

AN ORDINANCE OF THE CITY OF PECULIAR, CASS COUNTY, MISSOURI AMENDING SECTION 405.740, PUBLIC SITES AND OPEN SPACES, AND SECTION 405.840, GREEN SPACE, SUBSECTIONS A THROUGH C.

WHEREAS, the City of Peculiar wishes to make certain amendments to Section 405.740, Public Sites and Open Spaces, and Section 405.840, Green Space, Subsections A through C, of the Code Ordinances (“City Code”); and

WHEREAS, the Planning Commission conducted public hearings and deliberated on the amendments at meetings on July 13, 2023, August 10, 2023, and October 12, 2023, and approved a recommendation that the Board of Aldermen make the amendments contained in this ordinance based upon the findings in the staff reports and meeting minutes; and

WHEREAS, the Board of Aldermen conducted public hearings and deliberated on the amendments at meetings on November 20, 2023 and December 4, 2023; and

WHEREAS, the Board of Aldermen wish to revise Sections 405.740 and 405.840 based upon the findings in the staff report and the meeting minutes of the Planning Commission and Board of Aldermen.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI AS FOLLOWS:

SECTION 1. Section 405.740, Public Sites and Open Spaces, of the City Code is hereby amended as follows:

Section 405.740 **Public Sites and Open Spaces.**

[Ord. No. 111808 §1(405-500.13), 11-18-2008; Ord. No. 03052018, 3-5-2018]

- A. In subdividing property, the subdivider shall give consideration to dedicating suitable areas for schools, parks, playgrounds, fire stations, libraries and other common areas for public use in conformance with the Comprehensive Plan. Areas to be dedicated shall be shown on preliminary and final plats.
- B. Since lands for recreation and educational purposes need to be acquired in areas of expansion of the City, all subdividers shall be required to dedicate appropriate land area within their subdivision or may submit a cash donation in lieu of the dedication. In subdivisions that are primarily residential in nature, the preference shall be for park land to be dedicated; in subdivisions that are primarily commercial or industrial in nature, the preference shall be to obtain a cash donation. The decision to accept either land or cash donation shall be on the recommendation of the Park Director to the Planning Commission. A dedication of land shall be by plat and deeded to a homeowners' association or the City of Peculiar, Missouri. The

dedication shall be a condition of approval of the final plat. A cash donation shall be paid at the time a building permit is issued.

1. Subdividers who dedicate open space for park land pursuant to this Article shall dedicate park land in an amount consistent with the recommendation of the National Recreation and Park Association (NRPA) based upon the type of park facility needed at a particular location and the development needs of a neighborhood or community park, including, but not limited to, such amenities as play equipment, athletic areas such as baseball/softball diamonds, soccer/football fields, volleyball courts, hard surface areas such as tennis courts, basketball courts, skateboard and in-line skating rinks, picnic areas, walk/trail systems, restrooms, natural areas, open spaces and buffer zones. Suggested facility development standards and recommended standards for local developed open space, published by NRPA, combined with the ratio of park size to population in the City of Peculiar, shall be used to determine actual dedicated acreage requirements. For purposes of determining population and determining the average number of occupants per dwelling unit, the average household size for the City of Peculiar as reported in the most recent decennial census of the average number of persons expected to live in a dwelling unit within a single- or multiple-family subdivision or development shall be multiplied times the number of dwelling units proposed within a subdivision.
 2. When a cash donation is accepted in lieu of park land dedication, such donation shall equal the amount established in the most recent edition of the Comprehensive Fee Schedule of the City. All cash in lieu of property shall be deposited in a special park acquisition and development fund as established by the Board of Aldermen.
- C. The Park Director may reject proposed lands which are not suitable for park use. The City will consider, but is not limited to, the following criteria in determining whether the proposed dedication of land is of sufficient size, character and quality:
1. The area proposed for park land dedication may be located either within or outside the boundary of the subdivision but must either be adjacent to an existing or proposed City park site or within the same service area in which the subdivision is located. The park service area is considered to be within one-half (1/2) mile of the subdivision for which it is considered.
 2. The area proposed for park land dedication shall have characteristics, such as topography, vegetation and geology and location, which make it suitable for future inclusion into the City parks system.
 3. The area proposed for park land dedication may contain valuable or sensitive environmental features, the preservation of which conforms to the Comprehensive Plan.
 4. All lots within the subdivision for which the park land dedication is considered shall have legal and convenient access to the park land area.

5. The area proposed for park land dedication shall have street frontage of at least twenty percent (20%) of its perimeter.
6. Sites should be dedicated in a condition ready for immediate use with electrical, water, sewer and street access provided at the right-of-way line.

SECTION 2. Section 405.840, Green Space, Subsections A through C, of the City Code is hereby amended as follows:

Section 405.840 **HOA-Maintained Green Space and Subdivision Amenities.**

[Ord. No. 111808 §1(405-501.4), 11-18-2008]

- A. Subdivisions with a designed total size that will exceed twenty-five (25) dwelling units in the preliminary plat shall provide privately maintained open or green space that meets or exceeds ten percent (10%) of the total development area as shown on the approved plat. This green space shall be divided in such a way that each development phase has access to a usable amount of space. Subdivisions where all residential lots are at least one (1) acre in size and are prohibited from placing and/or constructing any type of fence in the front and side yards shall be exempt from this requirement.
- B. HOA maintained green space and subdivision amenities may be provided in any of the following forms, either individually or in combination:
 1. Partially improved or improved drainage and detention areas. Unimproved drainage and detention areas may not be counted toward the ten percent (10%) green space requirement.
 2. Developed park, which shall include some or all of the following features:
 - a. Playground equipment;
 - b. Benches, picnic tables, grills;
 - c. Restroom facility;
 - d. Shelters and/or gazebos;
 - e. Courts, such as pickleball, basketball, tennis or volleyball; or
 - f. Swimming or wading pools or other aquatic features.
 3. Pedestrian/bike trail, which shall include an improved area for pedestrian and non-motorized transportation (bicycles, skateboards, roller skates, blades, etc.) and motorized quadricycles, motorized tricycles, motorized scooters, and electric wheelchairs used by persons who by reason of physical disability are otherwise unable to move about as a pedestrian.
 4. Improved area adjacent to or on a lake, such as docks, floating gazebo or shelter, picnic area, etc.
 5. Landscape buffers.
 6. Additional amenities may be required by the City Planner based upon site characteristics and location.

C. Credit for HOA Maintained Green Space and Subdivision Amenities.

1. *Partially improved natural drainage area.* Thirty-five percent (35%) of area may be credited towards the required amount of green space, provided the area is either a portion of the stream buffer(s) area indicated on the City of Peculiar approved stream buffer map that transverses any portion of the proposed platted area or a manmade drainage basin constructed for the development, such as a retention or detention pond, etc. Improvements may include permanent stream buffer markers, pruning of indigenous trees, removal of debris and the installation of plants, shrubs, trees and grasses. The installation of new plantings shall include native trees and shrubs as approved by the City.
2. *Improved natural drainage area.* Fifty percent (50%) of area may be credited towards the required amount of green space, provided the area is either a portion of the stream buffer(s) area indicated on the City of Peculiar approved stream buffer map that transverses any portion of the proposed platted area or a manmade drainage basin constructed for the development, such as a retention or detention pond, etc. Improvements shall include those listed under partially improved natural drainage area plus at least two (2) of the following: 1) permanent benches every 660 feet, 2) gazebos that are permanent structures with greater than 150 sq. ft. of roof area, or 3) soft-surfaced walking, fitness or nature trails with defined, marked stops or rest areas.
3. *Developed park area.* One hundred percent (100%) of the dedicated area as shown on the plat area may be credited towards the required amount of green space providing at least fifty percent (50%) of the gross area of any active open space shall have a natural slope of four percent (4%) or less and shall not be in an existing watercourse, drainage easement or water ponding area. In addition, that portion of the land must have a cover of six (6) inches or more of topsoil suitable for the seeding and cultivation of grass. If land proposed to be a park has a natural slope more than that required by this subsection but may be engineered to provide for a slope that meets the requirements imposed therein, the developer may, upon the favorable recommendation of the Park Director, permit such land to be dedicated to meet the requirements of this subsection.
4. *Hard-surfaced trail.* When located outside of any natural drainage area used for green space credit, the entire trail easement that contains a hard-surfaced trail may be credited towards the required amount of green space, provided the paved portion of the trail shall be a minimum of five (5) feet in width and shall transverse either the width or depth of the development or provide a circumferential route as shown on the approved preliminary plat. The trail easement shall measure at least fifteen (15) feet wide and shall be maintained for at least two (2) feet on each side of the paved portion. Trails dedicated to the City shall be of surface material, trail width, and easement width consistent with the City maintained trail to which it connects.

5. *Improved area adjacent to or on a lake.* An area adjacent to or on a lake that has been improved may be credited towards the required amount of green space at the same rate and according to the same improvement levels as used for natural drainage areas.
6. *Landscaped buffer area.* Fifty percent (50%) of the area shown on the preliminary plat to be set aside for landscape buffering may be credited towards the required amount of green space, up to a maximum area equal to five percent (5%) of the total development area as shown on the approved plat.
7. *Major Subdivision Amenities.* To encourage the construction of major subdivision amenities, four hundred percent (400%) of the area shown on the preliminary plat to be set aside for a club house, swimming pool, wading pool, splash pool, pickleball court, or tennis court may be credited toward the required amount of green space. Two hundred percent (200%) of the area to be set aside for a basketball court, or picnic shelter, or playground may be credited toward the required amount of green space.
8. *Identification on Plats.* To be eligible as green space, areas designated by the developer must be completed and shown on the preliminary and final plat submitted for the City's approval.
9. *Timing of Amenities.* Each specific amenity identified on the preliminary plat shall be included in a development agreement for the final plat that includes the land area upon which the amenity is installed or constructed. The amenity(s) shall be constructed with the public improvements for that final plat and no building permit will be issued in the final plat for which the amenity is scheduled until the amenity(s) are completed. However, at the time of submittal of a final plat application that includes an amenity(s), the developer may request an extension of time to complete the amenity(s).
10. *Maintenance.* Areas that are eligible as green space shall be maintained by the developer or the lot owners in the subdivision according to terms set forth in the development agreement that are adequate to ensure its continued operation and maintenance.
11. *Subdivision of Areas eligible as Green Space Prohibited.* Areas eligible as Green Space shall be maintained as depicted on the plats and may not be separately sold, subdivided or developed except to the City, an appropriate public agency or a non-profit entity if there is a public or non-profit agency willing to accept the dedication and financially capable of maintaining such open space as identified on the plats.
12. *Certain Activity Prohibited.* No person shall remove trees, vegetation or topsoil from areas eligible as green space, and the lands shall not be used for the purpose of stockpiling of earth or construction material or disposal of construction debris without the written consent of the Park Director.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, as

such holding shall not affect the validity of the remaining portion thereof.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and approval and shall apply to all preliminary plat applications submitted to the city for approval except those have had an official pre-application conference to review plans with city staff before the effective date of this ordinance.

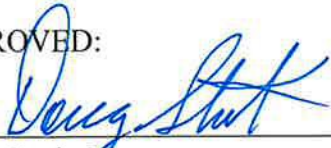
First Reading: November 20, 2023

Second Reading: December 4, 2023

BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS 4th DAY OF DECEMBER, 2023, BY THE FOLLOWING VOTE:

Alderman Hammack	ABSENT	Alderman Shatto	AYE
Alderman Conrad	AYE	Alderman Gicante	AYE
Alderman Smith	AYE	Alderman Gallagher	AYE

APPROVED:



Doug Stark, Mayor

ATTEST:



Melissa Paith, Deputy, City Clerk

