

AN ORDINANCE AMENDING CHAPTER 400 OF THE ZONING CODE, SPECIFICALLY SECTION 400.280 CONSERVATION SUBDIVISIONS IN THE CODE OF ORDINANCES OF THE CITY OF BATTLEFIELD, MISSOURI AND REPLACING WITH A NEW SECTION 400.280 CONSERVATION SUBDIVISIONS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BATTLEFIELD, MISSOURI, AS FOLLOWS:

Section 1. That the attached **Exhibit A** “be amended to the Code of Ordinances for the City of Battlefield after a public hearing held by the Planning and Zoning Commission and said recommendation provided as such to the City of Battlefield Board of Aldermen to approve the creation of such an ordinance.”

Section 2. That if any section, subsection, sentence, clause, or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Battlefield, Missouri hereby declares that it would have passed this law, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 3. This ordinance shall be in full force and effect from and after its date of passage.

Passed and approved at a regular meeting of the Board of Aldermen of the City of Battlefield, Missouri, this 21st day of November, 2023.

Mark Crabtree
Mark Crabtree
President of the Board

Attest:

Beth Anne West
Beth Anne West, Clerk

First Reading and Vote: 4 Ayes - Zac Woods, Mark Crabtree, Rocky Compton, and Jim Clemmons. 0 Nays. Aldermen Samantha Forbes and Tony Shupert were absent for the vote. 11-21-2023.

Second Reading and Vote: 4 Ayes - Jim Clemmons, Rocky Compton, Mark Crabtree, and Zac Woods. 0 Nays. Aldermen Samantha Forbes and Tony Shupert were absent for the vote. 11-21-2023.

Approved to Form: Paul D. Smith
City Attorney



Section 400.280 Conservation Subdivisions.

A. Purpose And Intent. The purpose of the conservation subdivision development is to allow a procedure for development which will promote more economic subdivision layout, which will preserve open space and provide for recreational areas, which will preserve and protect unique or sensitive natural features, and which will encourage creative design of living environments. To achieve this purpose, modification of minimum lot area and lot dimensions shall be permitted.

B. Minimum Lot Size. Conservation subdivision developments shall be permitted to reduce minimum lot size for single-family dwellings in the R-LD (Single-Family Low Density Residence District) from twenty thousand (20,000) square feet to ten thousand (10,000) square feet.

C. Conservation Subdivision Housing Types And Number Of Units.

1. Only uses specified in the "R-LD" Single-Family Low Density Residence District are permitted.
2. Conservation subdivisions shall consist of at least thirty (30) dwelling units.

D. Usable Open Space Requirements.

1. In each conservation subdivision development, the lot size may be reduced from the minimum size required in the zoning district to the minimum size permitted in Section 400.280(B). All lot reductions shall be compensated for by setting aside an equivalent amount of land for usable open space or common area.
2. The provisions of this Section may be used only if the usable open space set aside in a subdivision is at least one (1) acre and at least thirty percent (30%) of the subdivision tract is devoted to permanent, usable open space. Calculation of total area of said open space shall not include land devoted to public infrastructure improvements or private stormwater drainage and detention facilities that may be required by the City as a condition of subdivision plat approval.
3. Open space or common areas within a conservation subdivision development may be offered for dedication to the public at the time of application. The Board of Aldermen may accept such dedication upon finding that the location, size, type of space or cost of development or maintenance of such open space would make public use desirable.
4. The development and maintenance of conservation subdivision open space not dedicated to the public shall be provided through legal arrangements satisfactory to the Board of Aldermen. Covenants or other legal arrangements shall specify: open space ownership; method of maintenance; responsibility for maintenance; taxes and insurance; homeowners' association compulsory membership and assessment; guarantees that any homeowners' association or other association formed to own and maintain the open space will not be dissolved without the review of the Planning and Zoning Commission and consent of the Board of Aldermen.

E. Conservation Subdivision Development Approval.

1. A conservation subdivision shall be considered a major subdivision for platting purposes and shall be subject to the major subdivision procedures of the City of Battlefield subdivision regulations.
2. All modifications to lot sizes and lot dimensions must be shown on the conservation development preliminary plat.
3. A conservation development shall be approved only if evidence is provided which establishes that:
 - a. The development will be in harmony with the purposes, goals and policies of the Battlefield Comprehensive Plan.
 - b. The development will not have an adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utilities or the public health, safety and welfare.
 - c. Permanent open space intended for recreation or public use is easily accessible to pedestrians, including the disabled and elderly.
 - d. The development will not result in the loss or destruction of any scenic, natural or historic feature of significant importance.
4. The Planning and Zoning Commission and Board of Aldermen shall make written findings that each condition in Section 400.280(E) has been satisfied.