

ORDINANCE NO. 2145

**AN ORDINANCE OF THE CITY OF COTTLEVILLE,
MISSOURI, AMENDING ARTICLE V OF CHAPTER 405 OF
THE MUNICIPAL CODE OF THE CITY OF
COTTLEVILLE, RELATED TO PLANNED UNIT
DEVELOPMENT REGULATIONS**

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

SECTION 1. That Article V of Chapter 405 of the Municipal Code of the City of Cottleville, Missouri, be and hereby is amended by deleting Article V of Chapter 405 in its entirety and enacting, in lieu thereof, a new Article V of Chapter 405 to read as follows:

Chapter 405 Zoning Regulations

Article V Planned Unit Developments and Multiple-Family Planned Unit Developments

Section 405.325 Purpose

A. The provisions of this Article are designed to deal with large-scale development and facilitate better site planning and community planning through modification of certain district regulations as they apply to such development. The granting of a Planned Unit Development "PUD" shall be in accordance with the procedure set forth in this Article and in no way should be construed as an automatic right by the applicant.

B. It is hereby recognized that, for certain developments in the City, the regulations of districts in the Zoning Ordinance, either individually or collectively, might impose unnecessary or undesirable rigidities and thereby prevent achievement of the best possible plan. Therefore, this Article has the following intents:

1. To permit flexibility in site design that will encourage a more creative approach in the development of land and will result in a more efficient, aesthetically appealing, and desirable use of land.
2. To achieve more efficient use of land, within the framework and intent of the Zoning Ordinance, which can result from large-scale or multiple-use developments.
3. To encourage and permit provision of open space.

4. To protect and preserve scenic assets and natural features and to incorporate these into the development.
5. To foster a more stable community by providing a variety and balance of housing types and living environments.
6. To encourage and permit variety in the location of buildings, roads, parking lots, and other facilities and activities.
7. To increase the safety of pedestrian and vehicular traffic by reducing the number of traffic conflict points within and outside a development.
8. To reduce land cost per dwelling unit in residential developments.
9. To provide a desirable and stable environment in harmony with that of the surrounding area.

C. This Article is intended to achieve these objectives while promoting and protecting the public health, safety, and welfare of the City and while safeguarding the present or future use and development of areas surrounding a proposed PUD.

D. The PUD designation is intended to be attached to use districts set forth in this Article and is not a separate use district. The PUD designation may be attached to a parcel of land at the time its zoning classification is amended, or it may be attached to a parcel of land under the zoning district classification(s) existing at the date of application for a PUD designation. It is further intended that a PUD designation may be applied to a residential, non-residential or a combined residential/non-residential development.

Section 405.330 Authority

The Board of Aldermen of the City of Cottleville shall have the authority to approve area and final plans upon compliance with the requirements of this Article. Such plans may be considered by the Board of Aldermen only after the Planning and Zoning Commission has reviewed the plans and submitted its recommendations to the Board.

Section 405.335 Definitions.

The following definitions shall apply in the interpretation and enforcement of this Article, unless otherwise specifically stated:

CONSTRUCTION

The combining or arranging of parts or elements into a permanent structure or composite whole. Construction shall include work such as pouring slabs or

footings; installing framing members, roof assemblies, exterior sheathing, and siding; engaging in interior electrical work, plumbing, finish carpentry work such as hanging drywall, installing trim, and painting; and all other activities similar to those described herein. Construction does not include: (i) land preparation, such as clearing, grading, and filling; (ii) installing streets or walkways; or (iii) excavation for a basement, footings, piers, or foundations or the erection of temporary forms for pouring slabs or footings.

DILIGENTLY PURSUE

The conducting of individual obligations or tasks in a sustained manner and with consistent effort, such individual obligations or tasks designed to complete a larger goal or purpose. Any period lasting ninety (90) days or greater in which no progress was made toward the completion of the goal or purpose shall disrupt all diligent pursuit.

Section 405.340 Application Procedure

A. Preapplication Conference. Before submitting an application for a PUD, the applicant shall confer with the Director of Public Works to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.

B. An application for a PUD designation shall be submitted by the owners of the real property to be affected by the proposed change on application forms provided by the Director of Public Works. Each application shall be filed with the Director of Public Works and be accompanied by pertinent data as prescribed on the form and any additional information deemed necessary by the Director of Public Works. The application must be filed at least thirty (30) days prior to the Commission meeting at which it is to be first considered. The applicant may appear before the City Planning and Zoning Commission, prior to application for a PUD designation, to discuss the proposed development.

C. A fee, as stated in Section 405.790 of this Code, shall be paid to the City for each application to cover the costs of advertising, notification, and other administrative expenses associated with the application.

D. An application for a PUD designation shall be signed by all fee owners of the real property to be affected by the proposed change or by their agent or agents having authority to sign the application on their behalf, accompanied by proper evidence of such agency relationship, and by the applicant, if other than the fee owners. The application shall be submitted to the Planning and Zoning Commission and shall contain or be submitted concurrently with the following information:

1. A legal description of the property to be affected, in Portable Document Format or Microsoft Word compatible format;

2. Acreage of the real property to be affected; and a scaled map of such property, correlated with the legal description and clearly showing the property's location;
3. The names, addresses and telephone numbers of all the fee owners of such property and their agents, if any, and copies of the deeds on file with the St. Charles County Recorder of Deeds evidencing such ownership;
4. The names, addresses and telephone numbers of all engineers, surveyors, or designers responsible for the planning, engineering survey and design;
5. Date of filing with the Director of Public Works;
6. The present zoning and proposed change of zoning of such property, if applicable;
7. The existing use(s) and proposed use(s) of such real property;
8. The notarized signature(s) of the applicant(s), fee owner(s) and agents of the fee owner(s), if any, certifying the accuracy of the required information. If the applicant(s) or fee owner(s) of the real property are a trust or business entity, then proof of the authority of the party executing the petition must be provided by way of resolution, minutes, trust agreement, operating agreement, or other legally appropriate means;
9. An area plan; and
10. If the PUD is to be developed in phases, and the applicant intends to submit a separate final plan for each phase, the applicant must indicate the separate phases on the area plan.

E. The application for a PUD designation shall be for review and approval of an area plan for development of the entire tract, even if the applicant intends to complete the project in phases. The application may accompany a zoning amendment application for the lot in question, subject to the requirements of Section 400.110 of this Code. Following review by the Planning and Zoning Commission and approval of the area plan and designation of the lot as a PUD by the Board of Aldermen, a second application shall be made for approval of a final plan for the entire tract, or portion thereof if the PUD is to be developed in phases. If development is to occur in phases, a separate application for final plan approval shall be required for each phase. No construction may commence and no permit shall be issued therefor on a tract with a PUD designation, until a final plan for said tract, or portion thereof if the PUD is to be developed in phases, has been approved in accordance with this Section.

Section 405.345 Information Required – Area Plan

A. Area Plan. The application shall be accompanied by ten (10) paper copies of the proposed area plan drawn at appropriate scale, and one (1) electronic copy in a .pdf format, showing:

1. The name of the proposed PUD project.
2. A scale, date, and north arrow.
3. A key map showing the PUD in relation to the surrounding area.
4. Within two hundred (200) feet of the proposed development, names of adjacent subdivisions, layout of streets (with names), right-of-way widths, connections with adjoining platted streets, widths and locations of alleys, easements, and public sidewalks adjacent to or connecting with the tract, location and size of all existing sanitary sewer, storm sewer, water supply, and other utility facilities.
5. Existing conditions in the plan area showing all utilities, bridges, streets, drives or alleys, and existing structures.
6. Existing topography (at least five-foot contour intervals). All topographic data shall directly relate to United States Geological Survey data.
7. The zoning status of the PUD and of all adjacent properties shall be identified on the plan. If the project contains more than one (1) underlying zoning district, the zoning district boundary lines shall be clearly indicated.
8. Boundary lines of school districts, fire districts, water districts, and municipal limits shall be identified on the plan where applicable.
9. The general plan layout of the entire PUD showing proposed land uses, streets, parking areas, open space areas, and sidewalks with significant dimensions indicated, where appropriate, to clarify the plan.
10. All planned use areas shall be clearly labeled as to the proposed use and all parcels of lands to be dedicated or reserved for public use or for use in common by property owners in the PUD shall be indicated on the plan by dedication or reservation.
11. The substance of covenants, grants of easements, or other restrictions proposed to be imposed upon the use of land, buildings, and structures, including proposed easements or grants for public utilities.
12. Proposed phases of development, if any. If the project is to be completed in phases, the area plan must clearly indicate such intent, and include a summary of each portion(s) of the PUD Project that is to be incorporated into separate phase,

including therein a list describing what improvements are to be completed during each phase, an estimate for when each phase is to begin, and an estimate for when each phase is to be completed.

13. Data required for a site plan pursuant to Section 405.425 of this Code shall be indicated on the area plan. The area plan shall also include the following:

- a. Total gross area of the PUD area plan in acres.
- b. Breakdown of total gross area by land use type such as townhouses, single-family, retail shops, open space, church, school, and other land uses.
- c. Residential data.
 - (1) Estimated total residential units.
 - (2) Average square feet of residential land per each type of residential unit.
 - (3) Breakdown of non-residential land by type of use.
 - (4) Total parking by land use type and parking ratio per dwelling unit.
- d. Commercial and industrial data.
 - (1) Estimated total building square footage by land use type.
 - (2) Percent building coverage by land use type for business and industrial PUD.
 - (3) Total parking by land use type and parking ratio per floor area.

14. Building elevations of proposed structures.

15. A landscape plan in conformance with Section 405.465 of this Code.

16. A depiction of flood hazard boundaries as shown on Federal Emergency Management Agency maps.

17. Depictions of areas of common ground and for stormwater detention/retention facilities.

18. A note describing how street lighting will be provided and maintained.

19. All deviations from the provisions of this Code and from the standard zoning district regulations for the uses included along with a statement that no deviations other than those listed are included in the PUD.

20. A depiction of all easements and rights-of-way for future extensions of streets and utilities.

21. Any additional information deemed necessary by the Director of Public Works to adequately illustrate the proposed development.

Section 405.350 Procedure for Area Plan Review

A. Upon receipt of the area plan from the Director of Public Works, the Planning and Zoning Commission shall undertake a study of the area plan. The Director of Public Works shall advise the applicant in writing of any recommended changes in the area plan as are needed to conform to the standards of this Article and other ordinances of the City.

B. The Director of Public Works shall prepare legal notices advertising the review of the area plan by the Planning and Zoning Commission and the Board of Aldermen. The legal notices shall be published at least fifteen (15) days prior to the dates of the public hearings in a newspaper of general circulation throughout the City. The public hearing before the Planning and Zoning Commission will be held within ninety (90) days from the date of receipt of a complete application during a regularly scheduled meeting of the Planning and Zoning Commission. Public hearings may be continued by the Planning and Zoning Commission or the Board of Aldermen to another date without further notice other than a motion to be entered on the minutes fixing the date, time, and place of the continuance of the public hearing.

C. The Planning and Zoning Commission will review the area plan application and conduct a public hearing on the proposed area plan. The public hearing is open to all residents. After the public hearing, the Planning and Zoning Commission shall conduct a formal vote on the area plan application and either:

1. Postpone consideration of the area plan due to lack of sufficient information to make a recommendation to the Board of Aldermen;
2. Recommend approval to the Board of Aldermen;
3. Recommend approval with conditions to the Board of Aldermen; or
4. Recommend denial of the area plan and any request for zoning amendment, if applicable, to the Board of Aldermen.

D. The Board of Aldermen will review the area plan application and the recommendation of the Planning and Zoning Commission and conduct a public hearing on the proposed area plan. The public hearing is open to all residents. After the public hearing, the Board of Aldermen may either:

1. Postpone consideration of the area plan due to lack of sufficient information;
2. Approve the area plan;
3. Approve the area plan with conditions; or
4. Deny the area plan application and any request for zoning amendment, if applicable.

E. If the area plan is approved by the Board of Aldermen, the applicant shall review the area plan in its approved form. The applicant and the owner(s) of record shall then sign a statement that the approved area plan shall be binding upon the applicant and the owner(s) of record and upon their heirs, successors, and assigns. The area plan shall not be officially approved, nor may the applicant submit a final plan for the lot or any part thereof, until said statement has been signed as required herein. The foregoing approval and signing shall constitute official approval of the PUD designation for the subject tract. Rezoning may be made contingent upon the PUD statement being properly signed.

Section 405.355 Standards for Area Plan Approval.

A. In reviewing an application for area plan approval, the Planning and Zoning Commission and Board of Aldermen shall determine whether the proposed area plan meets the intent of this Article and the following standards.

1. The use of land shall be in conformance with the permitted uses of the district in which the proposed development is to be located and conforms to the adopted Comprehensive Plan.
2. The average density of development within the PUD shall remain the same as would be permitted if the area were to be developed conventionally. However, the development (buildings) so permitted may be clustered and located irrespective of yard setback requirements or lot lines in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents.
3. The proposed development shall be adequately served by public facilities and services such as highways, streets, Police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; school site and recreational areas; or that the persons or agencies responsible for the proposed development shall be able to provide, in a manner acceptable to the Board, any such facilities and services.
4. Each phase of the proposed development shall not be dependent upon completion of subsequent phases of the same development for the facilities and services identified in Subsection (A)(3) above.
5. The common open space, any other common properties, individual properties, and all other elements of the PUD are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land. All common spaces shall be permanently secured as such to the satisfaction of the Board.

6. The location of the proposed uses, layout of the site and its relation to streets giving access to it shall be such that traffic to, from, and within the tract and concentration of persons in connection therewith will not be hazardous or inconvenient to the project and current or future land uses in the area. In applying this standard, the Commission and Board shall consider, among other things, the general layout of the internal transportation system, including parking and pedestrian circulation, particularly of children, and the relationship of that system to exterior transportation facilities and infrastructure and the general character and intensity of the existing and potential development of the neighborhood.

7. Where applicable, the Commission and Board shall determine that noise, odor, light, or other external effects from any source whatsoever, which are connected with the proposed use, will not adversely affect adjacent and neighboring areas and uses.

8. A PUD is not appropriate when the same development objectives can be accomplished utilizing the City's conventional zoning and subdivision regulations.

9. When a PUD is proposed adjacent to an existing residential development or residential zoning district, whether within or outside the City, there shall be a minimum twenty (20) foot wide permanent buffer area. These buffer areas shall be: uniform in setback at all points on the perimeter of the PUD; kept in a natural state (if sufficient tree mass exists) or landscaped and/or otherwise provided with screening (i.e., sight proof fencing and/or landscaped earthen berms) to the satisfaction of the Board; and be kept free of buildings, structures and impervious surfaces. These buffer areas may be designated as common ground or placed within permanent easements on the individual lots. If these buffer areas are placed within permanent easements on the individual lots, the required building setbacks shall be measured from the inside line of the permanent easements.

10. Except for the permitted modifications set forth in Subsection B, the area plan must comply with all requirements of the City Code.

B. Permitted Modifications To The Zoning District Regulations. Upon approval by the Board of Aldermen, a PUD may depart from strict conformance to certain underlying zoning district regulations to which the PUD designation has been attached. The departure from strict conformance to these underlying zoning district regulations shall only be permitted if deemed necessary for the proper design of the PUD. Proposed modifications to the underlying zoning district regulations are limited to one (1) or more of the following:

1. Reduction of the minimum lot area requirements.
2. Reduction of the minimum lot width requirements.

3. Reduction of the minimum lot depth requirements.
4. Reduction of the front yard setback requirements.
5. Reduction of the side yard setback requirements.
6. Reduction of the rear yard setback requirements.
7. Reduction of the distance between grouped buildings requirements.
8. Increase in the maximum lot coverage requirements.
9. Modification of the landscaping requirements.
10. Modification of the off-street parking and loading requirements.
11. Reduction of the street width requirements.
12. Modification of the building height requirements, except that no modification of the building height requirements is allowed in the “S-D/OT” Special District/Old Town Cottleville zoning district.

Section 405.360 Effect of Area Plan Approval

A. Approval of the area plan by the Board of Aldermen shall have the following effects:

1. Area plan approval shall authorize the applicant to file a final plan for the entire tract, or portion thereof if the PUD is to be developed in phases, and shall assure the applicant that the area plan is acceptable to the Board, provided approval for a final plan for the entire tract, or portion thereof if the PUD is to be developed in phases, is obtained within the time frame required by this Article and construction is diligently pursued pursuant to such final plan or final plans. Approval of the area plan shall permit the applicant to submit and obtain a grading permit and conduct such grading activities at the site in preparation for construction. However, grading activities are not deemed to be “construction” under this Article.
2. Passage of an ordinance approving the area plan shall confer PUD status to the subject tract and permit the modifications set forth in the area plan.
3. No deviations from the area plan approved by the Board of Aldermen shall be permitted except as provided in this Article.

Section 405.365 Information Required – Final Plan

A. After the Board of Aldermen has approved the area plan for the proposed PUD, the owner(s) of record of the property within the PUD, or any person(s) acting on behalf of the owner(s) of record, may apply for the review and approval of a final plan in accordance with this Article. The application for a final plan shall be for the entire PUD, or portion thereof if the proposed development is to occur in phases. Each final plan application shall be filed with the Director of Public Works at least thirty (30) days prior to the Board of Aldermen meeting at which it is to be first considered. Each final plan application shall contain the name(s), address(es), telephone number(s) and signature(s) of the applicant and the owner(s) of record, or any person(s) acting on behalf of the applicant(s) or the owner(s) of record, and the name, address, and phone number of the developer and contact purchaser (if applicable). The application shall be accompanied by proposed deed restrictions, protective covenants, and homeowners' association articles of incorporation and bylaws, and ten (10) paper copies, and one (1) electronic copy in a .pdf format, of the proposed final plan which shall meet the following requirements:

1. The final plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet and of such accuracy that the Commission can readily interpret the plan and shall include more than one (1) drawing where required for clarity.

2. The property shall be identified by lot lines and location, including dimensions, angles, and size, correlated with the legal description of said property. The plan shall be designed and prepared by a qualified land planner, registered professional architect, engineer, or land surveyor. It shall further include the name and address of the property owner(s), developer(s), and designer(s).

3. It shall show the scale, north point, boundary dimensions, natural features such as woodlots, streams, rivers, lakes, drains and topography (at least five-foot contour intervals); when terrain is irregular or drainage critical, contour intervals shall be two (2) foot and similar features.

4. It shall show existing man-made features such as buildings, structures, easements, high-tension towers, power lines, existing utilities such as water and sewer lines and other utility facilities, excavations, bridges, culverts and drains and shall identify adjacent properties within one hundred (100) yards and their existing uses.

5. It shall show the location, proposed finished floor and grade line excavations, size of proposed main and accessory buildings, their relation to one another and to any existing structure to remain on the site and the height of all buildings and structures, as well as building elevations for the buildings proposed.

6. It shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the

location, size, and number of parking spaces in the off-street parking areas and the identification of service lanes, service parking and loading zones.

7. It shall show the proposed location, use and size of open spaces and the location of any landscaping, fences, or walls on this site. Any proposed alterations to the topography and other natural features shall be indicated.

8. It shall show the location and size of all existing utilities (public and private) serving the property as well as the location and size of all proposed utilities to serve the property. It shall be stated that all necessary utilities (public and private) will be available, functioning and usable at the time any stage of the project or the total project is ready for occupancy.

9. A landscape plan in conformance with the requirements of Article VII, Section 405.460 et seq.

10. Any other information deemed necessary by the Board of Aldermen.

Section 405.370 Procedure for Final Plan Review.

A. The Board of Aldermen shall, upon receipt of a final plan, study same and approve or deny the final plan.

B. The approval of a final plan shall be done by ordinance. Said ordinance shall include all findings and conclusions of the Board of Aldermen in support of approving the final plan. Upon the denial of a final plan by the Board of Aldermen, by means of an affirmative vote of the Board of Aldermen to reject the bill proposing the final plan or upon the failure of the bill to pass as an ordinance for lack of sufficient votes in favor, the Board of Aldermen shall, no later than the next regular meeting of the Board of Aldermen, prepare and approve the findings of fact and conclusions of law setting forth the Board's reasons for denying the final plan. The date of the Board's approval of the findings of fact and conclusions of law shall be deemed the effective date of the denial of the requested approval of the final plan.

C. The applicant and owner(s) of record shall review the approved final plan and sign a statement that the approved final plan shall be binding upon the applicant and the owner(s) and their heirs, successors, and assigns.

D. Building permits may be issued after the applicant has signed the required statement.

E. The procedure of this Section shall be repeated in full for each phase of the development in the approved area plan.

Section 405.375 Standards for Final Plan Approval

A. The Board of Aldermen, in granting final plan approval for the entire tract, or a portion thereof if the PUD is to be developed in phases, shall determine that the following standards have been met:

1. The final plan shall conform to the approved area plan, except that minor variations in layout may be permitted at the discretion of the Board of Aldermen and without amendment of the approved area plan. Minor variations include, among others, a change in residential floor area, an increase in non-residential floor area of five percent (5%) or less, and a change in layout, provided that in the case of a change in layout, the applicant shall provide the Board of Aldermen a revised area plan which incorporates such layouts. The revised plans shall each be signed by the applicant and owner(s) of record. Modifications including, but not limited to, a change in use, type of street, increase in density or intensity of development, change in the type of dwelling unit, or an increase in non-residential floor area of over five percent (5%) shall be considered major changes and shall require amendment of the approved area plan. The Board of Aldermen shall determine whether a change is minor or major in accordance with this Section.

2. All dedications shall have been effectuated or, in lieu thereof, proper agreements shall be made for such dedications in the future with the Board.

3. If the PUD is to be developed in phases, each phase shall not depend on subsequent phases for adequate access, utilities, or public facilities.

Section 405.380 Preservation and Maintenance of Open Space

A. Management And Use Of Open Space In A Planned Unit Development.

1. In a PUD, all land not subdivided into lots for residential or commercial uses, or used for utilities or other public improvements, shall be deemed "open space" and shall be treated in the following manner:

a. Dedication To The City.

(1) The geographic configuration area and location of land to be dedicated for open space shall be approved by the Board of Aldermen.

(2) A notation shall be placed on the recorded plat identifying all property dedicated to the City.

b. Ownership By An Owners Association. A property owner's association shall maintain any open space which is not dedicated to, and accepted by, the City. The association shall be responsible for the maintenance, repair, replacement, taxes, and other expenses of such open space.

Section 405.385 Amendment of a PUD Project

An approved PUD project may be amended at either the area plan or final plan stage by use of the procedure for original approval. An amendment to a final plan which results in a major change in the area plan shall require an amendment of the area plan and shall be processed in the same manner as the original application with public hearings before the Planning and Zoning Commission and the Board of Aldermen following public notice as required by law.

Section 405.390 Expiration of Approvals

A. If a tract has been designated as a PUD by the Board, said tract shall not be developed or used except in accordance with the approved area plan and final plan unless and until such designation is removed by formal action of the Board.

B. Approval of the area plan of a PUD shall expire and be of no effect two (2) years after the date of approval unless a final plan for the entire tract, or a portion thereof if the PUD is to be developed in phases, has been approved by the Board of Aldermen.

C. If the PUD is to be developed in phases, then one or more final plans for all phases thereof shall be submitted by the applicant within a period not to exceed five (5) years from the date of approval of the area plan. Failure to obtain approval as required by this section shall authorize the Board to revoke, at its discretion, the approved area plan.

D. Approval of the final plan for the entire tract, or portion thereof if the PUD is to be developed in phases, shall expire and be of no effect one hundred eighty (180) days after the date of approval unless and until all appropriate fees have been paid and the City shall have issued a building permit for the development authorized by said approved plan. Approval of the final plan for the entire tract, or portion thereof if the PUD is to be developed in phases, shall expire and be of no effect one (1) year after the date of approval unless construction is begun and is diligently pursued in accordance with the approved plan. If a final plan expires prior to construction beginning, then the area plan shall also expire.

E. Development under an approved final plan for the entire tract, or portion thereof if the PUD is to be developed in phases, shall be completed within three (3) years of the date of such approval. If said development is not so completed within that timeframe, the final plan and area plan shall be deemed to have expired and the Board of Aldermen shall not review or approve any additional final plan for any subsequent phases of the PUD, if applicable .

Section 405.395 Violations

The approved area plan and/or final plan shall have the full force of the Zoning Ordinance. Any violation of either the approved area plan or approved final plan, or the expiration of a final plan or area plan, shall be grounds for the City Administrator or his or her designee to issue a stop-work order and to withhold building permits, occupancy permits, certificates of zoning compliance, or any other zoning, building, or other land use approval, until the violation is removed, the area plan and/or final plan is otherwise complied with, or a new area plan or final plan is approved, as applicable.

Section 405.400 Stop Work Order.

A. The stop work order shall be in writing and shall be given to the Applicant and the owner of the property for which the PUD was granted. The stop work order may be delivered via mail or personal delivery or may be posted on the property.

B. Upon issuance of the stop work order, all work at the tract for which the PUD was granted shall cease immediately.

C. The violation of a Stop Work Order shall be enforceable under the provisions of Article XIII of Chapter 405.

SECTION 2. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

SECTION 3. Savings Clause: Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant, or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

SECTION 4. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

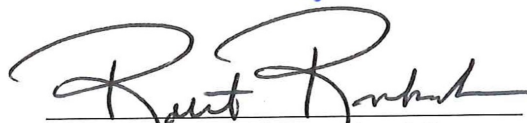
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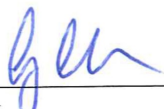
Read the first (1st) time this 15 day of May, 2024.


As Presiding Officer and as Mayor

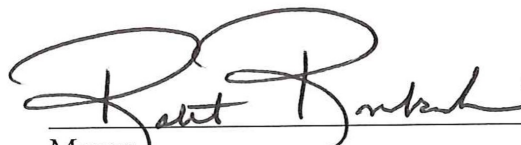
Attest: 
City Clerk

Read the second (2nd) time and passed this 15 day of May, 2024.


As Presiding Officer and as Mayor

Attest: 
City Clerk

Approved this 15 day of May, 2024.


Mayor

Attest: 
City Clerk