yards and setbacks prescribed in the preceding zoning district in which the proposed PD-R development is located.
- 2) **Development standards.**
  - a. Minimum site size: 10 acres.
  - b. Maximum site coverage:
    - i. Fire and police stations: 60%
    - ii. Other uses: 50%
  - c. Minimum lot size/density: (see Section A-1.14)
  - d. Minimum building setbacks:
    - i. Detached single family dwelling from abutting residentially zoned property: 50 feet.
    - ii. Non-residential uses abutting existing or proposed residential uses: (see para. (A) 3. above)
  - e. Building height limitations: No principal building shall exceed thirty-five (35) feet in height.
  - f. Minimum buffer requirements: [6]
    - i. Residential abutting residentially zoned property of the same density: None
    - ii. Residential abutting residentially zoned property of lower density: 20 feet
    - iii. Residential abutting commercially zoned property or existing non-residential use: 30 feet
    - iv. Non-residential uses abutting existing or proposed residential uses: 30 feet
  - g. Common open space requirements: (see Section A-1.15)
  - h. Development phasing: (see Section A-1.16)

**A-1.7 PD-RC Planned Development-Residential/Cluster Homes****1) Permitted uses.**

- a. Permitted uses shall be as established in the conditions of the ordinance adopted by the Board governing the particular PD-RC District. Specific uses may include those uses designated as permitted or conditional uses in any of the residential districts.
- b. In addition to those uses included in paragraph 1 above, attached town homes or attached ranch style dwelling units may be permitted pursuant to the ordinance governing the particular PD-RC District and subject to the following restrictions:
  - i. Not more than two (2) dwelling units may be attached with a minimum distance between buildings being sixteen (16) feet inclusive of porches and roof overhangs.
  - ii. Said dwelling units shall be situated on individual lots.
  - iii. Each dwelling unit shall contain a minimum of one thousand six hundred (1,600) square feet of floor area and the exterior walls of any detached or attached dwelling unit shall be finished with at least fifty (50) percent brick.
- c. Non-residential uses in PD-RC developments: Non-residential uses are limited to those specifically listed in the preceding residential zoning district. Such non-residential uses shall be subject to all requirements for lot area, width, height, yards and setbacks prescribed in the preceding zoning district in which the proposed PD-RC development is located.
  - i. Minimum site size: 10 acres
  - ii. Maximum site size: 25 acres
  - iii. Maximum site coverage: 45%
  - iv. Minimum lot size/density: 6 (see Section A-1.14)
  - v. Minimum building setbacks:
    1. From peripheral boundary other than ROW: 35 feet
    2. From major street ROW: 45 feet
    3. From minor street ROW: 35 feet
    4. From internal street ROW: 20 feet
    5. From face of garage door(s) to edge of sidewalk: 25 feet
  - vi. Building height limitations: No principal building shall exceed the thirty-five (35) feet.
  - vii. Minimum buffer requirements: Where a property abuts the right-of-way of a major street, the required setback shall contain a buffer of a minimum width of twenty (20) feet.
  - viii. Common open space requirements: (See Section A-1.15)
  - ix. Development phasing: (See Section A-1.16)

**A-1.8 PD-BS Planned Development-Business Commercial**

- 1) **Permitted uses.** Permitted uses shall be as established in the conditions of the ordinance adopted by the Board governing the particular PD-BC District. Specific uses may only include those uses designated as permitted or conditional uses in the C-1 Commercial District.
- 2) **Development standards.**
  - a. Minimum site size: 10 acres
  - b. Maximum site coverage:
    - i. Commercial uses: 70%
    - ii. Office uses: 60 %
    - iii. Minimum building setbacks from abutting residentially zoned property: 50 feet
    - iv. Building height limitations: No principal building shall exceed seventy-five (75) feet.
    - v. Minimum buffer requirements when abutting residentially zoned property: 20 feet
    - vi. Maximum flood area ratio: 1.5

**A-1.9 (A) PD-LC Planned Development-Limited Commercial:**

- 1) **Permitted uses.** Permitted uses shall be as established in the conditions of the ordinance adopted by the Board governing the particular PD-LC(A) District. Specific uses may only include those commercial uses designated as permitted or conditional uses in the C-1 Commercial District.
- 2) **Development standards.**
  - a. Minimum site size: 20,000 square feet
  - b. Maximum site size: 1 acre
  - c. Minimum lot width: 100 feet
  - d. Maximum site coverage: 70%
  - e. Minimum building setbacks:
    - i. Front yard: 30 feet
    - ii. Side yard: 15 feet
    - iii. Rear yard: 15 feet
    - iv. From abutting residentially zoned property: 25 feet
  - f. Building height limitations: No principal building shall exceed thirty-five (35) feet in height.
  - g. Minimum buffer requirements:
    - i. Rear yard abutting residentially zoned property: 20 feet
    - ii. Side yard abutting residentially zoned property: 5 feet
  - h. Maximum floor area ratio: 1.5

**A-1.10 (B) Planned Development -Limited Commercial**

- 1) **Permitted uses.** Permitted uses shall be as established in the conditions of the ordinance adopted by the Board governing the particular PD-LC(B) District. Specific uses may only include those commercial uses designated as permitted or conditional uses in the C-1 Commercial District.
- 2) **Development standards.**
  - a. Minimum site size: 1 acre
  - b. Maximum site size: 3 acres
  - c. Minimum lot width: 100 feet
  - d. Maximum site coverage: 70%
  - e. Minimum building setbacks:
    - i. Front yard: 40 feet
    - ii. Side yard: 25 feet
    - iii. Rear yard: 25 feet
    - iv. From abutting residentially zoned property: 50 feet
  - f. Building height limitations: No principal building shall exceed thirty-five (35) feet in height.
  - g. Minimum buffer requirements:
    - i. Rear yard abutting residentially zoned property: 20 feet
    - ii. Side yard abutting residentially zoned property: 5 feet
  - h. Maximum floor area ratio: 1.5

**A-1.11 PD-LC (C) Planned Development-Limited Commercial**

- 1) **Permitted uses.** Permitted uses shall be as established in the conditions of the ordinance adopted by the Board governing the particular PD-LC(C) District. Specific uses may only include those commercial uses designated as permitted or conditional uses in the C-1 Commercial District.
- 2) **Development standards.**
  - a. Minimum site size: 3 acres
  - b. Maximum site size: 10 acres
  - c. Minimum lot width: 150 feet
  - d. Maximum site coverage: 70%
  - e. Minimum building setbacks:
    - i. Front yard: 40 feet
    - ii. Side yard: 30 feet
    - iii. Rear yard: 30 feet
    - iv. From abutting residentially zoned property: 50 feet
  - f. Building height limitations: No principal building shall exceed fifty (50) feet in height.
  - g. Minimum buffer requirements:
    - i. Rear yard abutting residentially zoned property: 20 feet
    - ii. Side yard abutting residentially zoned property: 5 feet
  - h. Maximum floor area ratio: 1.5

**A-1.12 PD-MXD Planned Development-Mixed Use:**

- 1) **Permitted uses.**
  - a. Permitted uses shall be as established in the conditions of the ordinance adopted by the Board governing the particular PD-MXD District. Specific uses may only include those uses designated as permitted or conditional uses in any of the residential districts or the C-1 Commercial District, subject to the following maximum limits on the amount of site area dedicated to each type of use:
    - i. Detached single-family dwellings: 80%
    - ii. Offices: 50%
    - iii. Commercial: 25%
    - iv. Outdoor recreation: 75%
  - b. In addition to those uses included in paragraph 1 above, planned retirement care centers may be permitted pursuant to the ordinance governing the particular PD-MXD District.
- 2) **Development standards.**
  - a. Minimum site size: 10 acres
  - b. Maximum site coverage:
    - i. Commercial uses: 70%
    - ii. Office uses: 60%
    - iii. Planned retirement care centers and other uses: 50%
  - c. Minimum lot size/density for detached single-family dwellings: (See Section A-1.14)
  - d. Minimum building setbacks from abutting residentially zoned property: 50 feet
  - e. Building height limitations: No principal building shall exceed the following:
    - i. Residential buildings: 35 feet
    - ii. Non-residential buildings: 60 feet
  - f. Minimum buffer requirements:
    - i. Residential abutting residentially zoned property of the same density: None
    - ii. Residential abutting residentially zoned property of lower density: 20 feet
    - iii. Residential abutting commercially zoned property or existing non-residential use: 30 feet
    - iv. Non-residential uses abutting existing or proposed residential uses: 30 feet
  - g. Common open space requirements: (see Section A-1.15)

- h. Development phasing: (see Section A-1.15)
- i. Maximum floor area ration: 1.5

**A-1.12b Planned Development-Lifestyle:**

- 1) **Intent and purpose.** The PD-LS district is intended to provide greater flexibility in both the types of uses to be developed and the density of the development than what would otherwise be permitted by this ordinance. This district is specifically intended to allow for creative residential developments or a combination of residential and office and retail commercial uses that create unique living and/or living/working/shopping environments. Since the "lifestyle" environments that are contemplated by the PD-LS are not potentially compatible with adjacent land uses in other parts of the city, the application of this district is limited to parcels or parcel assemblies with the acreage and location criteria as follows:
  - a. Frontage of not less than eighteen hundred (1800) feet to Interstate Route 44 (I-44), and having access (directly or indirectly via a public street) to Lindbergh Boulevard (Missouri Route 61/67), and containing not less than fifty (50) acres,
  - b. Frontage of not less than six hundred (600) feet to Lindbergh Boulevard (Missouri Route 61/67) north of Eddie & Park Road and containing not less than twenty-five (25) acres, or
  - c. Frontage of not less than nine hundred fifty (950) feet to Rott Road west of Lindbergh Boulevard but no further west than the eastern boundary line of the property that is the site of the Fenton Fire Protection District Fire Station and containing not less than seven (7) acres.
- 2) **Permitted uses.** Permitted uses (except where limited herein) shall be as established in the conditions of the ordinance adopted by the Board governing the particular PD-LS District. Specific uses may include those uses designated as permitted or conditional uses in any of the residential districts or the C-1 Commercial District. In addition, the following uses are permitted in conjunction with:
  - a. Proposed developments meeting the location and site area criteria as set forth in (1)(a) above:
    - i. Luxury multi-family apartments or condominiums in multi-story buildings including mid-rise or high-rise structures provided that any structure of up to thirty-five (35) feet in height shall be setback from any residentially zoned property by at least one hundred (100) feet, with said setback being increased by five (5) feet for every one (1) foot of building height above thirty-five (35) but need not exceed three hundred (300) feet;
    - ii. Multi-story office buildings (with or without first floor retail or service uses) provided that any structure of up to thirty-five (35) feet in height shall be setback from any residentially zoned property by at least one hundred (100) feet, with said setback being increased by five (5) feet for every one (1) foot of building height above thirty-five (35) but need not exceed three hundred (300) feet;
    - iii. Buildings containing first floor retail uses with office or residential uses on upper stories provided that any structure of up to thirty-five (35) feet in height shall be setback from any residentially zoned property by at least one hundred (100) feet, with said setback being increased by five (5) feet for every one (1) foot of building height above thirty-five but need not exceed three hundred (300) feet.
  - b. Proposed developments meeting the location and site area criteria as set forth in (1)(b) above:
    - i. Luxury multi-family apartments or condominiums of not more than three (3) stories or thirty-five (35) feet in height provided that any such structure shall be setback from any residentially zoned property by at least one hundred (100) feet;
    - ii. Buildings containing first floor retail uses with office or residential uses on upper stories of not more than three (3) stories or thirty-five (35) feet in height provided that any such structure shall be setback from any residentially zoned property by at least two hundred (200) feet;
  - c. Proposed developments meeting the location and site area criteria as set forth in (1)(3):
    - i. Luxury multi-family apartments, condominiums and assisted living units of not more than three (3) stories or thirty-five (35) feet in height provided that any such structure shall be setback from any residentially zoned property by at least fifty (50) feet, but not

including any office, retail or service commercial development. Property management, nursing or administrative offices and kitchen and cafeteria facilities that serve the residents shall not be prohibited by this section.

- 3) **Development standards.**
  - a. Minimum site size: As stipulated in (1) above
  - b. Maximum site coverage: As provided for in the site plan approved by the Board.
  - c. Minimum lot size/density for detached single family dwellings: As provided for in the site plan approved by the Board.
  - d. Minimum building setbacks from abutting residentially zoned property: As provided for in this section.
  - e. Building height limitations: Except as limited by this Section, principal building height shall be as provided for in the site plan approved by the Board.
- 4) **Minimum buffer requirements.**
  - a. Residential abutting residentially zoned property of the same density: None
  - b. Residential abutting residentially zoned property of lower density: 20 feet
  - c. Residential abutting commercially zoned property: 30 feet
  - d. Non-residential uses abutting existing or proposed residential uses: 30 feet
- 5) **Development phasing:** (see Section A-1.16)
- 6) **Maximum residential density:**
  - a. For residential development components provided for in this Section under the provisions of (2)(a): None
  - b. For residential development components provided for in this section under the provisions of (2)(b) and (c): An average of not more than six and one-half (6.5) units per gross acre for all portions of the development devoted to residential uses (not including any portion of the development devoted to non-residential uses). Maximum residential density for assisted living units shall be determined by the site plan approved by the Board.

#### ***A-1.13 PD-LI Planned Development-Light Industrial***

- 1) **Permitted uses.**
  - a. Permitted uses shall be as established in the conditions of the ordinance adopted by the Board governing the particular PD-LI District. Uses that may be approved include light manufacturing, fabricating, assembly, disassembly or processing of goods and products. In addition, those uses designated as permitted or conditional uses in the C-1 Commercial District may be permitted, subject to the following maximum limits on the amount of each type of use:
    - i. Offices: 50%
    - ii. Commercial: 25%
  - b. In addition to those uses included in paragraph a above, the following uses may be permitted pursuant to the ordinance governing the particular PD-LI District:
    - i. Business, professional and technical training;
    - ii. Indoor instructional sports facilities;
    - iii. Machinery rental, sales and service;
    - iv. Motor freight terminals;
    - v. Printing press operations;
    - vi. Research facilities;
    - vii. Warehouse and wholesale establishments;
    - viii. Warehouses, self-service storage.
    - ix. Tattooing establishments.
    - x. Medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities and medical marijuana testing facilities.
  - c. Development Standards:
    - i. Minimum site size: 10 acres

- ii. Maximum site coverage: 80%
- iii. Minimum building setback: 150 feet
- iv. Building height limitations: No principal building shall exceed thirty-five (35) feet in height.
- v. Minimum buffer requirement: 20 feet
- vi. Maximum floor area ratio: 1.0

**A-1.14 Residential density in PD-R, PD-RC and PD-MXD developments:**

- 1) **Residential density in existing PD-R and PD-MXD Districts.**
  - 1) The maximum residential density in PD-MXD districts in existence as of date of adoption of this ordinance shall not exceed that which was authorized in an approved final development plan.
  - 2) In the event of a submission of an amended final development plan for all or a portion of the existing PD-MXD district, the maximum residential density shall be as provided in the original approving ordinance; or not exceed the density that would be achievable under the zoning district designation that applied to property prior to adoption of the ordinance approving the planned development; or not more than eleven (11) dwelling units per net acre of the area devoted to a planned retirement care center. For purposes of this paragraph, net acreage shall be computed by deducting from the gross acreage of the entire development tract the acreage dedicated to public street rights-of-way and all non-residential acreage (e.g.; golf courses, commercial, office, skilled nursing facilities, and other authorized non-residential uses). In the event streets are to be private, then an amount of acreage deducted shall be equivalent to the amount of right-of-way that would otherwise be associated with a public street or fifteen (15) percent, which ever is greater.
- 2) **Residential Density in PD-RC Districts.** The maximum density in PD-RC (formerly PD-4) districts shall not exceed three and six-tenths (3.6) dwelling units per gross acre.
- 3) **Single family residential density in proposed PD-R and PD-MXD Districts.**
  - 1) The density (set by the number of lots that can be established) of residential development shall be limited to that which is established in the preceding residential district. The density limits indicated in the district regulations may be exceeded on portions of the site within a PD-R or PD-MXD District as long as the total site density limit is not exceeded. This is referred to as "density transfer." The minimum lot size for single family dwellings shall be as provided in the approving ordinance but in no case shall such minimum lot size be reduced by more than seventy-five (75) percent of the minimum lot size specified in the preceding zoning district or reduced below six thousand (6,000) square feet in area.
  - 2) Calculation of density: The computation of density shall be based on dwelling units per net acre for the entire site. To compute the number of dwelling units per net acre, the right-of-way for streets or fifteen (15) percent of the gross acreage of the parcel shall be deducted for streets, whichever is greater. The area to be dedicated to non-residential uses shall also be deducted. The net acreage, after deducting for the above uses is then divided by the lowest minimum lot size of the residential district. The following provides an example of density calculation for a five-acre tract in the R-2 Single Family district:
    - 5 acres × 43,560 square feet per acre = 217,800 sq. ft.
    - 217,800 sq. ft. - (217,800 × 0.15) = 185,130 sq. ft.
    - 185,130 / 20,000 sq. ft. min. lot size = 9 dwelling units
  - 3) In situations where a proposed PD-R or PD-MXD district overlaps two or more dwelling districts, density shall be calculated separately for the portions of the PD district in each of the preceding residential districts with the sum thereof being the maximum allowable density.



- 4) In situations where the existing district is non-residential in nature, then the maximum density shall be calculated using four (4) dwelling units per net acre.

**A-1.15 Common open space requirements for PD-R, PD-RC, and PD-MXD developments:**

- 1) Common open space shall comprise at least fifteen (15) percent of the gross area of the residential development or be of a size equivalent to one (1) acre for each one hundred (100) persons of expected population of the development, whichever is greater. For purposes of this paragraph, the expected population shall be determined by multiplying the total number of dwelling units times two and five-tenths (2.5) persons per dwelling unit.
- 2) Common open space shall be used for recreational, park or environmental amenity purposes for the collective enjoyment of the occupants of the development.
- 3) In addition to the above open space requirements, the following regulates the use of this common open space in terms of physical surface characteristics, size, location and physical improvements therein.
  - a. Of the required common open space, up to one-half (½) of it may be covered by water, flood plain, stormwater detention/retention facilities or left in a natural state.
  - b. The area of each parcel of open space shall not be less than six thousand (6,000) square feet in area or less than thirty (30) feet in its smallest dimension. In addition, at least fifty (50) percent of the common open space shall be contiguous or connected via pedestrian/bicycle paths.
  - c. To the extent practicable, common open spaces should be distributed equitably throughout the development in relation to the dwelling units that such common open space is intended to serve. The open space shall not be isolated in one (1) corner of a development but shall be highly accessible (physically and/or visually) to the residents of the development.
- 4) Where common open space is to be provided in a subdivided residential development, the use, operation, and maintenance of areas for common open space, common ground, and common buildings shall be guaranteed by the establishment of a trust indenture providing for such by a subdivision association or trustees, consistent with the requirements of Section ~~76.2.2(e)3~~(3c) of this Ordinance.

**A-1.16 Development Phasing:**

- 1) If a planned development is proposed to be constructed in phases, then a preliminary development plan shall be submitted in accordance with this Section for all phases. The preliminary development plan shall include all contiguous property for which the person proposing the development has ownership interest.
- 2) Development phasing in PD-R, PD-RC and PD-MXD developments: If the sequence of construction of various portions of the development is to occur in stages, then the open space and/or recreational facilities shall be developed, or legally provided for on a final plat, in reasonable proportion to the number of dwelling units intended to be developed during any given stage of construction as approved on a final plat by the Board. Furthermore, at no time during the construction of the project shall the number of constructed dwelling units per acre of developed land exceed the overall density per net acre established by the originally approved PD district.

**A-1.17 Other development regulations applicable to PD Districts:**

- 1) Development Standards (Section 4 of this Ordinance);
- 2) Off-Street Parking and Loading Requirements, (Section 6 of this Ordinance);
- 3) Subdivision Regulations, Section ~~7-6~~ of this Ordinance
- 4) Signs, Section 6 of this Ordinance

**A-1.18 Concept plan:**

- 1) **Concept plan staff meeting:**
  - a. Prior to petitioning for a rezoning to one (1) of the planned development districts, the prospective applicant shall schedule a meeting with the zoning enforcement officer. The zoning enforcement officer may request that other city department representatives attend this meeting. At this meeting, the prospective applicant shall provide general information on the proposed development, including site location, existing site conditions, and a concept plan of the

proposed planned development. The zoning enforcement officer shall report to the applicant, the staff's evaluation of the concept plan, with respect to its compliance with the intent of the planned development regulations, as soon as practical after the meeting.

- b. A concept plan meeting is required. It is an informal procedure intended to benefit the prospective applicant, by allowing for an exchange of ideas and information. It will provide an opportunity to review the requirements of the PD district regulations with the prospective applicant. No formal approval from the zoning enforcement officer or other city staff is required prior to proceeding with the preliminary development plan stage.
- 2) **Contents of concept plan:** The information that should be included with the concept plan are itemized in Section ~~76.2.1~~ of this Ordinance. In addition to items listed in that section, the following information shall be included as well:
- a. Building outlines (footprints) of all structures, except one-family detached dwellings proposed on subdivided lots;
  - b. Circulation plan, including circulation drives and parking areas;
  - c. Conceptual landscaping plan, open space/common areas and buffer areas between the proposed development and adjacent properties.

***A-1.19 Pre-application meeting with planning and zoning commission:***

- 1) Prior to filing an application to rezone property to a PD district, the applicant may submit the concept plan for review by the planning and zoning commission. The applicant shall submit three (3) copies of the concept plan documents to the zoning enforcement officer for staff review. Upon completion of staff review, the applicant shall submit twenty (20) copies, incorporating any necessary changes, to the zoning enforcement officer for distribution to the planning and zoning commission and the Board.
- 2) Within thirty (30) days of the meeting held to review the concept plan, the planning and zoning commission shall determine if the concept plan does or does not meet the intent of the PD regulations. Any action by the planning and zoning commission on the concept plan does not constitute approval or endorsement of a proposed development.

***A-1.20 Preliminary development plan procedure:***

- 1) **Preliminary development plan submittal requirements:**
  - a. The preliminary development plan shall include all contiguous property for which the person proposing the development has ownership interest.
  - b. The applicant shall submit three (3) copies of the preliminary development plan documents to the zoning enforcement officer for staff review. Upon completion of staff review, the applicant shall submit twenty (20) copies, incorporating any necessary changes, to the zoning enforcement officer for distribution to the planning and zoning commission and the Board.
  - c. The initial three (3) copies of the preliminary development plan documents shall be submitted not later than 5:00 p.m. of the day after the regular Board meeting in order to be considered at the next regularly scheduled planning and zoning commission meeting.
  - d. The preliminary development plan submitted shall include the information required in ~~Section 76.2.2~~ of this Ordinance, as applicable. In addition to these submittal requirements, the following shall be submitted as applicable:
    - i. Gross and net acreage of the tract;
    - ii. Building outlines (footprints) of all structures, except single family dwellings proposed on subdivided lots;
    - iii. Internal private circulation drives and parking areas, except driveways associated with one-family detached dwellings proposed on subdivided lots;
    - iv. Maximum number of dwelling units allowed per the preceding zoning district or districts;
    - v. Number of dwelling units proposed;
    - vi. Number of off-street parking spaces required and proposed;

- vii. The location of structures from all property lines, gross floor area of, and distance between buildings and structures. Floor area for non-residential uses shall be identified by use type;
  - viii. The proposed location, size, landscaping, and general use of common ground, including recreational areas, plazas, and buffer areas. Landscaping information shall include location and approximate size (at time of planting) of all plant material by type (such as deciduous/coniferous trees, ornamental trees, shrub masses and ground cover including grassed areas, ivies, etc.). Landscaping within parking areas shall be included;
  - ix. The location and details of all retaining walls, fences and earth berms;
  - x. The location of all refuse collection facilities including screening to be provided;
  - xi. Illustrative site cross-sections (two [2] minimum) indicating edge conditions and internal grade changes in relation to principal variations of building elevations and site-lines to adjacent properties/structures;
  - xii. Typical building elevations of sufficient scale and detail to illustrate building mass, exterior construction materials and signage if applicable;
  - xiii. Project report to include an explanation of the character of the proposed development, verification of the applicant's ownership or contractual interest in the subject site and proposed development schedule; and
  - xiv. Any other additional clarification and/or detail of the site plan as determined by the zoning enforcement officer or the planning and zoning commission.
- 2) **Preliminary development plan review procedure:** Within ninety (90) days following the first regular meeting after submittal of the preliminary development plan, the commission shall forward its recommendation on the plan to the board. The commission may recommend that the plan be disapproved, approved or approved with modifications.

***A-1.21 Public hearing on preliminary development plan and rezoning request:***

A public hearing on the rezoning request and the associated preliminary development plan shall take place before the Board in accordance with Section 13 of this Ordinance. The hearing shall be held not more than sixty (60) days after the receipt of the Commission's recommendation except by consent of applicant and the Board chairman. The recommendation of the Commission must be made publicly available at least ten (10) days before the public hearing.

***A-1.22 Board action on preliminary development plan and rezoning request:***

- 1) The Board action on the rezoning request shall be subject to the provisions of Section 13.2.4 of this Ordinance. Within ninety (90) days after the hearing, the board shall disapprove or approve the preliminary development plan, or approve the preliminary development plan with modifications.
- 2) If the board approves the preliminary development plan, it shall adopt a resolution approving said preliminary development plan, with conditions as may be specified and authorizing the preparation of the final development plan. If the preliminary development plan is approved with modifications, the board shall not amend the zoning map until the applicant has filed with the council written consent to the plan as modified, along with a revised preliminary development plan.
- 3) After the approval of the preliminary development plan and subject to the provisions of paragraph (2) above, the Board shall adopt an ordinance rezoning the site to the appropriate PD district and said ordinance shall include, but not be limited to, the following:
  - a. Legal description of the development site;
  - b. The planned district zoning classification approved;
  - c. Reference to the resolution approving the preliminary development plan and which authorizes preparation of the final development plan;
  - d. A statement requiring approval of a final development plan and plat (if applicable), by the Board, prior to issuing building permits;
  - e. PD-R, PD-RC, PD-LS and PD-MXD developments: The number and type of dwelling units authorized and the total square footage authorized for any non-residential use permitted;

- f. PD-BC, PD-LC and PD-LI developments: The total square footage authorized for all commercial, office, and/or industrial uses;
- g. Building and structure height limitations;
- h. Minimum building setback requirements;
- i. Off-street parking requirements (via reference to Section 6 of this ordinance);
- j. Reference to the "Sign" Section 76 of this Ordinance; and
- k. Acreage and function of common open space.

***A-1.23 Effect of approval of the preliminary development plan and period of validity:***

- 1) All conditions imposed as a part of any planned development shall run with the land and shall not lapse or be waived as a result of a subsequent change in ownership of any or all of said area.
- 2) Approval of the preliminary development plan by the board is merely an authorization to proceed with the preparation of the final development plan.
- 3) Approval of the preliminary development plan shall be valid for a period of six (6) months from the date of board approval. If an application for final plan approval for all or a geographic portion of the preliminary plan has not been filed within the six-month period, then a resubmission of the preliminary development plan shall be required if the applicant intends to pursue final plan approval. In its discretion and for good cause, the planning and zoning commission may grant up to a six-month extension, from the date that the period of validity expired. The commission may reject such resubmission of the same development plan in light of new facts and circumstances relating to the development plan.
- 4) In no case shall a building permit be issued prior to final development plan approval.
- 5) At such time the period of validity has expired, the resolution approving preliminary development plan shall become null and void. In the event that the development plan involved rezoning all or a portion of the property comprising the development, the Board may initiate proceedings to rezone the property to its preceding or other appropriate zoning district, in accordance with the procedures and requirements of Section 13 of this Ordinance.

***A-1.24 Final development plan procedure:***

- 1) **Final development plan submittal requirements:**
  - a. The final development plan shall include the required information described in Section 76.2.6(a1) of this Ordinance, as applicable. In addition to these submittal requirements, the following shall be submitted.
    - i. The information required for the preliminary development plan, except that it be in its final form.
    - ii. The final landscape plan with specific location of all plant material, specifying size and species.
    - iii. The applicant shall submit three (3) copies of the final development plan documents to the zoning enforcement officer for staff review. Upon completion of staff review, the applicant shall submit twenty (20) copies, incorporating any necessary changes, to the zoning enforcement officer for distribution to the planning and zoning commission and the Board.
    - iv. The initial three (3) copies of the final development plan documents shall be submitted not later than 5:00 p.m. of the day after the regular Board meeting in order to be considered at the next regularly scheduled planning and zoning commission meeting.
- 2) **Compliance with approved preliminary development plan:** The final development plan shall be in substantial compliance with the approved preliminary development plan. Modifications and refinements, resulting from the final design process, may be approved. In no event shall any modification of the development plan result in the following:
  - a. A change in the use or character of the development;
  - b. An increase in building or site coverage;
  - c. An increase in the intensity of use (e.g., number of dwelling units);
  - d. An increase in vehicular traffic generation or significant changes in traffic access and circulation;

- e. A reduction in approved open space or required buffer areas;
- 3) **Final development plan review and approval:**
  - a. The commission shall review the final development plan and shall recommend to the Board approval of the final development plan if it is in substantial compliance with the preliminary development plan. The commission shall act upon the final development plan within sixty (60) days after it has been submitted.
  - b. The final development plan shall be submitted to the board for final approval; and if so approved by the Board, the mayor and the city clerk shall execute the plan, and the original copy shall be recorded consistent with the provisions of Section ~~76.2.6.2 and 6.2.6.3-23.6 of the~~ of this Ordinance.

***A-1.25 Changes and amendments to final development plan:***

- 1) **Minor changes:** Minor changes in the location, siting and height of buildings and structures may be authorized by the zoning enforcement officer if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section shall cause any of the following:
  - a. A change in the use or architectural character of the development, including changes in any exterior finish material approved by the board;
  - b. An increase in building or site coverage;
  - c. An increase in the intensity of use (e.g., number of dwelling units);
  - d. An increase in vehicular traffic generation or significant changes in traffic access and circulation;
  - e. A reduction in approved open space or required buffer areas; or
  - f. A change in the record plat.
- 2) **Plan amendments:** All proposed changes in use, or rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and changes which would cause any of the situations listed under paragraph (A) above shall be subject to approval by the board. In such event, the applicant shall file a revised development plan and be subject to the requirements of this section as if it were an entirely new application

***A-1.26 Failure to initiate construction after final development plan approval:***

- 1) **Period of validity:** No approval of a final development plan shall be valid for a period longer than one (1) year from the date of approval unless within such period a building permit is obtained and construction of a development's foundation is commenced.
- 2) **Extension:** In its discretion and for good cause, the commission may extend for one (1) additional year, the period for beginning of construction or the establishment of a use.
- 3) **Lapse in period of validity:** At such time as the period of validity of an approved final development plan lapses, the final development plan and all uses, terms and conditions thereof may be declared null and void and the board may initiate proceedings to rezone the site to its preceding or other appropriate zoning district in accordance with the procedures and requirements of Section 13 of this Ordinance.