

AN ORDINANCE ADDING ARTICLE XV-A TO THE TOWN CODE ZONING REGULATIONS FOR PLANNED UNIT DEVELOPMENT DISTRICTS

WHEREAS, Section 405 of the Town Zoning Code establishes zoning regulations; and

WHEREAS, the Town desires to add regulations to permit Planned Unit Development Districts, and

WHEREAS, on due notice the Planning and Zoning Commission of the Town of Carrollton, Missouri, held a public meeting thereon at City Hall on 18 SEPTEMBER, 2023, beginning at 6:00 p.m., and

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of 4-0 ^{2 ABSENT}, recommended approval of adding the following sections to the zoning regulations at its meeting, and

WHEREAS, the Town Council set a public hearing on such additional sections and notice of said public hearing was published at least 15 days prior to the hearing in the Carrollton Democrat, a newspaper of general circulation in the Town of Carrollton and otherwise posted and published in accordance with the Zoning Ordinance, and

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Town Council, and

WHEREAS, the Town Council being fully informed finds that amending the Town Code of Ordinances is in the best interest of the Town,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CARROLLTON as follows:

Section 1. A new Article XV-A is added to Chapter 405 Zoning Regulations as follows:

Chapter 405. Zoning Regulations

Article XV-A Planned Unit Development (PUD) Districts

Section 405.1095 General

- A. A Planned Unit Development (PUD) is a development of land that is under unified control and is planned and developed as a whole in a single development operation or a programmed series of development phases. The development may include streets, circulation ways, utilities, buildings, open spaces and other site features and improvements, and may be excluded from certain area restriction, standards, or

requirements of the Chapter, provided that these improvements adhere to the procedures outlined herein. Such developments shall be permitted through the granting of a conditional use permit with the easing of traditional planning and zoning ordinance restrictions to lot size, setback, lot widths, density and related design features.

- B. A PUD may be permitted as a waiver of the zoning and platting code to provide variety and flexibility in the development of land for residential and commercial purposes. The PUD is established to encourage innovations in residential development and renewal, the greater opportunities for better housing and recreation exist, and so shops and commercial or light industrial businesses can be conveniently located to reflect changes in the technology and requirements of land development. These developments are also intended to encourage land use in a creative manner which will optimize energy efficiency, aesthetic and desirable development which may be characterized by special features of the relative location, topography, size or shape of a particular property and to provide a compatible and stable environment in harmony with the surrounding area.

Section 405.1096 Requirements for PUD Submission.

- A. An application for a PUD shall constitute an application for a conditional use permit, with the specific uses and arrangements indicated on the plan and varied so as to comply with the spirit and intent of this Article. The Planning and Zoning Commission shall consider the entire PUD design provisions of this Article being the subject of a request for the conditional use permit. The developer is encouraged to hold a pre-application meeting with the Planning and Zoning Commission to discuss the nature of the PUD.
- B. An application for a PUD under this Article shall be accompanied by a general preliminary plan showing the following items:
 - 1. Existing zoning.
 - 2. Acreage in the proposed PUD and legal description of the PUD.
 - 3. Location of any existing development in and within 200 feet of the area.
 - 4. The number and design of dwelling units, commercial, or industrial buildings proposed for the PUD.
 - 5. The types and density of land uses proposed. The building density shall normally be no more than twenty percent (20%) higher than allowed in the comparable zoning district.
 - 6. Utilities, easements, and proposed street design and parking facilities. Streets and street maintenance, including snow removal, will remain the responsibility of the

PUD applicant unless build to Town standards, dedicated to the Town, and accepted by Town Council. Also, any proposed covenants, easements, or other restrictions proposed to be imposed on the property.

7. Common or dedicated open space within the development is preferred to be at least twenty-five percent (25%) of the proposed development tract.
 8. The development shall be in a single or entity ownership at the time of application, or the subject of an application signed jointly by all owners of the property. Individual commercial or residential units are not permitted to be separated from the PUD.
 9. Where a site is situated in more than one (1) zoning district, the permitted uses applicable to such property in one (1) zoning district may be extended into the adjacent use zoning district.
 10. Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning and Zoning Commission for approval together with other required plans for the development. A planting plan showing proposed tree and shrubbery planting should be prepared for the entire site to be developed. A grading and storm drainage plan shall also be submitted to the Planning and Zoning Commission with the application, with topographical map at a scale of not less than one (1) inch represents one hundred (100) feet (1"=100') with at least five (5) foot contour intervals shown.
 11. For commercial PUD, the estimated total building square footage, percentage of building coverage, total parking and loading/unloading areas, and proposed setbacks for front, side, and rear of lots.
- C. No preliminary plat nor plan shall receive initial approval of the Planning and Zoning Commission unless, in addition the requirements stated above, the plan meets the following requirements:
1. Minimum Area 2.0 acres
 2. Density of dwelling units maximum 15 per acre
 3. Setbacks required from exterior boundaries of the PUD:
 - a. Commercial uses 50 feet
 - b. Residential uses 35 feet
 - c. Mixed uses 40 feet.
 4. There shall be a minimum twenty (20) foot wide landscaped yard around all exterior boundaries of a PUD.
- D. Other design requirements:
1. Any lighting used to illuminate an off-street parking area within or adjacent to any residential district should be arranged to reflect light away from any

adjoining residential district and public right-of-way. All lights and any proposed signs shall be detailed on the site drawings.

2. Wheel stops shall be installed at least thirty (30) inches from an adjacent sidewalk, fence or walls for each parking space, unless design features prohibit a vehicle from obstructing a sidewalk or making contact with a fence or wall.
3. In no event shall the required parking for residential dwellings be located elsewhere than on the premises for which such parking is required.
4. Plans for utilities shall include all improvements within the proposed development except those within five (5) feet of any building.
5. The development shall not be detrimental to the surrounding and adjacent areas.
6. It will be a benefit to the Town of Carrollton and not create any nuisance in its environs.
7. Additional data may be requested by the Planning and Zoning Commission and shall be furnished by the applicant.

Section 405.1097 Planning and Zoning Commission Actions.

- A. The Planning and Zoning Commission shall ensure the applicant intends to start construction within one (1) year of the approval of the project and to complete construction or approved phases thereof within four (4) years from the date construction in any phase begins unless otherwise approved.
- B. Within sixty (60) days of receipt of the final plan submitted to the Planning and Zoning Commission by the developer, the Commission will schedule a public hearing on the proposed development, with fifteen (15) days' public notice of the hearing in a newspaper and other media as appropriate, and after receiving public testimony and comments at the public hearing, shall forward the plan and its recommendations to the Town Council.
- C. The Town Council will review the area plan, and the report of the Planning and Zoning Commission, will schedule a public hearing on 15 days' notice, and will approve, modify, or deny the PUD plan. Upon the Town Council's approval of a PUD, building permits shall be issued and construction shall proceed only in accordance with the plans and specifications approved by the Planning and Zoning Commission and in conformity with any conditions attached by the Town Council. The Applicant and Owners shall then sign a statement that the approved plan is binding on the applicant and owners and their successors and assigns prior to the final approval of the plan.

- D. Requirements for amending approved plans and specifications for a PUD shall be determined by the Town Council based on the extent and type of proposed changes. Minor changes to the location, siting, and height of buildings, or the position of lot lines may be approved by the Town Council without the need for additional public hearings. Any other changes will be recorded as changes to the plan after approval by the Town Council following a public hearing.

Section 405.1098 Duration of Permit, Renewals and Fees.

- A. The permit for a PUD, when issued, shall be for a term of four (4) years from the date of issuance. At the end of the four (4) year period, the Planning and Zoning Commission shall review the progress of the development and upon finding that there has been substantial development in accord with the permit, shall renew the permit at no cost for an additional term recommended by the Planning and Zoning Commission. If there is a finding that there has not been a substantial development within the area, the Planning and Zoning Commission may refuse to renew the permit, except upon good cause shown by the developer for the failure to show substantial progress within the development, and then upon such amendments as the Planning and Zoning Commission may require. If the plan is not renewed, any zoning changes which resulted from the PUD approval shall automatically revert back to the original districts.
- B. The fee for the initial review of the PUD application and for issuance of a permit shall be based on commercial rates and set by the Town Council annually. If any renewal is denied, the existing uses may be continued only as a non-conforming uses development.

Section 4. It is the intent of the Town Council that this Ordinance be made a part of the Town Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the Town Council.

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the Town's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignments of code sections to accommodate such changes.

Section 5: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 6: This Ordinance shall be in full force and effect both from and after its passage and approval.

A copy of this Ordinance has been made available for public inspection prior to its adoption by the Council and this bill was read by title in the open meeting two times prior to its final passage.

PASSED AND APPROVED THIS 18th DAY OF September 2023.

TOWN OF CARROLLTON, MISSOURI


John Sweeney, Mayor

ATTEST:

Dana Reimer, City Clerk