

AN ORDINANCE ADOPTING A CODE ADMENDMENT TO TITLE IV LAND USE, CHAPTER 405 UNIFIED DEVELOPMENT CODE (405.010-405.140) AND TITLE V BUILDING & CONSTRUCTION, CHAPTER 500 BUILDING REGULATIONS (500.050), STORMWATER POLICY & DESIGN CRITERIA IMPLEMENTATION PLAN.

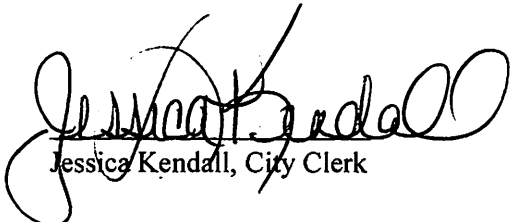
An ordinance of the City of Warsaw adopting a stormwater policy & design criteria implementation plan. This code amendment is founded on principles intended to establish provisions consistent with the scope of property development.

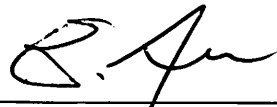
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARSAW AS FOLLOWS:

- Section 1. Adoption of a stormwater policy & design criteria implementation plan submitted by Burns & McDonnell Consulting Engineers.
- Section 2. Penalty Provisions. Any firm, association, person, partnership, or corporation or any agent thereof, who violates any provisions of this Article or the Building Code adopted herein, shall be guilty of a misdemeanor, upon the conviction of which, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or be imprisoned for not more than ninety (90) days, or both. Each day during which such violation shall continue to exist is a separate offense.
- Section 3. All other ordinances, or parts of the ordinances in conflict herewith are hereby repealed.
- Section 4. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted herby shall take effect and be in full force after the date of its final passage and adoption.

Aldermen Rob Coskey	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Aldermen Adam Howe	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Alderwoman Reba Slavens	Aye <u>ABSENT</u>	Nay <input type="checkbox"/>
Alderwoman Lou Breshears	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Aldermen Eric Flores	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

READ THE FIRST TIME THIS 26th DAY OF DECEMBER 2023.
 READ AND PASSED THIS 26th DAY OF DECEMBER 2023.
 This ordinance is approved and passed this 26 day of December 2023.


 Jessica Kendall, City Clerk


~~Eddie Simons, Mayor~~
 Mayor Pro Tem Eric Flores

§ 405.020. Common Development Review Procedures.

A. Purpose And Organization.

1. *Procedural requirements.* This Section describes the procedures for review of all applications for land use and development activity in Warsaw.
 - a. Section 405.020(A)(2), Table of Procedures, includes a summary table listing the land use and development procedures in this Code.
 - b. Section 405.020, Common Development Review Procedures, Subsections (B) through (J), describe standard procedures that are applicable to all or most types of specific applications based on the following review steps:
 - (1) Preapplication meeting.
 - (2) Neighborhood meeting.
 - (3) Application submissions, content and fees.
 - (4) Complete application and staff review.
 - (5) Public notice requirements.
 - (6) Action by review and decisionmaking authorities.
 - (7) Appeals.
2. *Table of procedures.* Section 405.030, Specific Procedures and Approval Criteria, Subsections (A) through (O), include additional provisions unique to each type of application, such as public hearing requirements and approval criteria. The specific procedures work in conjunction with the common procedures. The following procedures are included:

Table 405.020-1 Specific Procedures	
Section	Application Type
405.030(B)	Comprehensive Plan amendment
405.030(C)	Rezoning (Zoning Map amendment)
405.030(D)	Unified Development Code amendment (text amendment)
405.030(E)	Conditional use permit
405.030(F)	Site plan
405.030(G)	Planned development
405.030(H)	Alternative compliance
405.030(I)	Major subdivision
405.030(J)	Minor subdivision
405.030(K)	Variance
405.030(L)	Appeal
405.030(M)	Minor modification
405.030(N)	Grading permit
405.030(O)	Drainage permit

3. *Administrative Manual for additional materials.* The Director may compile the requirements for application contents, forms, fees, submission materials, and review schedule in an Administrative Manual, which shall be made available to the public. The Director may amend and update the Administrative Manual from time-to-time.

B. *Preapplication Meeting.*

1. *Purpose.* The purpose of the preapplication meeting is to provide an opportunity for the applicant and the City to discuss the development concept prior to the application submission for a project in order to:
 - a. Determine the required application(s) and, if necessary, the timing of multiple application submittals (i.e., whether they may be processed concurrently or must be processed sequentially);
 - b. Provide the applicant with application materials and inform the applicant of submittal requirements;
 - c. Provide the applicant with an estimated time frame for the review process;
 - d. Discuss generally compliance with the Code's zoning, use, density, development, and design standards, and attempt to identify potentially significant issues regarding compliance;
 - e. Discuss the need for any neighborhood meetings and public notice requirements; and
 - f. Refer the applicant to other departments or agencies to discuss potential significant issues prior to application submittal.
2. *Applicability.*
 - a. *Preapplication meeting recommended.* A preapplication meeting is recommended prior to submitting most development applications. The preapplication meeting is designed to help the applicant understand the Warsaw development approval process.
 - b. *Record of preapplication conference.* The City is not responsible for making or keeping a summary of the topics discussed at the preapplication conference.

C. *Neighborhood Meeting.*

1. *Purpose and intent.* The purpose of the neighborhood meeting is for applicants to educate residents, occupants, and owners of nearby lands about the proposed development and application, receive comments, address concerns about the development proposal, and resolve conflicts and outstanding issues, where possible. The intent is to have applicants take primary responsibility for the neighborhood meetings.
2. *Applicability.*
 - a. A neighborhood meeting is required for the following applications: Comprehensive Plan amendments, rezonings, planned developments, and major subdivisions.
 - b. The Director may require a neighborhood meeting for any application type if the Director determines the application may have significant adverse neighborhood

- impacts, including but not limited to traffic, noise, visual, or environmental impacts, or where substantial objections have been raised by neighbors. To the maximum extent practicable, the Director shall determine the necessity for a neighborhood meeting at the preapplication meeting.
- c. If either the Planning and Zoning Commission or Board of Aldermen find that the circumstances of an application justify a neighborhood meeting where a neighborhood meeting was not previously scheduled, or that an additional meeting is necessary as the application process is underway, they may continue the application and instruct the applicant to schedule a meeting following the procedure established in this Section.
3. *Procedure.* If a neighborhood meeting is held by the applicant, it shall be held at the applicant's expense and comply with the following procedures:
 - a. *Time and place.* The neighborhood meeting shall be held at a place that is convenient and generally accessible to neighbors that reside in proximity to the land subject to the application. It shall be scheduled after 5:00 P.M. on a weekday unless the Director specifies another time that is more convenient under the circumstances.
 - b. *Notification.*
 - (1) The applicant shall provide notification of the neighborhood meeting a minimum of ten (10) calendar days in advance of the meeting by mail to:
 - (a) All owners and occupants within two hundred (200) feet of the land subject to the application;
 - (b) Any neighborhood organization registered with the City of Warsaw within such two-hundred-foot radius; and
 - (c) Board of Aldermen or Planning and Zoning Commission, when the neighborhood meeting is required by either of those review boards as described in Subsection (C)(2)(c), above.
 - (2) The notification shall State the time and place of the meeting, contain a vicinity map and short description of the project, and State the purpose of the meeting.
 - c. *Conduct of meetings.* At the neighborhood meeting, the applicant shall explain the development proposal and application, answer any questions, and respond to concerns neighbors have about the application and proposed ways to resolve conflicts.
 - d. *Staff attendance.* The applicant shall be responsible for scheduling the meeting, coordinating the meeting, and for retaining an independent facilitator if needed. The meeting shall be held prior to submittal of the subject development application. Attendance at the neighborhood meeting by City planning staff is not required, unless deemed necessary by the Director.
 - e. *Written summary of neighborhood meeting.* The applicant shall provide the Director a written summary or transcript of the neighborhood meeting within ten (10) business days of its conclusion or with the completed application, whichever is sooner. The written summary shall include a list of those in attendance, a summary of the issues

related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information the applicant deems appropriate. The written summary of the neighborhood meeting shall be included with the application materials and be made available to the public for inspection.

- f. *Response to summary.* Any person in attendance at the neighborhood meeting, within five (5) calendar days after the meeting summary has been made public, may submit a written response stating his or her understanding of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information deemed appropriate. All written responses to a summary of the neighborhood meeting shall be included with the application materials and be made available for public inspection.
4. *Failure to hold meeting.* If an applicant fails to hold a neighborhood meeting or does not demonstrate a reasonable effort was made in the notification of such meeting, such failure shall not stop or delay the review process or create a legal cause of action. However, such omission may be just cause for denial of the application.

D. *Application Submission, Content And Fees.*

1. *Form of application.*
 - a. Application submittal requirements, contents and fees shall be established in the individual application forms provided by the City.
 - b. In addition to the information required by the application form, the Director may require applicants for rezoning, conditional use permit, preliminary or final development plan, or preliminary plat to submit any technical studies that the Director deems necessary to enable the Planning and Zoning Commission, Board of Aldermen, or Board of Adjustment to fully evaluate the application. Examples of technical studies include, but are not limited to: traffic studies, engineering studies, geologic or hydrogeologic studies, flood studies, environmental impact assessments, noise studies, photometric (lighting) studies, or surface water management/drainage studies.
2. *Authority to file application.* The person having legal authority to take action according to the approval sought shall file an application for development review or approval under this Code. The person is presumed to be the record owner, purchaser under a sale or option to purchase, or the duly authorized agent of the record owner. Agents may only submit applications where the owner indicates consent in writing, a copy of which consent shall be submitted with the application.
3. *Where to file applications.* All applications required by this Section shall be submitted to the City offices unless otherwise specified.
4. *Contact person designation.*
 - a. The applicant shall designate one (1) person on the application as the primary contact person who will be responsible for all notification, including meeting dates, deadlines and requirements. The City will communicate with the contact person about the application and review procedures. It is the contact person's responsibility to inform

- the owners or applicant of such information.
- b. The applicant shall notify the Director in writing if there is to be a change in the contact person. The Director will continue to communicate with the designated contact person until the notice of change has been received.
5. *Concurrent applications.* Where an applicant seeks approval of two (2) different requests for the same parcel simultaneously, the applicant shall submit all necessary documents, plans, maps and other required information in accordance with the provisions relating to both of the submitted applications and pay all appropriate fees for both applications.
 6. *Application content and fees.*
 - a. *Application contents: general.* The Director is authorized to establish submittal requirements for all land use development applications required by this Section and to update and amend such requirements as necessary to ensure effective and efficient City review. Applicants shall refer to the individual application forms for submittal requirements for each type of land use development application. The applicant shall provide any additional information, documents, or other material relevant to the application that the Director reasonably believes is necessary in order for the City to evaluate, analyze and understand the subject matter of the application.
 - b. *Submittal waivers pursuant to preapplication meetings.* At or following a preapplication meeting, the Director may waive certain submittal requirements set forth in the application form, except for fees, in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Director may waive such requirements where the Director finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development or subdivision clearly justify such waiver. This discretion may only be exercised if a preapplication meeting is held.
 - c. *Fees.* Nonrefundable fees are required at the time of the filing of any development application and are payable to the City in accordance with the fee schedules adopted by City ordinance. The City may require, in addition to the fees above, that the applicant pay all or a portion of the reasonable fees charged by private consultants retained by the City for the purposes of reviewing the application and advising City officials and agencies with respect thereto. The Director will notify the applicant prior to retaining any such consultant.
 - d. *Authorization and payment required.* The City shall adopt and amend from time to time a fee schedule setting forth an assessment of fees to defray the cost of processing land development applications under this Section. At the time of submittal, all applications shall include payment of the processing fee, as well as any review fees charged by agencies which the City has agreed to collect.
 - e. *No required fees for City-initiated applications.* No fee shall be required for land development applications initiated by the City.

E. *Complete Application And Staff Review.*

1. *Complete application required for processing.* All application submissions must be

complete prior to any processing by the City of Warsaw. A complete application includes all of the submittal information identified on the application form and any items or exhibits requested by the Director that are consistent with the standards and requirements of this Code. A complete application is also accompanied by the applicable fee. Incomplete applications shall be denied.

2. *Official submission.* An application shall be officially submitted when it is presented to the Director, either through hand submitted copy of the application, or electronically submitted copy of the application filed pursuant to instructions for electronic filing identified on the City of Warsaw webpage or portal at such time as the City makes this technology available, filed on a business day during normal office hours.
3. *Determination of completeness.* The City's acceptance of an application for completeness review does not bind the City to accept an incomplete application.
 - a. *Completeness determination.* Staff shall determine whether an application is complete no later than ten (10) calendar days after the official submission of the application.
 - (1) Staff shall make its determination of an incomplete application in writing. An e-mail to the applicant or comment in the City's permit on-line tracking system, if one is established, shall be considered a determination in writing.
 - (2) Notice occurs upon dispatch or publication, not upon receipt.
 - (3) The determination shall identify the documents, studies, or other information needed to make the application complete.
 - b. *Incomplete applications rejected.* An incomplete application shall not be processed by the City. The City may retain the application fee paid for any submitted application. Following notice of an incomplete application, the applicant shall have thirty (30) days to submit the information required to make the application complete or the application shall be deemed rejected. After thirty (30) days the City shall require that any additional or further requests by the applicant be accompanied by a new application and fee.
4. *Staff review.*
 - a. *Review by other departments and divisions.*
 - (1) In addition to internal review, staff may distribute the complete application to other City departments and divisions and to any other appropriate governmental or quasi-governmental agencies and bodies to solicit comments and ensure that the proposal complies with all applicable standards, requirements and review criteria. The applicant shall be responsible for submitting any additional information or revised plans required by staff or the referral agencies in a timely manner. As applicable, the review and decisionmaking bodies shall consider the services and facilities provided by the referral agencies as a factor in approval of the complete application. The criteria for evaluating sufficiency of the services that must be satisfied for the approval of the application shall be provided to the review and decisionmaking bodies as a part of any referral response.
 - (2) Referral agencies shall comment in writing after receiving a complete application.

The failure of any agency to respond shall be considered no comment on the application by that agency. As applicable, referring agencies will provide the review and decisionmaking bodies with a summary of any capacity evaluation study that assesses the availability of City-provided facilities or services to the proposed development. The summary will include an explanation of the agency's assumptions regarding available capacity.

- b. *Subsequent requests for information.* Staff and referral agencies shall use best efforts to identify all major issues and to request additional information, data, or reports from the applicant during the review period described above. This provision shall not be interpreted to preclude staff or referral agencies from requesting revisions or corrections to previously submitted materials if such materials are subsequently found to be inaccurate, incomplete, or if subsequent plan revisions do not comply with this Section.
- F. *Public Notice Requirements.* Applications for development approval shall comply with the Missouri Statutes and the provisions of this Section with regard to public notification.
1. *General notice requirements and timing of notice.*
 - a. Unless otherwise stated in this Code, notice for all public hearings shall be given pursuant to this Section. Notice may be written (mailed), published or posted as further described in this Section. Agenda notice shall be posted and published on the City's website a minimum of seventy-two (72) hours prior to a meeting.
 - b. Table 405.020-2 sets forth the specific notice requirements for applications requiring any type of notification.

Table 405.020-2 Notice Requirements					
Procedure	Section	Type of Notice Required			
		Publish	Written/ Mailed	Posted	Agenda
Comprehensive Plan amendment	405.030(B)	♦		♦	♦
Rezoning (Zoning Map amendment)	405.030(C)	♦	♦	♦	♦
Unified Development Code amendment (text amendment)	405.030(D)	♦			♦
Conditional use permit	405.030(E)	♦	♦		♦
Site plan	405.030(F)				
Planned development	405.030(G)	♦	♦	♦	♦
Alternative compliance	405.030(H)				
Major subdivision	405.030(I)			♦	♦
Minor subdivision	405.030(J)				
Variance	405.030(K)	♦	♦		♦
Appeal	405.030(L)		♦		♦
Minor modification	405.030(M)				
Grading permit	405.030(N)				
Drainage permit	405.030(O)				

2. *Content.* Notices, whether by publication or written, shall at a minimum:
 - a. Identify the address or location of the property subject to the application and the name, address and telephone number of the applicant or the applicant's agent;
 - b. Specify the date, time and place of the public hearing;
 - c. Describe the nature, scope and purpose of the application or proposal;
 - d. Notify the public where to view the application; and
 - e. Include a statement that the public may appear at the public hearing or be heard, if any, and submit evidence and written comments with respect to the application.

3. *Published notice.* When the provisions of this Code require that notice be published, the City shall be responsible for preparing the content of the notice and publishing the notice in a newspaper of general circulation that has been selected by the City. The content and form of the published notice shall be consistent with Section 405.020(F)(2), Content, above and the requirements of Missouri Statutes. Unless otherwise specified in the specific procedure section, published notice shall be provided before the 15th day before the date of the hearing.

4. *Written (mailed) notice.*

- a. When the provisions of this Code require that written or mailed notice be provided, the Director shall be responsible for preparing and mailing notice to specific property owners of their opportunity to be heard.
 - (1) Written notice shall be sent via regular mail notice at least fifteen (15) days prior to the date of the hearing.
 - (2) Written notice of the public hearing on the application shall be provided to the owner of the property for which the approval is sought and all property owners within one hundred eighty-five (185) feet of the subject property.
 - (3) In cases of an application where a protest petition may be submitted, the notice shall also contain a statement explaining that property owners within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet from the boundaries of the district to be changed shall have the opportunity to submit a protest petition.
- b. Written notice to property owners shall be required only for the initial presentation of the proposed development at a public hearing. Additional mailed notice shall not be required where the application is not decided at the initial public hearing unless otherwise directed by the City.
- c. If the hearing is deferred or continued at the applicant's request, the applicant shall be responsible for paying any additional fees for the purposes of renotifying adjacent property owners.

5. *Posted notice.*

- a. For applications where posted notice is required, it shall be posted on the property and maintained for at least fifteen (15) days prior to the date of the public hearing.
- b. Any posted notice shall be a minimum of twenty-four (24) inches by thirty-six (36) inches and printed so that the following information is visible from a distance of one hundred (100) feet from a public street or right-of-way:
 - (1) Current zoning classification;
 - (2) Proposed zoning classification/use;
 - (3) Proposed type of development review (e.g., rezoning, subdivision, variances); and
 - (4) Date and time of the hearing.
- c. Projects abutting more than one (1) right-of-way may be required to post additional notices.

6. *Constructive notice.*

- a. *Minor defects.*
 - (1) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with

applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties.

- (2) Failure of a party to receive written notice shall not invalidate subsequent action.
 - (3) In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing shall be strictly construed.
 - (4) If questions arise at a review hearing regarding the adequacy of notice, the decisionmaking authority shall direct the Director to make a formal finding as to whether there was substantial compliance with the notice requirements of this Code, and such finding shall be made available to the decisionmaking authority prior to final action on the request.
- b. *Presumption of notice.* When the City records of publication, mailing and posting of notices as required by this Section, it shall be presumed that notice of a public hearing was given as required by this Section.

G. *Action By Review And Decisionmaking Authorities.*

1. *Recommendations by review authority.*

- a. The proper review authority (Director, Planning and Zoning Commission, Board of Aldermen, or Board of Adjustment) is established for each type of procedure in the specific review procedures. The review authority shall evaluate the application, referral comments, staff report, and public testimony, if any, and make a recommendation to the decisionmaking authority to approve, approve with conditions, continue for additional information or for further study, or deny the application.
- b. The review authority's actions shall be based on the evidence presented and compliance with the general review criteria identified in Section 405.020(G)(7), below, and the specific review criteria for each application as identified in Section 405.030(B) through (N).

2. *Review and action by decisionmaking authority.*

- a. The proper decisionmaking authority (Director, Planning and Zoning Commission, Board of Aldermen, or Board of Adjustment) is established for each type of procedure in the specific review procedures. A decisionmaking authority may take action on an application or appeal by approving, approving with conditions, continuing, or remanding for additional information or for further study, or denying the application or appeal.
- b. In taking action, the decisionmaking authority shall evaluate the application, referral comments, staff report, public testimony, if any, and the review authority's recommendation. All final decision actions shall be based on the application or appeal's compliance with the general review criteria identified in Section 405.020(G)(7), below, and the specific review criteria for each application as identified in Section 405.030(B) through (N).

3. *Withdrawal of application by applicant.* An applicant shall have the right to withdraw an application, without prejudice, at any time prior to action on the application at a public hearing or meeting. The applicant shall submit in writing the withdrawal request to the Director, and after such withdrawal, the City will not take further action on the application. The application shall be considered terminated, and no rights shall vest based on the application. To reinstate review, the applicant may resubmit the application; in all respects it shall be treated as a new application for purposes of review, scheduling, and payment of application fees. Withdrawal of an application from a public hearing or meeting agenda is at the review or decisionmaking authority's discretion.
4. *Continuation of public hearings.* The review or decisionmaking authority may continue the public hearing for its consideration of the application for a definite time not to exceed sixty (60) days, unless a longer period is agreed to by the applicant in writing or at a public hearing. The continuance may be granted by the review or decisionmaking authority on its own initiative or at the request of the applicant or affected property owners. A review or decisionmaking body may also deny a request for continuation.
5. *Written findings of fact.*
 - a. Unless otherwise specifically required by this Code or other applicable laws, written findings are not required for a final decision on any application. However, any decision may be expressly made subject to the subsequent adoption of written findings and, in that case, the decision shall not be final until the findings are adopted.
 - b. Where an appeal of any quasi-judicial decision has been filed with the Circuit Court of Benton County, in cases where written findings have not been adopted, written findings shall be adopted by the approving authority within forty-five (45) days of service of the appeal on the City and thereafter shall be certified by the Circuit Court as part of the administrative record. The forty-five-day time period for adoption and certification of findings may be extended with the permission of the court.
6. *Conditions of approval.*
 - a. The review or decisionmaking authority may recommend or impose such conditions upon the subject development as is necessary to carry out the general purpose and intent of this Code. Conditions and additional information requirements shall be in written form and attached to the approved plan, plat, or permit.
 - b. Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development and shall be based upon the review criteria specified in each procedure's adopted standards.
 - c. The decisionmaking authority may place specific time limits on the satisfaction of any condition of approval. If a time limit is not specified in the approval or in the specific provisions of this Code, then a one-year time limit shall apply.
 - d. The decisionmaking authority may require financial guaranties, as identified in Section 405.030, from the applicant where it finds such guaranties are necessary to ensure compliance with conditions of approval and to protect the public health, safety, or welfare. The City shall release such guaranties when the Director has determined that

- all conditions attached to the approval have been or will be satisfied.
- e. Conditions of approval shall be met or financial guaranties provided prior to the issuance of a certificate of occupancy or the appropriate final permit required by the City.
7. *Generally applicable review criteria.* Unless otherwise specified in this Section or the specific procedure, City review and decisionmaking bodies shall review all development applications submitted pursuant to this Section for compliance with the general review criteria stated below. The application may also be subject to additional review criteria specific to the type of application. In case of conflict between the general review criteria set forth in this Section and the specific review criteria, the specific review criteria shall apply. A development application must be in compliance with these review criteria prior to the issuance of a certificate of occupancy or the appropriate final permit required by the City unless otherwise provided for in the development approval.
- a. *Consistent with prior approvals.* Where a preliminary plan or plat was submitted and approved, a subsequent application for the same development shall be consistent with the terms and conditions of such prior preliminary plan or plat approval for the project including, without limitation, an approved phasing plan for development and installation of public improvements and amenities.
 - b. *Consistent with Comprehensive Plan.* The proposal is consistent with the City of Warsaw Comprehensive Plan and any applicable subarea, neighborhood, sector or district plan. The decisionmaking authority shall weigh competing plan goals, policies and strategies and may approve an application that provides a public benefit even if the development is contrary to some of the goals, policies or strategies in the Warsaw Comprehensive Plan or other applicable plans.
 - c. *Compliance with use and development standards.* The proposal complies with all applicable use standards, site development standards, design standards, subdivision standards, public improvement standards, floodplain management standards and all other applicable substantive standards stated in this Code or other applicable City code. Such compliance shall be applied at the level of detail required for the subject submittal and those standards which are not otherwise modified, varied or waived as allowed by this Code.
 - d. *Compliance with other applicable regulations.* As applicable, prior to final approval of the proposed development pursuant to this Code, the proposed development complies with all other City regulations and with all applicable regulations, standards, requirements or plans of the Federal or State governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control and wastewater regulations.
 - e. *Minimizes adverse environmental impacts.* The proposed development meets or exceeds all environmental protection standards in this Code, is designed to minimize negative impacts, and does not cause significant adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, scenic resources, wildlife habitat, soils, native vegetation and the natural functioning of the environment.

- f. *Minimizes adverse impacts on surrounding property.* The proposed development meets or exceeds all neighborhood protection standards in this Code and all other site development standards intended at least in part to protect the existing character of neighboring properties and uses and does not cause significant adverse impacts on surrounding properties.
- g. *Minimizes adverse fiscal or economic impacts.* The proposed use will not result in significant adverse fiscal or economic impacts on the community or the City.
- h. *Compliance with utility, service and improvement standards.* As applicable, the proposed development complies with Federal, State, county and/or service district standards and design/construction specifications for roads, access, drainage, water, sewer, schools and emergency/fire protection.
- i. *Provides adequate road systems.* There is adequate road capacity available to serve the proposed use, and the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety and EMS services.
- j. *Provides adequate public services and facilities.* There will be capacity to provide adequate public services and facilities to accommodate uses permitted under the proposed development at the time such needs or demands arise while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, roads, domestic water, sewer, schools, public safety, fire protection, libraries and vehicle/pedestrian connections and access within the site and to adjacent properties.
- k. *Rational phasing plan.* As applicable, the proposed phasing plan for development of the project is rational in terms of available infrastructure capacity. In addition, each phase of the development shall contain all of the required streets, utilities, landscaping, open space and other improvements that are necessary and desirable for the residents and users of that phase and shall not be dependent upon subsequent phases for those improvements.

H. Appeals.

- 1. *Procedures.* Appeal procedures depend on the type of application and the appropriate review and decisionmaking authority. The applicant should consult with the specific provisions of this Code for requirements. This Section refers only to appeals to be heard by a City decisionmaking authority. Certain decisions that may be appealed by State law to a court are not covered by this Section.
 - a. *Board of Adjustment.* Most appeals of administrative determinations shall be made to the Board of Adjustment as provided in Section 405.030(L).
 - b. *Planning and Zoning Commission.* As identified in the specific provisions, some decisions of the Director or other departments may be appealed to the Planning and Zoning Commission by filing a written notice of appeal with the Director within ten (10) calendar days after the rendering of the decision. Upon filing of a written notice of appeal, the matter shall be placed on the agenda of the next regularly scheduled

meeting of the Planning and Zoning Commission no later than thirty (30) calendar days after the notice of appeal has been filed. The Planning and Zoning Commission may hear the appeal at its regular meeting or set a special hearing date at its discretion.

- c. *Board of Aldermen.* As identified in the specific provisions, some decisions of the Planning and Zoning Commission or Director may be appealed to the Board of Aldermen by filing a written notice of appeal with the Director within ten (10) calendar days after the rendering of the decision by the Planning and Zoning Commission or Director. Upon filing of a written notice of appeal, the matter shall be placed on the agenda of the next regularly scheduled meeting of the Board of Aldermen, no later than thirty (30) calendar days after the notice of appeal has been filed. The Board of Aldermen may hear the appeal at its regular meeting or set a special hearing date at its discretion.
- d. *Board of Aldermen decisions.* A decision by the Board of Aldermen may be appealed to a Missouri court of record as permitted by Missouri Statutes.

2. *Effect.*

- a. *Stay of proceedings.* The appeal of any decision or administrative action stays all proceedings in furtherance of the decision or administrative action.
- b. *Abandoned appeal.* If an appeal is filed but not pursued (either withdrawn or continued at the applicant's request) for a period of ninety (90) days, the appeal shall be considered abandoned and the decision or administrative action shall be considered final.
- c. *Imminent peril.* Where a stay of proceedings would cause imminent peril to life or property, the official from whom the appeal is taken or the Director may certify in writing to the decisionmakers hearing the appeal that the stay would cause such harm. The stay will be lifted pending hearing on the appeal. In such case, the action may be stayed only by a restraining order granted by a decisionmaking body or court of record if due cause is shown following notice to the official or Director.

I. *Inactive Applications.*

- 1. *Criteria.* The Director may notify the applicant in writing that an application will be considered inactive unless corrective action is taken within forty-five (45) days, if at any point in a development review process the following have occurred:
 - a. The applicant fails to attend any scheduled mandatory neighborhood meeting, meeting with the Director, meeting or hearing before the Planning and Zoning Commission, Board of Adjustment or Board of Aldermen; or
 - b. The applicant has not responded to a staff report, has not agreed to a date for a meeting or hearing before the Planning and Zoning Commission or Board of Adjustment, has not given proper public notice as required by this Chapter, or has not taken some other affirmative step within a reasonable time frame that is within the applicant's control and is necessary to advance the application for a final determination. A reasonable time frame shall be determined by the Director taking into account average response times from similar applicants on similar applications; or
 - c. The applicant fails to submit an application for the next required permit for the

approved application within two (2) years.

2. *Application terminated.* No further processing of such application shall occur until the deficiencies are corrected. If the applicant does not correct the deficiencies within the forty-five-day correction period, the application shall be considered automatically withdrawn and terminated. Any resubmittal of the application thereafter by the applicant will be treated as a new application for purposes of review, scheduling and payment of application fees.

J. *Actions And Limitations Following Development Approval Or Denial.*

1. *Termination of approval.* Approvals granted under this Code terminate if unused by the applicant after a reasonable period of time.

- a. *Lapse.* Except as otherwise specified in the specific procedures sections of this Code, an approval granted under these regulations shall lapse and shall become void one (1) year following the date of final approval unless, prior to the expiration date, a building permit based upon such approval is issued and construction is commenced and diligently pursued toward completion.

- b. *Extension.*

- (1) An approval may be extended by up to one (1) year by the body that issued the original approval. Requests for extensions of more than one (1) year must show good cause for the need for extension.

- (2) All requests for extensions shall be submitted to the Director in writing at least thirty (30) days prior to the expiration of approval. An extension request shall include payment of required fees and a written description of the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the Comprehensive Plan or this Code that have occurred since approval of the permit/ plan as these changes affect the permit/plan, and the anticipated time schedule for completing the review project and/or the specific project. Additional review of the permit/plan may result in additional conditions.

- (3) If the extension is denied, the applicant may resubmit a new application, subject to the fees and regulations in effect at the time of resubmittal, for the same project.

2. *Limitations on successive applications.*

- a. *Limitations on resubmittals.* No application on the same request shall be permitted within one (1) year of an application denial unless the Commission determines that extenuating circumstances exist. A notation of "denied without prejudice" on the minutes of the prior action on an application shall be evidence of the existence of extenuating circumstances and resubmission shall be permitted.

- b. *Amendments.*

- (1) All substantial changes, modifications, removal or release of the provisions of an approved plan or plat that do not qualify as minor modifications under Section 405.030(M) shall be considered amendments. Amendments shall include, but are

not be limited to, changes in use, access, layout, any condition of approval, any change resulting in significant increased off-site impacts, and similar changes as determined by the Director.

- (2) For purposes of review and scheduling, proposed amendments are treated as new applications subject to the applicable procedures and review criteria set forth in this Chapter unless otherwise noted in the specific review procedures.
 - (3) All approved amendments to a recorded plan or plat shall be recorded within ninety (90) days of the amendment's approval.
- c. *Modification of conditional use permits.* A request to modify, expand, or otherwise change an approved conditional use permit not in substantial conformance with the approved permit shall be processed according to the provisions of this Section as a new application.

§ 405.030. Specific Procedures.

A. *Summary Of Specific Procedures.* Table 405.030-1 summarizes the land use and development procedures in this Section and identifies the bodies that have review and decisionmaking responsibilities for each procedure. Exceptions to these general rules apply; see Subsections (B) through (O) for details on each procedure. Other boards, commissions, government agencies, and nongovernmental agencies may be asked by staff, the Planning and Zoning Commission, or the Board of Aldermen to review some applications, including, but not limited to, rezoning and plat approvals.

Table 405.030-1 Summary of Administrative Review Procedures					
Procedure	Section 405.030.	Planning Director/City Engineer	Planning and Zoning Commission	Board of Aldermen	Board of Adjustment
		Key: R = Review A = Approve PH = Public hearing X = Appeal			
Comprehensive Plan amendment	B	R	A	Adopt by resolution	
Rezoning	C	R	PH/R	A	
Unified Development Code amendment (text amendment)	D	R	PH/R	A	
Conditional use permit	E	R	R	A	
Site plan	F				X
Administrative PZC review		A R			X
Planned development	G				
Preliminary plan		R	PH/A		
Final plan		R	R	A	
Alternative compliance	H	R	R/X	A	
Major subdivision	I	R	R	A	
Preliminary plat		R	PH/A		
Final plat		R	R	A	
Minor subdivision	J	A	X		
Variance	K	R			PH/A
Appeal	L	R			PH/A
Minor modification	M	A			X
Grading permit	N	A			X
Drainage permit	O	A			X

B. *Comprehensive Plan Amendments.*

1. *Purpose.* The purpose of this Subsection is to provide standards and requirements for amending the Warsaw Comprehensive Plan and other adopted City plans. The amendment process is established in order to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of the City.

2. *Applicability.* An application for plan amendment may be initiated by the Board of Aldermen, Planning and Zoning Commission or Director, or requested by a property owner in the City.
3. *Procedures.*
 - a. *Preapplication meeting.* A plan amendment applicant is required to attend a preapplication meeting according to Section 405.020(B). The schedule for preapplication meetings is available from the City.
 - b. *Application and notice.*
 - (1) All applicants shall submit an application in the correct form as authorized in Section 405.020(D).
 - (2) All applicants are required to submit complete applications as identified in Section 405.020(E).
 - (3) Notice for a plan amendment shall be by publication, pursuant to Section 405.020(F).
 - c. *Action by review and decisionmaking bodies.* A plan amendment application is reviewed and approved by the Planning and Zoning Commission and certified to the Board of Aldermen. The Board of Aldermen may adopt the plan amendment by resolution.
 - d. *Planning and Zoning Commission hearing.* The Planning and Zoning Commission shall hold a public hearing and determine whether to approve, approve with revisions, postpone, or deny the application for plan amendment based on consideration of the following criteria:
 - (1) The existing plan and/or any related element of the plan is in need of the proposed amendment;
 - (2) The proposed amendment is compatible with the surrounding area and the goals and policies of the plan;
 - (3) The proposed amendment will have no major impact on transportation services and facilities;
 - (4) The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;
 - (5) The proposed amendment is consistent with the City's ability to annex the property (if applicable);
 - (6) The proposed amendment is consistent with the logical expansion of services (if applicable);
 - (7) Strict adherence to the current plan would result in a situation neither intended nor in keeping with other key elements and policies of the plan; and

- (8) The proposed plan amendment will promote the public welfare and will be consistent with the goals and policies of the Warsaw Comprehensive Plan and the major elements of the plan.
- (9) The following review criteria from Section 405.020(G)(7), Generally applicable review criteria, shall also be applicable:
 - (a) Minimizes adverse environmental impacts;
 - (b) Minimizes adverse impacts on surrounding property; and
 - (c) Minimizes adverse fiscal or economic impacts.

C. *Rezoning (Zoning Map Amendment).*

1. *Purpose.* The boundaries of any zone district may be changed or the zone classification of any parcel of land may be changed pursuant to this Subsection. The purpose of rezoning is to make adjustments to the official Zoning Map that are necessary in light of changed conditions, changes in public policy, to conform to the Warsaw Comprehensive Plan or other applicable plans, or to advance the general welfare of the City. Rezoning should not be used as a way to legitimize nonconforming uses or structures or when a conditional use, variance or minor administrative modification could be used to achieve the same result.
2. *Applicability.* An application for a rezoning may be initiated by the Board of Aldermen, Planning and Zoning Commission or the Director, or requested by a property owner in the City.
3. *Procedures.*
 - a. *Preapplication meeting.* An applicant for rezoning is required to attend a preapplication meeting according to Section 405.020(B). The schedule for preapplication meetings is available from the City.
 - b. *Application and notice.*
 - (1) All applicants shall submit an application in the correct form as authorized in Section 405.020(D). Rezoning applications shall be submitted with a site plan pursuant to Section 405.030(F).
 - (2) All applicants are required to submit complete applications as identified in Section 405.020(E).
 - (3) Published, written, and posted notice shall be provided before the 15th day prior to the Planning and Zoning Commission public hearing according to Section 405.020(F).
4. *Action by review and decisionmaking bodies.* A rezoning application is reviewed by the Planning and Zoning Commission and decided upon by the Board of Aldermen.
 - a. *Planning and Zoning Commission review.* The Planning and Zoning Commission shall hold a public meeting and make a recommendation to approve, approve with revisions, postpone, or deny the application for rezoning.

- b. *Board of Aldermen review.*
 - (1) The Board of Aldermen shall hold a public hearing to review the application and shall approve, approve with conditions, postpone, or deny the proposed rezoning.
 - (2) If there is a valid protest against the change of zoning that is signed by the owners of at least thirty percent (30%) of either: the area of land (exclusive of street and alleys) included in the proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, a Zoning Map amendment will not become effective except upon the affirmative vote of two-thirds (2/3) of all members of the Board of Aldermen.
- c. *Review criteria.* The application shall comply with all of the criteria in Section 405.020(G)(7) as well as the following specific criteria:
 - (1) Whether the proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text or map designations were established;
 - (2) Whether the proposed rezoning is consistent with the Warsaw Comprehensive Plan or other applicable City plans or policy guides;
 - (3) Whether the proposed rezoning is consistent with the purpose and intent of this Code;
 - (4) Whether and the extent to which the proposed rezoning addresses a demonstrated community need;
 - (5) Whether the proposed rezoning will protect the health, safety, morals, and general welfare of the public;
 - (6) Whether the proposed rezoning will contribute to mitigation of adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;
 - (7) Whether the proposed rezoning will ensure efficient development within the City;
 - (8) Whether the proposed rezoning will result in a logical and orderly development pattern; and
 - (9) Whether the property has remained unused or underutilized under the current zoning designation.
5. *Adoption by ordinance.* Amendments to the Zoning Map shall be approved in the form of an ordinance and shall be indicated on the official Zoning Map.
6. *Successive applications.*
 - a. If the Board of Aldermen denies an application for rezoning, an application for the same or more intensive zoning shall not be refiled for one (1) year from the advertised public hearing date of the Board of Aldermen. An application for a less intensive zoning

classification may be submitted at any time.

- b. The Planning and Zoning Commission may, upon petition of the applicant, permit a filing of the application after six (6) months from the date of the original Board of Aldermen hearing when it determines that significant physical, economic, or land use changes have taken place on or in the immediate vicinity of the subject parcel.

D. *Unified Development Code Amendment (UDC Text Amendment)*.

1. *Purpose.* The purpose of this Subsection is to provide standards and requirements for amending the text of this Code. The purpose of text amendments is to make adjustments to the text of this Code that are necessary in light of changed conditions, changes in public policy, or that are necessary to advance the general welfare of the City. Text amendments are not intended to relieve particular hardships or to confer special privileges or rights on any person.
2. *Applicability.* An application for a UDC text amendment may be initiated by the Board of Aldermen, Planning and Zoning Commission, or Director, or requested by an owner of land in the City.
3. *Procedures.*
 - a. *Preapplication meeting.* A nonCity applicant for a UDC text amendment is required to attend a preapplication meeting according to Section 405.020(B). The schedule for preapplication meetings is available from the City.
 - b. *Application and notice.*
 - (1) All applicants shall submit an application in the correct form as authorized in Section 405.020(D).
 - (2) All applicants are required to submit complete applications as identified in Section 405.020(E).
 - (3) Published notice shall be provided before the 15th day prior to the Board of Aldermen public hearing according to Section 405.020(F).
4. *Action by review and decisionmaking bodies.* A UDC text amendment application is reviewed by the Planning and Zoning Commission and decided upon by the Board of Aldermen.
 - a. *Planning and Zoning Commission review.* The Planning and Zoning Commission shall hold a public hearing and make a recommendation to approve, approve with revisions, postpone, or deny the application for text amendment.
 - b. *Board of Aldermen public hearing.* The Board of Aldermen shall hold a public hearing and shall approve, approve with edits, postpone, or deny the proposed UDC text amendment.
 - c. *Review criteria.* Recommendations and decisions on UDC text amendments shall be based on consideration of the following criteria:

- (1) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text designations were established;
 - (2) Whether the proposed amendment is consistent with the Warsaw Comprehensive Plan or other applicable City plans and policy guides;
 - (3) Whether the proposed amendment is consistent with the purpose and intent of this Code;
 - (4) Whether the proposed amendment will result in a logical and orderly development pattern; and
 - (5) Whether the proposed amendment is in the best interests of the City as a whole.
5. *Adoption by ordinance.* UDC text amendments shall be approved in the form of an ordinance.

E. *Conditional Use Permit.*

1. *Purpose and applicability.*
 - a. The City of Warsaw recognizes certain uses that may be appropriate in a specific zoning district, but which may have characteristics that, depending upon the location, design, and manner of operation, may have a greater impact than permitted uses on adjoining properties, businesses, or residences. Such uses require more comprehensive review, including the ability of the City to establish specific conditions for the project in order to mitigate any potential adverse impacts.
 - b. All uses listed as "conditional" in Table 405.050-1 shall be required to follow the procedures set forth below.
2. *Applicability.* An application for a conditional use permit may be initiated by the Board of Aldermen, Planning and Zoning Commission, or the Director, or requested by a property owner in the City.
3. *Procedures.*
 - a. *Preapplication meeting.* An applicant for a conditional use permit is required to attend a preapplication meeting according to Section 405.020(B). The schedule for preapplication meetings is available from the City.
 - b. *Application and notice.*
 - (1) All applicants shall submit an application in the correct form as authorized in Section 405.020(D). Conditional use permit applications shall be submitted with a site plan pursuant to Section 405.030(F).
 - (2) All applicants are required to submit complete applications as identified in Section 405.020(E).
 - (3) Posted notice shall be provided before the 15th day prior to the Planning and Zoning

Commission public hearing according to Section 405.020(F).

4. *Action by review and decisionmaking bodies.* A conditional use application is reviewed by the Planning and Zoning Commission and decided upon by the Board of Aldermen.
 - a. *Planning and Zoning Commission review.* The Planning and Zoning Commission shall hold a public hearing and make a recommendation to approve, approve with revisions, postpone, or deny the application for conditional use permit.
 - b. *Board of Aldermen review.* The Board of Aldermen shall hold a public meeting to review the application and shall approve, approve with conditions, postpone, or deny the conditional use permit.
 - c. *Review criteria.* The conditional use permit application shall comply with all of the criteria in Section 405.020(G)(7) as well as the following specific criteria:
 - (1) The proposed conditional use is consistent with the Warsaw Comprehensive Plan;
 - (2) The proposed conditional use complies with all applicable provisions of the UDC;
 - (3) The proposed conditional use will not have a negative impact on the value of surrounding property or the general neighborhood;
 - (4) The location and size of the conditional use, the nature and intensity of the operation involved or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of neighborhood property in accordance with the applicable zoning district regulations. In determining whether the conditional use will dominate the immediate neighborhood, consideration shall be given to:
 - (a) The location, nature, and height of buildings, structures, walls, and fences on the site; and
 - (b) The nature and extent of the proposed landscaping and buffering on the site.
 - (5) Whether adequate utility, drainage, and other necessary facilities have or will be provided; and
 - (6) Whether adequate access roads or entrance and exit drives will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion.
5. *Special conditions.* The Planning and Zoning Commission may stipulate conditions and limitations on the approval of the conditional use permit in the interest of the public welfare and to assure that the intent of this Code is carried out.
 - a. *Conditions.* The approval of a conditional use permit may place reasonable stipulations or conditions on the operation, location, arrangement, or construction of a conditional use in order to assure the protection of adjacent properties and uses in the vicinity, and to safeguard the welfare of the citizenry as a whole as it may be affected by the use.
 - b. *Time limits and expiration.*

- (1) All conditional use permits expire upon any transfer of ownership of the property on which the conditional use is located.
 - (2) The Planning and Zoning Commission may impose any time limits on the duration of a conditional use permit use that the Commission finds appropriate for the circumstances of the use.
6. *Extension of time or amendment.* When a conditional use permit is set to expire due to an imposed time limit and the property owner wishes to continue the use, or when an applicant wishes to amend an approved conditional use permit, a new application for conditional use permit following the procedures established in this Subsection shall be submitted.
7. *Termination for failure to pursue the conditional use or abandonment.*
- a. All conditional use permits approved prior to the passage of this Section and all conditional use permits approved after the effective date of this Code shall automatically terminate if the conditions set out below occur.
 - (1) Approval of the conditional use permit shall automatically terminate one (1) year after the date of approval of the conditional use permit unless a building permit or a certificate of occupancy has been granted for the use.
 - (2) Approval of the conditional use permit shall automatically terminate if the use is abandoned or is discontinued for a period of six (6) months or more.
 - b. Extensions of the approval period may be requested at any time prior to termination or within sixty (60) days after termination. When it is determined that no significant changes affecting the conditional use permit have occurred, the Planning and Zoning Commission may extend the approval. All approvals and extensions shall be valid for one (1) year from the date of action, unless the Planning and Zoning Commission approves a greater or lesser period.

F. *Site Plan.*

1. *Purpose.* The purpose of the site plan review process is to ensure compliance with the development and design standards and provisions of this Code. It is designed to encourage quality development reflective of the goals, policies, and objectives of the Comprehensive Plan. For land uses requiring a site plan review, such uses may be established in the City, and building or land use permits may be issued only after a site plan showing the proposed development has been approved in accordance with the procedures and requirements of this Subsection.
2. *Types of site plan review.*
 - a. *Administrative site plan review.* The following types of projects or amendments to existing site plan approvals may be approved by the Director using the administrative site plan approval process:
 - (1) A single use proposed in a structure that is less than twenty-five thousand (25,000) square feet in building size for that use;

- (2) A combination of uses proposed in a single structure, such as a shopping center, that is less than twenty-five thousand (25,000) square feet in building size;
 - (3) Multiple buildings proposed where the combined total of all structures will not exceed twenty-five thousand (25,000) square feet in building size;
 - (4) Detached one-family dwellings and related accessory uses and buildings in approved subdivisions;
 - (5) Nonstructural remodeling of facade treatment in downtown Warsaw;
 - (6) Relocation of development pads, buildings, or dwelling units for some practical reasons such as topography, road alignment or easements, provided that the modification does not significantly alter the site design in terms of parking layouts, vehicular circulation, landscape design, and other similar components of the development plans;
 - (7) An increase or decrease in a proposed setback, provided that Code requirements are still met;
 - (8) A change in building design relating to items such as materials, colors, window, and door locations and mechanical units, provided that the design remains essentially the same as that previously approved by the Planning and Zoning Commission or Board of Aldermen;
 - (9) A modification to a recreation area or open space design, but not elimination or a significant reduction; or
 - (10) A change in landscape design/plant types or minor parking lot/site revisions.
- b. *Planning and Zoning Commission site plan review.* The following types of projects shall require approval by the Planning and Zoning Commission:
- (1) Any development, with the exception of single-family detached dwellings, that exceeds twenty-five thousand (25,000) square feet in building size;
 - (2) Any administrative site plan referred to the Planning and Zoning Commission by the Director;
 - (3) Any change that may affect an adjoining residential neighborhood;
 - (4) Any request that in the opinion of the Director would significantly alter the design of the site and/or building(s); or
 - (5) A request to change or delete a condition of approval established by the Planning and Zoning Commission or Board of Aldermen.
3. *Procedures.*
- a. *Preapplication meeting.* A preapplication meeting is not required.
 - b. *Application and notice.*

- (1) All applicants shall submit an application in the correct form as authorized in Section 405.020(D). Site plan applications shall include the following information unless waived by the City Administrator as part of a pre-application meeting. Items listed as “required” or “if required” may not be waived:

(a) Site Information (Required):

- i. North arrow and scale
- ii. Vicinity map
- iii. Name, address, phone number, and email address for site plan preparer, applicant, and owner
- iv. Property address, legal description, and parcel number
- v. Property boundaries, dimensions, and lot size(s), individual lots must be dimensioned
- vi. Existing and proposed road alignment, right-of-way lines, pavement width, and grade
- vii. Name of streets abutting and within 50 feet of the property

(b) Zoning Information (Required):

- i. Total lot coverage by lot, including building coverage and paved surfaces
- ii. Existing and proposed building(s): location and footprint dimensions, height, setbacks from all property lines and the road ROW along with identification of setbacks required by the applicable zone district; location and depth of riparian setback where applicable
- iii. Any changes to zone district dimensional standards with a reference to the UDC provision that permits the proposed change
- iv. Residential development: lot size per dwelling unit, total number of dwelling units, floor area of each dwelling unit, where applicable
- v. Proposed uses by building, structure, or site location
- vi. Compliance with any use-specific standards that affect site design, such as accessory structure dimensional standards or ADU minimum lot sizes
- vii. Existing and proposed site access locations

(c) Project Specific Information:

- i. Existing and proposed utilities on the site, including utility size, easement size, and culverts.
- ii. Location and type of existing and proposed wireless communication facilities.

- iii. Topographic lines at two-foot intervals and grades, both existing and proposed; spot grades of completed improvements.
- iv. Indication of prominent natural features, such as existing trees, streams, and ridgelines, the 100-year floodplain line and elevation above floodplain.
- v. Expected water consumption per day in gallons; required flow rate in GPM and/or peak instantaneous demand; proposed fire service line size if required; proposed water meter size.
- vi. Required Industrial uses: expected wastewater discharge flow per day and waste stream characteristics (i.e., TSS or BOD)
- vii. Site-specific utility service information such as on-site manholes, clean-outs, and connection points.
- viii. Location, type, and area of on-site sewage disposal systems, if applicable.
- ix. If required for the project, traffic impact analysis report.
- x. Sidewalk location and design.
- xi. Total number of required parking spaces and a detailed floor plan to calculate usable floor space for parking space requirements. Shared parking agreements must be included if used for parking allotments and shall be irrevocable to protect everyone's current and future interests.
- xii. Dimensions and design of parking and loading areas, including specifications for paving and striping.
- xiii. Location and dimensions of fire lanes and identification of adequate hydrant access.
- xiv. Dimensions and design of stacking spaces for drive-thru facilities.
- xv. A landscape plan that meets the requirements of Section xx. Plant materials, sizes, and quantities may be shown in a table on the side of the landscape sheet.
- xvi. Identification of screening materials, design, dimensions, and estimated time of maturity.
- xvii. Parking lot landscaping layout, materials.
- xviii. Where required, the location and dimensions of public and/or private open space.
- xix. Provide information on outdoor lighting indicating height, fixture type, and locations.

(d) Stormwater Management Information: If the project meets the applicability

requirements of 405.030(O), Drainage Permit, then a drainage permit shall be included with the site plan. Any application fees associated with the drainage permit may be waived when submitted with the site plan.

- (2) All applicants are required to submit complete applications as identified in Section 405.020(E).
 - (3) Notice is not required.
- c. *Multiple applications.* Where a site plan is submitted in conjunction with another application that requires a preapplication meeting and notice of public hearing, the site plan shall be included in the preapplication meeting discussion and shall be made available for public review with all related applications.
4. *Action by review and decisionmaking bodies.*
- a. *Action by Director.* The Director shall review each administrative site plan application and, as deemed necessary, distribute the application to other reviewers. Taking into account the results of those reviews, the Director shall take final action on the application and approve, approve with conditions, deny, or defer decision on the application based on the applicable approval criteria below. The Director's review and decision, including referral to other agencies and bodies, shall be completed within thirty (30) working days of receipt of a complete application. Failure to complete such review in thirty (30) working days shall not constitute deemed approval of the site plan.
 - b. *Referral to Planning and Zoning Commission.* The Director may refer to the Planning and Zoning Commission any application involving any requested deviation, modification, or exemption from the requirements of this Code, and/or any application that in the Director's opinion presents issues that require Planning and Zoning Commission attention. Such applications shall State all reasons for requesting any deviation, modification, or exemption from the rules, requirements, and regulations of this Code.
 - c. *Action by Planning and Zoning Commission.* Where a site plan has been referred by the Director to the Planning and Zoning Commission or is identified for Planning and Zoning Commission review by this Code, the Planning and Zoning Commission shall hold a hearing on the proposed application and approve, approve with conditions, or deny the proposed site plan, based on the applicable approval criteria below.
 - d. *Approval criteria.* The Director may approve a site plan upon a finding that the application meets all of the following criteria:
 - (1) The site plan is consistent with the Warsaw Comprehensive Plan;
 - (2) The site plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable;
 - (3) The site plan complies with all applicable development and design standards set forth in this Code;
 - (4) Stormwater management is provided in compliance with Section 405.070,

Stormwater Management and Natural Area Protection Standards, if applicable;

- (5) Any significant adverse impacts reasonably anticipated to result from the structure or use will be mitigated or offset to the maximum extent practicable;
 - (6) The development proposed in the plan and its general location is or will be compatible with the character of surrounding land uses; and
 - (7) The development can be adequately served by City services, including but not limited to roads, water and wastewater.
5. *Appeal.* Appeal of a Director's determination on a site plan may be made to the Board of Adjustment. Appeal of a Planning and Zoning Commission determination on a site plan may be made to the Board of Aldermen by filing an appeal within fourteen (14) days of the date of the Planning and Zoning Commission's determination.
 6. *Modifications to site plans.* The holder of an approved site plan may request a modification to the document or the conditions of approval by submitting amended documents to the Director. The amended documents shall be filed and processed in accordance with the procedures for an initial site plan submittal.

G. *Planned Development.*

1. *Purpose.*
 - a. Planned development district (PD) rezoning is appropriate for the purpose of providing design flexibility not normally available through standard zoning procedures. Planned development district rezoning is available in any zoning district classification except mixed use. Planned development rezoning is intended to encourage high-quality smart-growth development that provides:
 - (1) More efficient infrastructure;
 - (2) Reduced traffic demands;
 - (3) More usable public or private open space and pedestrian connectivity;
 - (4) Needed housing choices and affordability;
 - (5) Assurance of new quality development; and
 - (6) Protection of the quality and integrity of existing neighborhoods.
 - b. Planned development approval is a two-step process: approval of a preliminary site plan followed by approval of a final site plan. Preliminary plan approval may take place at the same time as rezoning if both applications are submitted together. The approved final development plan shall serve as a basis for use (permitted within the district), density, and design criteria.
 - c. The sale, subdivision or replatting of the lot after zoning approval does not exempt the project from complying with applicable development standards, architectural quality,

- sign concepts, or other conditions that were committed to at the time of rezoning.
2. *Procedures.*
 - a. *Preapplication meeting.* An applicant for PD rezoning is required to attend a preapplication meeting according to Section 405.020(B). The schedule for preapplication meetings is available from the City.
 - b. *Application and notice.*
 - (1) All applicants shall submit an application in the correct form as authorized in Section 405.020(D). PD rezoning applications shall be submitted with a site plan that meets the requirements identified in Section 405.030(F).
 - (2) All applicants are required to submit complete applications as identified in Section 405.020(E).
 - (3) Published, written and posted notice shall be provided before the 15th day prior to the Planning and Zoning Commission public hearing according to Section 405.020(F).
 3. *Planned development standards.* The design of the PD shall be shown on the preliminary site plan and may include the following changes to the base zone district standards:
 - a. *Revisions to site standards.* All applications for planned developments may propose to revise zone district dimensional standards, such as setbacks or lot sizes, provided that they are reduced to not less than twenty-five percent (25%) of the underlying district standard and provided that the revisions are appropriate to the location and design of the development. For example, a front yard setback could be reduced from twenty-five (25) feet to six and twenty-five hundredths (6.25) feet to better suit a specific development layout.
 - b. *Density bonus.* A density bonus of up to ten percent (10%) over what is allowed by the underlying zoning district may be granted to projects that offer higher development standards and enhanced site amenities such as:
 - (1) Providing additional landscaping and buffering beyond the minimum amounts required under the standards in Section 405.120;
 - (2) Providing quality enhancements to the overall commercial architectural design for the site;
 - (3) Dedication of trails and open space, including on-site trail connections or preservation of riparian areas beyond that required by Section 405.070 Stormwater Management and Natural Area Protection Standards; and
 - (4) Maximizing traffic efficiency and connectivity while minimizing congestion by providing shared access to existing businesses and proposed land uses.
 4. *Action by review and decisionmaking bodies.* A PD rezoning application is reviewed by the Planning and Zoning Commission and decided upon by the Board of Aldermen.

- a. *Planning and Zoning Commission review.* The Planning and Zoning Commission shall hold a public hearing and make a recommendation to approve, approve with revisions, postpone, or deny the application for PD rezoning.
- b. *Board of Aldermen review.*
 - (1) The Board of Aldermen shall hold a public meeting to review the application and shall approve, approve with conditions, postpone, or deny the proposed PD rezoning.
 - (2) If there is a valid protest against the change of zoning that is signed by the owners of at least thirty percent (30%) of either: the area of land (exclusive of street and alleys) included in the proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, a zoning amendment will not become effective except upon the affirmative vote of two-thirds (2/3) of all members of the Board of Aldermen.
- c. *Approval criteria.* The Planning and Zoning Commission and Board of Aldermen shall consider the following criteria when reviewing a preliminary site plan:
 - (1) The development meets the terms of the underlying zoning district except as modified by the planned development district standards;
 - (2) The site is capable of providing the required amount of open space (green space) for the buildings, parking and drive areas;
 - (3) The site plan provides for safe and easy ingress, egress and internal traffic circulation;
 - (4) Stormwater management is provided in compliance with Section 405.070, Stormwater Management and Natural Area Protection Standards, if applicable;
 - (5) All easements and utilities shall be at or above the engineering standards/service capacities of the approving departments and agencies;
 - (6) The plan is consistent with good land use planning and site engineering design principles, particularly with respect to safety and aesthetics;
 - (7) The architectural designs are consistent with Warsaw's policies and regulations and compatible with surrounding features;
 - (8) The plan represents an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan and other adopted planning policies;
 - (9) Right-of-way and easements have been identified by the City for dedication; and
 - (10) Recreational and aesthetic amenities associated with the planned developments shall be of an equal or higher quality than what is required of normal (nonplanned) developments.

5. *Preliminary site plan amendment.* Once property has been rezoned to a planned development district, changes to the preliminary site plan may be made only after approval of a revised preliminary site plan. Minor revisions or changes that are not considered significant may be approved by the Director without a public hearing. If these revisions or changes are not approved, they may be appealed to the Planning and Zoning Commission. Significant changes may only be approved after a rehearing by the Planning and Zoning Commission, which shall be subject to the same procedural requirements of the original application.
 - a. *Determining significant changes.* For the purposes of this Subsection, whether the changes to the preliminary site plan are significant shall be determined by the Director and shall mean any of the following as compared to the approved preliminary site plan:
 - (1) Any changes that exceed any terms specified by the Planning and Zoning Commission and/or Board of Aldermen;
 - (2) Increases in density or intensity of residential uses by more than five percent (5%);
 - (3) Increases in total floor area (entire plan) of all nonresidential buildings by more than five percent (5%) or five thousand (5,000) square feet, whichever is less;
 - (4) Increases of lot coverage by more than five percent (5%);
 - (5) Changes in architectural style that make the project less compatible with surrounding land uses;
 - (6) Changes in ownership patterns or stages of construction that lead to a different development concept;
 - (7) Changes in ownership patterns or stages of construction that impose substantially greater traffic volumes on streets and load capacities on other public facilities;
 - (8) Decreases in any peripheral setback of more than five percent (5%);
 - (9) Decreases in areas devoted to open space of more than five percent (5%) or the substantial relocation of such areas;
 - (10) Changes to the traffic circulation patterns that may affect traffic outside of the project boundaries;
 - (11) Modification or removal of conditions and stipulations to the preliminary site plan approval; or
 - (12) Modifications that change, amend, or violate the terms of the Comprehensive Plan.
 - b. *Appeal.* Appeal of the Director's determination of significance may be made to the Planning and Zoning Commission, whose decision shall be final. No further action shall be taken to process the application pending the Planning and Zoning Commission's determination.
6. *Final site plan approval.*

- a. *Submission.* Following approval of a preliminary site plan, an applicant may submit a final site plan for approval. The final plan shall include the information specified on the final site plan application form.
- b. *Submitting preliminary and final plans.* The developer may submit preliminary and final development plans simultaneously at the developer's own risk.
- c. *Grading and construction.* Permits for grading or construction shall be issued only after final plans have been approved by the Director or Planning and Zoning Commission.
- d. *Conditions for approval.* Final plans shall be approved only after the following conditions have been met:
 - (1) Final plans conform to the approved preliminary site plan and meet any special amendments or requirements imposed at the time of rezoning. Significant changes, as determined by the Director, between the preliminary plan and the final plan shall be sufficient reason to require the resubmission of a preliminary plan.
 - (2) If the project is being constructed in phases, each phase shall be functional and shall be adequately served by access drives, parking, storm drainage system(s), and utilities as a freestanding project and shall not have adverse effects on the neighborhood if the later phases of development are not carried out.
- e. *Director action.*
 - (1) A final site plan that contains no modifications or additions from the approved preliminary plan shall be approved by the Director if the Director determines that all of the submission requirements have been satisfied.
 - (2) A final development plan that contains modifications from the approved preliminary development plan but which changes are not significant as measured against the original approved preliminary development plan may be approved by the Director if the Director determines that all of the submission requirements have been satisfied.
 - (3) If the final site plan has significant changes from the preliminary plan, the Director shall not be consider the final plan and shall return it to the applicant.
 - (4) Appeal of the Director's determination may be made to the Planning and Zoning Commission, whose determination shall be final. No further action shall be taken to process the application pending the Planning and Zoning Commission's determination.

H. *Alternative Compliance.*

1. *Purpose and scope.* To encourage creative and unique design, the alternative compliance process allows development to occur in a manner that meets the intent of this Code yet through an alternative design that does not strictly adhere to the Code's standards. This is not a general waiver of regulations. Rather, this Subsection authorizes a site-specific plan that is equal to or better than the strict application of the standard.

2. *Applicability.* The alternative compliance procedure is available only for the following sections of this Code:
 - a.
 - b. Section 405.080, Mobility and Connectivity;
 - c. Section 405.090, Commercial and Mixed Use Design and Development Standards;
 - d. Section 405.100, Multifamily and Townhouse Residential Design Standards; and
 - e. Section 405.120, Landscaping and Screening.
3. *Procedures.*
 - a. *Preapplication meeting.* An applicant proposing alternative compliance shall request and attend a preapplication conference prior to submitting application materials for the applicable permit(s) to discuss the project, the applicable Code standards, and the proposed method of alternative compliance. The application should include sufficient explanation and justification, in both written and graphic form, for the requested alternative compliance.
 - b. *Application and notice.* An alternative compliance request shall be submitted as part of another application, such as with the landscaping portion of a site plan application or lot layout in a subdivision application. The alternative compliance request shall be clearly labeled on the application.
4. *Decisionmaking responsibility.* Final approval of any alternative compliance proposed under this Subsection shall be the responsibility of the decisionmaking body responsible for deciding upon the application. Administratively approved projects proposing alternative compliance shall receive written approval of the alternative compliance from the Director.
5. *Review criteria.* Alternative compliance requests may be approved if the applicant demonstrates that the following criteria have been met by the proposed alternative:
 - a. Achieves the intent of the subject standard to the same or better degree than the subject standard;
 - b. Advances the goals and policies of the Comprehensive Plan and this Code to the same or better degree than the subject standard;
 - c. Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; and
 - d. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this Code.
6. *Effect of approval.* Alternative compliance approval shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

I. *Major Subdivision.*

1. *Purpose.* The purpose of the subdivision review procedures is to ensure compliance with the standards and requirements in Section 405.140, Subdivision Design Standards, and encourage quality development consistent with the goals, policies and objectives in the Comprehensive Plan.
2. *Applicability.* The procedures of this Subsection and the standards in Section 405.140, Subdivision Design Standards, shall apply to all subdivisions or resubdivisions that result in the portioning, dividing, combining or altering of any lot, parcel or tract of land into two (2) or more lots, tracts, parcels or other divisions of land, except any subdivisions that are specifically excluded by State law or are defined as minor subdivisions in Section 405.030(J), below. However, unless the method of disposition is adopted for the purpose of evading the requirements of this Code, this procedure shall not apply to any division of land that:
 - a. Is created by any transfer by operation of law;
 - b. Creates cemetery lots;
 - c. Creates an interest or interests in oil, gas, minerals or water that are severed from the surface ownership of real property;
 - d. Is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common of such interest. For the purpose of this Subsection, any interest in common owned in joint tenancy shall be considered a single interest; or
 - e. Creates a leasehold interest with a term of less than twenty (20) years and involves no change in use or degree of use of the leasehold estate.
3. *Preliminary plat: procedures.*
 - a. *Generally.* All major subdivisions are processed in two stages: the preliminary plat, and the final plat. The final plat can only be filed with the City for review and processing after the preliminary plat has been approved or conditionally approved by the Board of Aldermen. Specific procedures for preliminary and final plats are outlined below.
 - b. *Preliminary plat preapplication meeting.* An applicant for a preliminary plat approval is required to attend a preapplication meeting according to Section 405.020(B). The schedule for preapplication meetings is available from the City.
 - c. *Application and notice.*
 - (1) All applicants shall submit an application in the correct form as authorized in Section 405.020(D). Preliminary plats shall include, at a minimum:
 - (a) Site information (Required):
 - i. Name of the proposed subdivision
 - ii. North arrow and scale (not less than 1" = 100')

- iii. Vicinity map
- iv. Name, address, phone number, and email address for site plan preparer, applicant, and owner
- v. Property address and legal description for all of the land to be platted as well as any platted or unplatted adjacent properties in the same ownership
- vi. Property boundaries, dimensions, and lot size(s), individual lots must be dimensioned
- vii. Name of streets abutting and within 50 feet of the property

(b) Lot and Zoning Information (Required)

- i. Existing and proposed building(s): (a) location and footprint dimensions, (b) height, (c) building setbacks from all property lines and the road ROW along with setbacks required by the applicable zone district
- ii. Total lot coverage by lot, including building coverage, accessory structures with a roof, and paved surfaces
- iii. Residential development: lot size per dwelling unit, total number of dwelling units, floor area of each dwelling unit, where applicable
- iv. Any changes to zone district dimensional standards with a reference to the UDC provision that permits the proposed change
- v. Compliance with any use-specific standards that affect site design, such as accessory structure dimensional standards or ADU minimum lot sizes

(c) Project Specific Information:

- i. Topographic lines at two-foot intervals and grades, both existing and proposed; spot grades of completed improvements.
- ii. Existing environmental features such as significant trees, streams, and ridgelines; location and direction of drainage channels; identification of areas subject to 100-year flood; proposed riparian buffers
- iii. Location and design of any proposed low impact development features.
- iv. Existing and proposed road alignments, rights-of-way lines, pavement width, and appropriate grades
- v. Existing and proposed utilities on the site, including utility size, easement size, and culverts.
- vi. Location and type of existing and proposed wireless communication facilities.
- vii. Expected water consumption per day in gallons; required flow rate in GPM and/or peak instantaneous demand; proposed fire service line size if

required; proposed water meter size.

- viii. Required: Industrial uses: expected wastewater discharge flow per day and waste stream characteristics (i.e., TSS or BOD)
- ix. Site-specific utility service information such as on-site manholes, clean-outs, and connection points.
- x. If required for the project, traffic impact analysis report.
- xi. Location, type, and area of on-site sewage disposal systems, if applicable.

(d) Stormwater Management Information: If the project meets the applicability requirements of 405.030(O), Drainage Permit, then a drainage permit shall be included with the preliminary plat application. Any application fees associated with the drainage permit will be waived when submitted with the preliminary plat.

(2) All applicants are required to submit complete applications as identified in Section 405.020(E).

(3) No notice is required for preliminary plat consideration.

4. *Preliminary plat: action by review and decisionmaking bodies.*

- a. *Planning and Zoning Commission review.* The Planning and Zoning Commission shall hold a public meeting and approve, approve with revisions, postpone, or deny the application for preliminary plat. The Planning and Zoning Commission shall act on the application within sixty (60) days of the opening of the public meeting to consider the application or the application shall be deemed approved. The sixty-day time frame may be extended with the applicant's consent.
- b. *Board of Aldermen action.* The Board of Aldermen shall review the Planning and Zoning Commission's action on the preliminary plat and take action by resolution. If the Planning and Zoning Commission has denied the preliminary plat, the Board may, by a vote of not less than three-fourths (3/4) of its full membership, overrule the disapproval.
- c. *Review criteria.* Recommendations and decisions on preliminary plat approvals shall be based on consideration of the following criteria:
 - (1) Compliance with the purpose and intent provisions of this Code.
 - (2) Consistency with the Warsaw Comprehensive Plan.
 - (3) Physical suitability of the land for the proposed development or subdivision.
 - (4) Compatibility of the subdivision design and development intensity with surrounding land uses.
 - (5) Whether there are adequate facilities available to serve the development as designed.

- (6) Stormwater management is provided in compliance with Section 405.070, Stormwater Management and Natural Area Protection Standards, if applicable;
 - (7) Evidence of approval by the appropriate utilities, including water and sewer utilities.
 - (8) Right-of-way and easements have been identified by the City for dedication.
 - (9) Compliance with all applicable use, density, development, and design standards set forth in this Code that have not otherwise been modified or waived pursuant to this Chapter and that would affect or influence the layout of lots, blocks and streets. Applicants shall avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.
 - (10) That the general layout of lots, roads, driveways, sidewalks, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Code.
 - (11) Evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations.
 - (12) Evidence that all areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and that the proposed use of these areas is compatible with such conditions.
 - (13) Provision has been made for assumption of responsibility for maintaining all roads, open spaces and other public and common facilities in the subdivision.
 - (14) As applicable, the proposed phasing for development of the subdivision is rational in terms of available infrastructure capacity and financing.
5. *Preliminary plat: effect of approval.* Approval of the preliminary plat does not constitute acceptance of the subdivision but is merely an authorization to proceed with preparation of the final plat for record. No grading of streets or construction shall be done in the subdivision before the final plat is approved by the Planning Commission and by the Board of Alderman except by special permission of the Board of Aldermen. Upon refusal of the Planning and Zoning Commission to approve a preliminary plat, the applicant may make such changes as are required for approval and resubmit the plat or he/she may appeal the decision to the Board of Aldermen who may reverse the decision of the Planning Commission and approve said preliminary plat. The approval of the preliminary plat shall be effective for a period of two (2) years; such period may be extended by the Planning Commission upon the request of the property owner.
 6. *Preliminary plat: termination.* An approved preliminary plat terminates after two (2) years

without further notice unless a final plat has been filed. Final plats may be filed for less than the entire preliminary plat; however, any portions of the preliminary plat that are not subject to a final plat at the end of two (2) years shall be deemed terminated. A new preliminary plat application will be required for any areas of the development subject to a terminated preliminary plat.

7. *Engineering and construction plans.*

a. *Engineering and construction plans required.* Completed engineering and construction plans, prepared by an engineer licensed in the State of Missouri, shall be submitted to the City Engineer prior to or concurrently with the submission of a final plat application. The City Engineer shall determine whether the engineering and construction plans conform to the City's engineering specifications. If the engineering and construction plans do not comply, the City Engineer shall provide the applicant with information as necessary to modify the plans. Engineering and construction plans must be approved by the City Engineer prior to City approval of a final plat application.

b. *Submission requirements.*

(1) Upon the approval of the preliminary plat, the subdivider shall have prepared engineering drawings for proposed required improvements containing the data and information specified below:

(a) Plans, profiles, details, specifications and cost estimates for roadway and sidewalk construction, including plans and profiles for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical. This information shall be shown on standard plan and profile sheets unless otherwise required.

(b) Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.

(c) Plans, profiles, details, specifications and cost estimates of proposed water distribution systems and proposed water supply facilities and hydrants, if any.

(d) Plans, profiles, details, specifications and cost estimates of sewage systems and of any required sewage treatment facilities.

(e) Grading plans for all lots and other sites in the subdivision.

(f) When unusual site conditions exist, the governing body may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.

(g) All plans shall be based on City or United States Geological Survey datum for vertical control.

(2) Any or all of the required drawings may be waived or modified by the Board of Aldermen, after consideration of the City Engineer's opinion, upon a showing by the subdivider that such drawings are either unnecessary or create a substantial

hardship.

8. *Final plat: procedures.*

- a. *Final plat preapplication meeting.* An applicant for a final plat approval is required to attend a preapplication meeting according to Section 405.020(B). The schedule for preapplication meetings is available from the City.
- b. *Application and notice.*
 - (1) All applicants shall submit an application in the correct form as authorized in Section 405.020(D).
 - (2) All applicants are required to submit complete applications as identified in Section 405.020(E).
 - (3) No notice is required for final plat consideration.

9. *Final plat: action by review and decisionmaking bodies.*

- a. *Planning and Zoning Commission review.* The Planning and Zoning Commission shall hold a public meeting and recommend approval, approval with revisions or denial of the application for final plat. The Planning and Zoning Commission shall act on the application within sixty (60) days of the opening of the public meeting to consider the application or the application shall be deemed approved. The sixty-day time frame may be extended with the applicant's consent.
- b. *Board of Aldermen action.* The Board of Aldermen shall review the Planning and Zoning Commission's recommendation on the final plat and approve, approve with revisions or deny the final plat application. Approval of the final plat does not constitute acceptance of the public improvements identified on the plan; the Board of Aldermen shall take a separate action to review and determine whether to accept dedication of the public improvements.
- c. *Review criteria.* The Planning and Zoning Commission shall not recommend approval of and the Board of Aldermen shall not approve any final plat unless the final plat meets all of the following criteria:
 - (1) The proposed final plat complies with the conditions of approval of the preliminary plat;
 - (2) The layout and design of the proposed final plat is in substantial compliance with the approved preliminary plat, including but not limited to number of lots or parcels, street and block layout, and access; and
 - (3) The improvement plans for any required on-site or off-site public or private improvements have been reviewed and approved by the City for construction.

10. *Recordation.* The approved plat shall be recorded at the Benton County Recorder of Deeds office at the applicant's expense within one (1) year of approval. A final plat that is not recorded within one (1) year shall be considered void.

11. *Improvements.*

a. *General.*

- (1) After the approval of the final plat and any required permits, the subdivider may do the grading and any drainage work that is required, all according to plans approved by the City Engineer.
- (2) Prior to the issuance of any building permits, all street paving, storm drainage, and utility lines must be installed in accordance with Section 405.140.

b. *Construction of improvements.* No improvements shall be constructed nor shall any work preliminary thereto be done until such time as a final plat and the engineering drawings accompanying it shall have been approved by the Board of Aldermen and there shall have been compliance with all of the requirements relating to an agreement, bond or deposit specified in these regulations.

c. *Inspection.* All improvements constructed or erected shall be subject to inspection by the City or its designated representative responsible for setting and enforcing the applicable design and construction standards of the required improvement. The subdivider shall give at least twenty-four (24) hours' notice to such official prior to the performance of any work item which the City requests to inspect.

d. *Acceptance of improvements.* Upon the determination by the Board of Aldermen, after consideration of the opinion of the official, that there are no defects, deficiencies or deviations in the improvements, and that all improvements have been installed in conformance with the approved engineering drawings, and with the requirements of this Code, and all other applicable State and Federal statutes, ordinances and regulations, the Board of Aldermen and/or such appropriate utility shall thereupon by resolution or by letter, respectively, formally accept such improvements. The improvements shall become the property of the Board of Aldermen or appropriate utility company involved.

J. *Minor Subdivision And Administrative Lot Combination.*

1. *Purpose.* The purpose of the minor subdivision review procedure is to ensure compliance with the standards and requirements in Section 405.140, Subdivision Design and Improvements, and to encourage quality development consistent with the goals, policies and objectives in the Comprehensive Plan.

2. *Applicability.* The minor subdivision procedure is applicable for the following, provided that the proposed lots and resulting density are permitted under the existing zoning designation of the subject property:

- a. A condominium, timesharing, or duplex subdivision as defined in this Code;
- b. A subdivision that creates no more than three (3) lots where no new roads or public infrastructure is required, provided that parcels are eligible for minor subdivision only once, and further subdivision of the original or newly created parcels shall be processed as a major subdivision;

- c. Consolidation of two (2) or more lots into a single lot in a previously recorded subdivision plan; and
 - d. Lot line adjustments where the resulting number of lots does not change.
3. *Minor subdivision plat: procedures.*
 - a. *Minor subdivision plat preapplication meeting.* An applicant for a minor subdivision plat approval is required to attend a preapplication meeting according to Section 405.020(B). The schedule for preapplication meetings is available from the City.
 - b. *Application and notice.*
 - (1) All applicants shall submit an application in the correct form as authorized in Section 405.020(D). Minor subdivision applications shall be submitted with a plat pursuant to Section 405.030(I)(3)(c).
 - (2) All applicants are required to submit complete applications as identified in Section 405.020.(E).
 - (3) No notice is required for minor subdivision plat consideration.
 4. *Action by review and decisionmaker.*
 - a. *Authority.* The Director shall have decisionmaking authority for minor subdivisions.
 - b. *Review and approval criteria.*
 - (1) Compliance with the purpose and intent provisions of this Code;
 - (2) Consistency with the Warsaw Comprehensive Plan;
 - (3) Physical suitability of the land for the proposed development or subdivision;
 - (4) Compatibility with surrounding land uses;
 - (5) Whether there are adequate facilities available to serve development for the type and scope suggested by the proposed minor subdivision;
 - (6) Stormwater management is provided in compliance with Section 405.070, Stormwater Management and Natural Area Protection Standards, if applicable;
 - (7) Evidence of adequate sewage treatment for each lot; and
 - (8) Evidence that the subdivision will not create any hazards due to geology, soil, topography, drainage, fire protection, or any other condition, and that all lots will contain safe, adequate building sites.
 5. *Recordation.* The applicant shall cause the minor plat to be recorded within ninety (90) days from the date of approval and acceptance of the Director. In the event that the plat is not recorded, the approval of the Director shall be deemed to be void.
 6. *Administrative lot combination.* The Director has the authority to approve lot combinations

in which the configuration of the property is created by the assembly or combination of existing tracts of record where the Director finds that the proposed lot combination does not substantially increase demands on public infrastructure serving existing and proposed tracts, parcels or lots, and the following conditions are satisfied:

- a. The proposed lot combination is in compliance with all other provisions of this Code;
- b. The proposed lot combination will not create any tract, parcel, or lot that does not meet the minimum lot standards of the zoning district in which it is located;
- c. The proposed lot combination shall not cause any construction over a public sanitary sewer line or sewer easement; and
- d. The proposed lot combination is consistent with the surrounding area. In determining consistency, the size and dimensions of lots previously developed, the layout and design of existing subdivisions and the degree of deviation from previous development shall be considered.

K. *Variance.*

1. *Purpose and applicability.* In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of the Code as would result from strict or literal interpretation and enforcement, variances from certain regulations may be granted.
2. *Applicability.* An application for a variance may be requested by a property owner in the City.
3. *Procedures.*
 - a. *Preapplication meeting.* An applicant for a variance is encouraged to attend a preapplication meeting according to Section 405.020(B). The schedule for preapplication meetings is available from the City.
 - b. *Application and notice.*
 - (1) All applicants shall submit an application in the correct form as authorized in Section 405.020(D). All variance applications shall be accompanied by a site plan.
 - (2) All applicants are required to submit complete applications as identified in Section 405.020(E).
 - (3) Published, mailed, and posted notice shall be provided before the 15th day prior to the Board of Zoning Adjustment public hearing according to Section 405.020(F).
4. *Action by review and decisionmaking bodies.*
 - a. *Review by Board of Adjustment.* A variance application is reviewed by the Board of Adjustment at a public hearing.
 - b. *Review criteria.* In exercising the power to grant variances from the specific requirements of these regulations, the Board of Adjustment shall find each of the

following factors to exist:

- (1) The variance requested arises for such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant.
- (2) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners represented in the application.
- (3) The strict application of the provisions of the zoning regulations for which the variance is requested will constitute unnecessary hardship upon the property owners represented in the application.
- (4) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
- (5) The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

c. *Conditions of approval.*

- (1) In granting a variance, the Board of Adjustment may impose such conditions, safeguards and restrictions upon the premises benefitted by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood and to carry out the general purpose and intent of this Code.
- (2) The Board of Adjustment may require a performance bond to guarantee the installation of improvements. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board of Adjustment and shall be enforceable by or payable to the City in the sum equal to the cost of constructing the required improvements.
- (3) In lieu of performance bonds or other conditions, the Board of Adjustment may specify a time limit for the completion of such required improvements, and in the event the improvements are not completed within the specified time, the Board of Adjustment may, after reconsideration, declare the granting of the application null and void, or the variance may be made contingent on the performance of certain actions.

d. *Action on approval.* If an application for variance is granted by the Board of Adjustment, it shall be signed by the Chairman of the Board and shall State on the application the conditions of the approval established by the Board. A copy of the approved variance application shall be forwarded to the Director who shall issue a permit setting out the terms of the variance

L. *Appeal.*

1. *Purpose.* The Board of Adjustment shall be authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official of the City in the administration or enforcement of this Code.

2. *Applicability.* Appeals to the Board of Adjustment may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer.
3. *Procedures.*
 - a. *Preapplication meeting.* An applicant for an appeal is encouraged to attend a preapplication meeting according to Section 405.020(B). The schedule for preapplication meetings is available from the City.
 - b. *Application and notice.*
 - (1) All applicants shall submit an application in the correct form as authorized in Section 405.020(D). The application shall specify all grounds for the appeal. All grounds not specified in the application shall be deemed waived by the applicant.
 - (2) All applicants are required to submit complete applications as identified in Section 405.020(E).
 - (3) No notice is required for an appeal.
 - c. *Timing of application.* An appeal shall be taken within thirty (30) days of the date of the decision. The officer whose decision is being appealed shall immediately, after being served with the notice of appeal, transmit all the papers constituting the record upon which the action appealed from was taken to the Secretary of the Board of Adjustment.
4. *Action by review and decisionmaking bodies.*
 - a. *Review by Board of Adjustment.*
 - (1) An appeal is reviewed by the Board of Adjustment at a regular meeting.
 - (2) The Board of Adjustment shall grant to the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. An appeal shall be sustained only if the Board of Adjustment finds that the administrative official erred.
 - (3) In exercising the appeal power, the Board of Adjustment shall have all the powers of the official from whom the appeal is taken, and the Board of Adjustment may reverse or affirm wholly or partly or may modify the decision being appealed.
 - (4) If the Board of Adjustment determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence.
 - b. *Time frame for action.* The Board of Adjustment shall take action on an appeal within a reasonable period of time after application submittal, but in no case more than sixty (60) days after receipt of a complete application.

- c. *Vote to reverse administrative determination.* A concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of an administrative official. Every decision of the Board of Adjustment shall be accompanied by a written finding of fact specifying the reason for the decision.
5. *Effect of appeal.* An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

M. *Minor Modification.*

1. *Purpose.* Applications for minor modification may be submitted along with an application for development permit for the purpose of making a minor amendment to a development standard applicable to the proposed project. Minor modifications may also be made to approved site plans that conform to the requirements of this Section. A minor modification allows a change of up to ten percent (10%) to the applicable standard.
2. *Standards subject to minor modification.*
 - a. Up to four (4) minor modifications may be provided for a pending development application. No more than two (2) minor modifications may be permitted to correct measurement errors on an approved application through the submission of a site plan.
 - b. The following standards may be subject to minor modifications of up to a maximum of ten percent (10%) from the general development and zoning district standards, provided that the applicable approval criteria below are met.
 - (1) Minimum lot area requirements;
 - (2) Setback requirements; and
 - (3) Quantitative development standards (e.g., percentage of site landscaping, number of parking spaces, etc.).
 - c. Stormwater standards cannot be modified.
3. *Measurement.* The modification is calculated by applying the ten-percent modification to the required development standard or measurement, rounded to the nearest whole number. For example, a required ten-foot side yard setback may be modified by ten percent (10%) or one (1) foot, allowing a nine- foot setback.
4. *Approval criteria.* Minor modifications may be approved only upon a finding that all of the following criteria have been met:
 - a. The requested adjustment is consistent with the stated purposes of this Code.

- b. The adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to the public health or safety.
 - c. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum practical extent.
 - d. The administrative adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is either:
 - (1) Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
 - (2) Supporting an objective or goal from the purpose and intent statements of the zoning district where located; or
 - (3) Proposed to protect sensitive natural resources or better integrate development with the surrounding environment.
5. *Review process.* Final approval of any proposed minor modification shall be the responsibility of the decisionmaker of the application to whom the minor modification request has been submitted. Minor modifications to approved site plans may be made by the Director.

N. *Grading Permit.*

- 1. *Purpose.* The purpose of this Subsection is to provide procedures for grading permits. Grading permits are required to review the extent of grading activity proposed to minimize and mitigate the disturbance of land, vegetation, and any existing or potential hazards.
- 2. *Applicability.*
 - a. It shall be unlawful for any person to conduct any activity resulting in any of the following total disturbed areas without first obtaining a grading permit pursuant to this Subsection. A grading permit shall be required for disturbed areas of:
 - (1) One (1) acre or more.
 - (2) Less than one (1) acre if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.
 - b. The City may also require a grading permit regardless of the size of the total disturbed area in conjunction with approval of a final subdivision plat, conditional use permit, or site development plan, or if the construction activities are adjacent to a floodplain boundary or wetlands.
 - c. Grading not relating to a development application shall be prohibited, except as exempted below.
 - d. *Exemptions.* The following activities are exempt from this Subsection:
 - (1) Agricultural cropping and land management activities, not including construction

activities.

- (2) Maintenance and repair of any stormwater facility, utilities, irrigation ditch, watercourse, or related practice deemed necessary by the City Engineer.
 - (3) Emergency repairs to streets, utilities and other similar facilities deemed necessary by the City Engineer.
3. *Procedures.*
- a. *Preapplication meeting.* A preapplication meeting is not required.
 - b. *Application and notice.*
 - (1) All applicants shall submit an application in the correct form as authorized in Section 405.020(D).
 - (2) All applicants are required to submit complete applications as identified in Section 405.020(E).
 - (3) Notice is not required.
4. *Action by review and decisionmaking bodies.*
- a. *City Engineer.*
 - (1) The grading plan and statement shall be reviewed for consistency with applicable regulations and standards and approval criteria below, and if approved by the City Engineer, a permit shall be issued within ten (10) working days of application.
 - (2) If determined inadequate by the City Engineer, the application shall be returned within ten (10) working days, and the owner may resubmit, without additional fees, an amended grading plan or statement.
 - b. *Approval criteria.* The City Engineer shall approve a grading permit application if it meets the following criteria:
 - (1) The grading proposed will have adequate on- and off-site sedimentation and erosion control measures;
 - (2) The grading proposed is the minimum amount necessary to carry out development plans;
 - (3) The grading proposed avoids any adverse impact on natural drainage patterns on- and off-site; and
 - (4) To the maximum extent practicable, the grading proposed avoids any disturbance of ridgelines, streams or existing trees and vegetation.

O. *Drainage Permit.*

1. *Purpose.* The purpose of this Subsection is to provide procedures for drainage permits. Drainage permits are required to minimize and mitigate the impact of stormwater runoff

from development and increase in impervious area.

2. *Applicability.*

- a. A drainage permit shall be required for all new development and redevelopment, including subdivision development and construction. It shall be unlawful for any person to alter the surface of the land to create additional impervious surfaces, including, but not limited to, pavement, buildings, and structures without first obtaining a drainage permit pursuant to this Subsection.
- b. *Exemptions.* The following activities are exempt from this Subsection:
 - (1) *Existing Development.* Improvements that cause an increased area of impervious surface on the site less than 1,000 square feet.
 - (2) *New Development.* Construction of any one new single family or duplex dwelling unit provided the total impervious area of the site is less than 5,000 square feet.

3. *Procedures.*

- a. *Preapplication meeting.* A preapplication meeting is not required.
- b. *Application and notice.*
 - (1) All applicants shall submit an application in the correct form as authorized in Section 405.020(D).
 - (2) All applicants are required to submit complete applications as identified in Section 405.020(E).
 - (3) All applicants shall submit the drainage permit at the beginning stages of the project so that the City may verify that proper stormwater management is incorporated into the design and that any drainage easements will be dedicated on the plat, if applicable. As design progresses, any major changes that result in a change in stormwater management shall require a resubmittal/update of the drainage permit.
 - (4) Notice is not required.

4. *Action by review and decisionmaking bodies.*

- a. *City Engineer.*
 - (1) The drainage permit shall be reviewed for consistency with applicable regulations, standards and approval criteria below, and if approved by the City Engineer, a permit shall be issued within fifteen (15) working days of application.
 - (2) If determined inadequate by the City Engineer, the application shall be returned within fifteen (15) working days, and the owner or applicant may resubmit, without additional fees, an amended drainage permit.
- b. *Approval criteria.* The City Engineer shall approve a drainage permit application if it meets the following criteria:

- (1) The drainage system is designed in accordance with Section 405.070, Stormwater Management and Natural Area Protection Standards;
- (2) The improvements proposed avoid any adverse impact on natural drainage patterns on- and off-site, including but not limited to flooding, erosion, loss of property, etc.;
- (3) Drainage easements for all stormwater management components including stormwater drainage setbacks for natural overland drainage paths are dedicated to the City ;
- (4) Maps and calculation tables per the City's stormwater management design criteria are included with the permit application; and
- (5) Permit application meets design requirements for retention, detention, collection, and conveyance.

P. *Permits.*

1. *Permit required.*

- a. No building or other structure shall be erected, constructed, reconstructed, or moved, nor shall it be altered without first obtaining a building permit in accordance with the terms of this Subsection.
- b. No open, vacant or unimproved land shall be used for any purpose other than agriculture without first obtaining a land use permit from the Director to be issued in accordance with the terms of this Subsection.

2. *Uses subject to permit.* The following uses shall be required to obtain a land use permit:

- a. Salvage yards and junkyards.
- b. Used car or auto storage lots.
- c. Machinery, equipment or materials storage.
- d. Mines, quarries or soil stripping.
- e. Skeet shoots or target ranges.
- f. Refuse dump or sanitary fill.
- g. Railroad yards.
- h. Picnic groves; fishing lakes.
- i. Golf courses, baseball field and other privately owned recreation areas.
- j. Nurseries.

3. *Application.* Applications for permits shall be filed with the Zoning Administrator upon forms prescribed, setting forth, among other things, the legal description of the lot, tract or parcel of land, together with a general description of the building or structure to be

constructed, erected or altered thereon, including the approximate size and shape, location of the building or structure upon the lot, tract or parcel and the intended use.

4. *Conformity with Code.* No such permit shall be issued for any building, structure, construction or use of land unless the same is in conformity in every respect with all the provisions of this Code.
5. *Issuance.*
 - a. The Director shall be empowered to act within the provisions of this Chapter, upon all applications for building permits, and the same shall be approved or denied not later than the fifth business day succeeding as herein provided. The applicant may appeal to the Board of Adjustment.
 - b. For each building permit issued there shall be charged and collected from the applicant a fee as set out in Section 500.020.
 - c. For radio tower, trailer court, sign, or other use of land of a type not providing floor space to which the above schedule is applicable, there shall be charged a fee of ten cents (\$0.10) for each one hundred dollars (\$100.00) of the total cost of the work to be performed, provided that the minimum fee shall be two dollars (\$2.00).
 - d. There shall be a separate permit for each building or structure to be constructed, erected or altered, except accessory buildings and appurtenances which may be included in the permit for the main building when construction is simultaneous.
6. *Revocation.* A permit may be revoked by the Director at any time prior to the completion of the building or structure for which the same was issued when it shall appear that there is departure from the plans, specifications or conditions as required under terms of the permit, that the same was procured by false representation or was issued by mistake, or that any of the provisions of this Code are being violated. Upon the failure, refusal or neglect of any owner, his/ her agent, contractor or duly authorized representative to secure such permit and pay the prescribed fee therefore as herein provided, the Building Inspector may issue a stop order; provided, however, that twenty-four (24) hours' written notice of such revocation or order to stop shall be served upon the owner, his/ her agent or contractor or upon any person employed upon the building or structure for which such permit was issued, and thereafter no such construction shall proceed.

§ 405.040. Zoning Districts.*A. General Provisions.*

1. *Purpose.* This Section establishes the zoning districts and contains basic information pertaining to the districts, including statements of purpose and dimensional standards.

a. *Residential district purposes.* The residential zoning districts are intended to:

- (1) Provide appropriately located areas for residential development that are consistent with the Warsaw Comprehensive Plan and with the public health, safety and general welfare;
- (2) Ensure adequate light, air and privacy for all dwelling units;
- (3) Protect the scale and character of existing residential neighborhoods and the community;
- (4) Discourage any use that would generate traffic or create congestion on neighborhood streets other than the normal traffic that serves the residents of the district; and
- (5) Discourage any use that, because of its character or size, would create additional requirements and costs for public services that are in excess of such requirements and costs if the district were developed solely for the intended type of residential uses.

b. *Mixed-use district purposes.* Mixed-use districts are intended to:

- (1) Promote higher-density residential development near and within downtown Warsaw;
- (2) Concentrate higher-intensity commercial and office employment growth efficiently in and around the downtown and other centers of community activity;
- (3) Encourage mixed-use redevelopment, conversion and reuse of aging and underutilized areas, and increase the efficient use of available commercial land in the City;
- (4) Create pedestrian-oriented environments that encourage pedestrian access, bicycle use, and more sustainable land use patterns; and
- (5) Ensure that the appearance and function of residential and nonresidential uses are of high and unique aesthetic character and quality and are integrated with one another and the character of the area in which they are located.

c. *Commercial and industrial district purposes.* Commercial and industrial districts are intended to:

- (1) Help implement the Warsaw Comprehensive Plan by accommodating a full range of office, retail, commercial, service, and mixed uses needed by Warsaw's residents, businesses, visitors and workers;

- (2) Encourage site planning, land use planning, and architectural design that create an interesting, pedestrian-friendly environment where appropriate;
 - (3) Maintain and enhance the City's economic base and provide shopping, entertainment and employment opportunities close to where people live and work;
 - (4) Preserve, protect and promote employment-generating uses;
 - (5) Create suitable environments for various types of commercial and industrial uses and protect them from the adverse effects of incompatible uses;
 - (6) Allow flexibility to encourage redevelopment and positive improvements to existing businesses and residences;
 - (7) Minimize potential negative impacts of heavy-impact nonresidential development on adjacent residential areas; and
 - (8) Provide suitable locations for public and semipublic uses needed to complement nonresidential development.
2. *Zoning districts established.* For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, alteration, moving or use of buildings, structures or land, all lands within the corporate limits of Warsaw are hereby divided into the following districts:

Table 405.040-1 Zoning Districts		
Classification	District	Abbreviation
Base Districts		
Residential Districts	Single-Family Dwelling District	R-1
	Two-Family Dwelling District	R-2
	Multiple-Family Dwelling District	R-3
	Mobile Home District	R-4 (Retired)
Commercial Districts	Local Business District	C-1
	Central Business District	C-2
	Commercial District	C-3
Industrial Districts	Light Industrial District	M-1
	Heavy Industrial District	M-2
Open Space District	Open Space District	O
Overlay Districts		
	Waterfront Overlay District	WOD

3. *Zoning Map.*
- a. *Official Zoning Map.* The location and boundaries of the zoning districts are established as shown on a map prepared for that purpose designated as the "Zoning District Map." The Zoning Map, along with all of the notations, references and information shown on the Map are incorporated into and made part of this UDO.
 - (1) If changes are made in district boundaries or other items portrayed on the official Zoning District Map in accordance with the procedures established in this UDO, the changes shall be entered on the Map.

(2) The official Map shall be located in the office of the City Clerk and shall be the final authority as to the current zoning status of land, buildings and other structures in the City.

b. Zoning Map interpretation.

(1) When definite distances in feet are not shown on the Zoning District Map, the district boundaries are intended to be along existing street, alley or platted lot lines or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the Zoning Administrator, due consideration being given to location as indicated by the scale of the Zoning District Map.

(2) When streets or alleys on the ground differ from the streets or alleys as shown on the Zoning District Map, the Zoning Administrator may apply the district designations on the Map to the streets or alleys on the ground in such a manner as to conform to the intent and purpose of this Chapter.

4. *Annexation.* All territory hereafter annexed to the City of Warsaw shall be classified as Residential Holding - Open (RH-O) until other zoning, where appropriate, is approved in accordance with required procedures. No permit for use of property or erection of structures shall be issued unless such use and structure is permitted in the RH-O District.

B. *Single-Family Residential (R-1).*

1. *Purpose.* The purpose of this district is to provide for low-density, single-family detached residential development in a traditional neighborhood setting. This district implements the Low-Density Residential classification in the Warsaw Comprehensive Plan and should be located along a local road with most homes taking access from a secondary connector.

2. *Uses.* Uses permitted in the R-1 District are identified in Table 405.050-1, Use Table.

3. *Dimensions.* The following dimensions shall apply to development in the R-1 District along with any supplemental regulations provided in Section 405.040(M):

Table 405.040-2 R-1 Single-Family Residential District Dimensions								
Lot Dimensions		Maximum Density (units/lot)	Maximum Lot Coverage (percent)	Setbacks				Maximum Building Height (feet)
Minimum Lot Size (square feet)	Minimum Lot Width (feet)			Minimum Front (feet)	Minimum Interior Side (feet)	Minimum Corner Side (feet)	Minimum Rear (feet)	
6,000 ¹	80	1	50%	25	7	25	30	35

NOTES:

¹ Minimum lot size for all structures other than single-family detached units is 10,000 square feet.

4. *Building Area.* The minimum floor area for dwellings shall be a minimum of six hundred

fifty (650) square feet in "R-1" District. [Ord. No. 385, 10-7-2019]

C. *Two-Family Residential (R-2).*

1. *Purpose.* The purpose of this district is to provide for single-family and two-family medium-density residential development, either as a neighborhood of similar units or in a development with a mix of unit types. This district implements the Low-Density Residential classification of the Warsaw Comprehensive Plan and should be located along a local road with most homes taking access from a secondary connector.
2. *Uses.* Uses permitted in the R-2 District are identified in Table 405.050-1, Use Table.
3. *Dimensions.* The following dimensions shall apply to development in the R-2 District along with any supplemental regulations provided in Section 405.040(M):

Table 405.040-3 Two-Family Residential District Dimensions									
Dwelling Type	Lot Dimensions		Maximum Density (units/lot)	Maximum Lot Coverage (percent)	Setbacks				Maximum Building Height (feet)
	Minimum Lot Size (square feet)	Minimum Lot Width (feet)			Minimum Front (feet)	Minimum Interior Side (feet)	Minimum Corner Side (feet)	Minimum Rear (feet)	
Single-family	6,000	80	1	50%	25	7	25	30	35
Two-family	8,000 (4,000 per dwelling unit)								

NOTES:

¹ Minimum lot size for all structures other than single-family detached or two-family units is 10,000 square feet.

4. *Building Area.* The minimum floor area for dwellings shall be a minimum of six hundred fifty (650) square feet in "R-2" District. [Ord. No. 385, 10-7-2019]

D. *Multifamily Residential (R-3).*

1. *Purpose.* The purpose of this district is to provide sites for single-family, two-family, and multifamily dwellings in either traditional neighborhoods or in a setting with a mix of dwelling unit types. The R-3 District implements the Medium- and High-Density Residential classification of the Warsaw Comprehensive Plan and can be located as a transitional use between lower-density single-family development and mixed-use development or commercial development. R-3 development should be located along a local road with most homes taking access from a secondary connector.
2. *Uses.* Uses permitted in the R-3 District are identified in Table 405.050-1, Use Table.
3. *Dimensions.* The following dimensions shall apply to development in the R-3 District along

with any supplemental regulations provided in Section 405.040(M):

Table 405.040-4 R-3 Multifamily Residential District Dimensions									
Dwelling Type	Lot Dimensions		Maximum Density (units/acre)	Maximum Lot Coverage (percent)	Setbacks				Maximum Building Height (feet)
	Minimum Lot Size (square feet)	Minimum Lot Width (feet)			Minimum Front (feet)	Minimum Interior Side (feet)	Minimum Corner Side (feet)	Minimum Rear (feet)	
Single-family detached	4,000	40	10	50%	15	7	15	10	35
Two-family	5,500 (2,250 per dwelling unit)	40	10	50%	15	7	15	10	45
Townhouse/multifamily	n/a ¹	40	10	60%	15	7	15	10	45
Group living facilities	n/a ¹	40	n/a ¹	60%	15	7	15	10	35
Nonresidential	n/a ¹	40	n/a ¹	60%	10	7	10	10	35

NOTES:

¹ Must meet setback, height, and lot coverage requirements.

4. Building Area. The minimum floor area for dwellings shall be a minimum of six hundred fifty (650) square feet in "R-3" District. **[Ord. No. 385, 10-7-2019]**
- E. *Mobile Home (R-4) Retired.* The R-4 District is retired as of the adoption date of this Code. Property can no longer be rezoned to R-4. The lawful use of property for parking mobile homes may be continued only to the extent that it exists as of the effective date of this Code. No mobile home may be replaced on any lot within the City after the effective date of this Code.
1. *Purpose.* The purpose of this district is to provide regulations for the continued use of moderate-density mobile home developments in a residential atmosphere as they existed as of the effective date of this Code. All land in this district shall be subject to the following requirements except as may be modified by Section 405.050(B)(1)(b).
 2. *Uses.* Uses permitted in the R-4 District are identified in Table 405.050-1, Use Table.
 3. *Dimensions.* The following dimensions shall apply to development in the R-4 District:

Table 405.040-5 Mobile Home District Dimensions					
	Lot Dimensions	M a x	M a x	Setbacks	M a x

Dwelling Type	Minimum Lot Size (acres or square feet)	Minimum Lot Width (feet)			Minimum Front (feet)	Minimum Interior Side (feet)	Minimum Corner Side (feet)	Minimum Rear (feet)	
Mobile home	1 acre per park	150	n/a	n/a	25	7	n/a	30	35
Single-family dwelling	8,000	80	n/a	n/a	25	7	n/a	30	35
All other uses	10,000	80	n/a	n/a	25	7	n/a	30	35

4. *Use limitations.*

- a. All mobile homes shall be connected to public water and sewer systems.
- b. Mobile homes in mobile home parks shall be blocked at a maximum of ten-foot centers around the perimeter of each mobile home and each blocking shall provide two hundred fifty-six (256) square inches bearing upon the ground or pad. All mobile homes shall be secured to the ground by tie downs and ground anchors in conformance with the standards of the State of Missouri.
- c. All electrical, gas or propane hookups shall be in conformance with the requirement of the supplier.
- d. All spaces in mobile home parks shall front on either a public street or a private street constructed to the City's standards for public streets.
- e. Mobile homes in mobile home parks shall not be closer than twenty (20) feet to another mobile home or to the boundary of the mobile home park.
- f. Mobile homes on individual residential lots shall be limited to one (1) per lot and shall be required to meet the minimum lot requirements of this district. Accessory structures, as defined under Section 405.180, Definitions, shall be placed in conformance with the setback and dimensional requirements established for this district.
- g. Preowned manufactured homes are allowed as provided in under Chapter 405, Section 405.050.

5. *Nonconformity.* All existing occupied mobile homes located on an individual lot shall be permitted to remain in place so long as occupied, but provided that they may not be replaced unless made to conform to the requirements of this Chapter. Any such existing mobile home shall be removed when unoccupied for a period in excess of twelve (12) months.

F. *Local Business Mixed-Use (C-1).*

1. *Purpose.* The purpose of this district is to provide for a compatible mix of residential and small-scale neighborhood serving commercial and civic uses. This district is intended to be placed in a neighborhood setting providing a comfortable and safe pedestrian

environment and further enhancing the character of the neighborhood. The C-1 District implements the Commercial/ Office and Medium- and High-Density Residential classification of the Warsaw Comprehensive Plan and should be located along a primary collector street.

2. *Uses.* Uses permitted in the C-1 District are identified in Table 405.050-1, Use Table.
3. *Dimensions.* The following dimensions shall apply to development in the C-1 District along with any supplemental regulations provided in Section 405.040(M):

Table 405.040-6 Local Business District Dimensions									
Structure or Dwelling Type	Lot Dimensions		Maximum Density (units/acre)	Maximum Lot Coverage (percent)	Setbacks				Maximum Building Height (feet)
	Minimum Lot Size (square feet)	Minimum Lot Width (feet)			Maximum Front (feet)	Minimum Interior Side (feet)	Minimum Corner Side (feet)	Minimum Rear (feet)	
Single-family detached	4,000	0	10	60%	15	0, 15 ²	15	0 ²	35
Two-family	5,500 (2,250 per dwelling unit)	0	10	60%	15	0, 15 ²	15	0 ²	35
Townhouse/multifamily	¹	0	10	70%	15	0, 15 ²	15	0 ²	45
Nonresidential	¹	0	n/a	70%	15	0, 15 ²	15	0 ²	35

NOTES:

¹ Must meet setback, height and lot coverage requirements.

² Fifteen-foot setback is required where C-1 abuts a residential district or use.

4. *Use limitations.* Retail and service uses shall conduct all business within an enclosed structure; no drive-in, drive-through or curb service.
5. *Building Area.* The minimum floor area for dwellings shall be a minimum of six hundred fifty (650) square feet in "C-1" District. [Ord. No. 385, 10-7-2019]

G. *Central Business Mixed-Use (C-2).*

1. *Purpose.* The purpose of this district is to accommodate the broad range of retail shopping activities, office uses, lodging and vacation destinations, and some residential options that are normally found in downtown Warsaw. The Central Business District should be distinguished from other areas in the City and serve as the focal point for social, business, and cultural activities. This district contains the highest intensity of uses and should serve as the hub of pedestrian accessibility. The C-2 District implements the Medium- and High-Density Residential, Public/Institutional, and Commercial/Office classifications of the Warsaw Comprehensive Plan and should only be located in downtown Warsaw and along Main Street.

2. *Uses.* Uses permitted in the C-2 District are identified in Table 405.050-1, Use Table.
3. *Dimensions.*
 - a. *Dimensional table.* The following dimensions shall apply to development in the C-2 District along with any supplemental regulations provided in Section 405.040(M):

Table 405.040-7 Central Business District Dimensions									
Structure or Dwelling Type	Lot Dimensions		Maximum Density(units/acre)	Maximum Lot Coverage(percent)	Setbacks				Maximum Building Height(feet)
	Minimum Lot Size(square feet)	Minimum Lot Width(feet)			Maximum Front(feet)	Minimum Interior Side(feet)	Minimum Corner Side(feet)	Minimum Rear(feet)	
Single-family detached	3,000	0	7.5	60%	15	0 ²	15	0 ²	35
Two-family	4,000	0	15	60%	15	0 ²	15	0 ²	35
Townhouse/multifamily	0 ¹	0	15	80%	15	0 ²	15	0 ²	60
Nonresidential	0 ¹	0	n/a	80%	0	0 ²	15	0 ²	60

NOTES:

- ¹ Must meet setback, height and lot coverage requirements.
- ² Fifteen-foot setback is required where C-2 abuts a residential district or use.

b. *Additional standards.*

(1) *Commercial floor-to-ceiling heights and floor area of ground floor space.*

- (a) All commercial floor space must have a minimum floor-to- ceiling height of eleven (11) feet.
- (b) All commercial floor space provided on the ground floor must contain the following minimum floor area:
 - i. At least eight hundred (800) square feet or twenty-five percent (25%) of the buildable lot area, whichever is greater, on lots with street frontage of less than fifty (50) feet; or
 - ii. At least twenty percent (20%) of the buildable lot area on lots with fifty (50) feet or more of street frontage.

H. *Mixed-Use Commercial (C-3).*

1. *Purpose.* The C-3 District is established to group and link places used for working, shopping, educating and recreating with residential uses thereby creating a compact community form. This district allows commercial, office, civic, townhouse and apartment uses. The siting and architectural design and scale of structures in this district should be compatible with surrounding neighborhoods while contributing to the image and character

of the area. C-3 implements the Medium- and High-Density Residential and Commercial/ Office land use classifications of the Warsaw Comprehensive Plan.

2. *Uses.* Uses permitted in the C-3 District are identified in Table 405.050-1, Use Table.
3. *Dimensions.* The following dimensions shall apply to development in the C-3 District along with any supplemental regulations provided in Section 405.040(M):

Table 405.040-8 Mixed-Use Commercial District Dimensions									
Structure or Dwelling Type	Lot Dimensions		Maximum Density (units/acre)	Maximum Lot Coverage (percent)	Setbacks				Maximum Building Height (feet)
	Minimum Lot Size (square feet)	Minimum Lot Width (feet)			Maximum Front (feet)	Minimum Interior Side (feet)	Minimum Corner Side (feet)	Minimum Rear (feet)	
Single-family detached and two-family	3,000	40	12	60%	15	0 ²	15	0 ²	35
Townhouse/multifamily/lodging	n/a ¹	40	18	80%	15	0 ²	15	0 ²	60
Office/commercial/mixed use	n/a ¹	40 ³	n/a ¹	80%	0	0 ²	15	0 ²	60

NOTES:

- ¹ Must meet setback, height and lot coverage requirements.
- ² Fifteen-foot setback is required where C-3 abuts a residential district or use.
- ³ No minimum lot width for nonresidential structures in downtown Warsaw.

4. **Building Area.** The minimum floor area for dwellings shall be a minimum of six hundred fifty (650) square feet in "C-3" District. **[Ord. No. 385, 10-7-2019]**

I. *Waterfront Overlay District (WOD).*

1. *Purpose.* The purpose of the Waterfront Overlay District is to allow additional protections to all waterfront districts when an alteration to existing conditions occurs. The Waterfront Overlay District provisions have the following purposes:
 - a. To preserve natural, recreational, scenic and historic values along the City of Warsaw's waterfronts on the Osage River and Truman Lake.
 - b. To preserve, provide and enhance recreation areas and other green space.
 - c. To provide a continuous bicycle/pedestrian trail along the Osage River.
 - d. To strengthen the vitality of the district and capitalize on the asset of the waterfronts.
 - e. To promote the Osage River waterfront district as a unique destination place that brings

- pedestrian traffic to downtown Warsaw.
- f. To maximize the potential utility and enjoyment of the Osage River waterfront through active and passive uses, such as waterfront dining, public walkways and seating areas.
 - g. To protect the public health and safety.
 - h. To regulate uses and structures along the waterfront to avoid increased erosion and sedimentation.
 - i. To recognize areas of significant environmental sensitivity that should not be intensely developed.
 - j. To allow reasonable uses of land on the waterfront while directing more intensive and non-water-related development to the most appropriate areas of the community and region.
2. *Definitions.* The following definitions apply to this Chapter:

ENCROACH — To permanently occupy space within the physical boundaries of (such as a wetland).

FLOODPLAIN — Flood hazard areas as determined by the National Flood Insurance Agency.

IMPERVIOUS SURFACE — Any nonporous area covered by a substance that does not, by its physical qualities, permit infiltration by water, including but not limited to asphalt, slate, brick, aluminum, and concrete.

NONPOINT POLLUTION — Waterborne substances that can have adverse impacts on fish, wildlife, habitats and water quality, and that enter the groundwater via a diffuse number of points, possibly from the same source, as opposed to one particular point of entrance.

PHYSICAL OBSTACLE — Any structure or piece of structure that prevents visual or physical contact.

PIER — A structure that encroaches on a body of water specifically for the purpose of providing the general public with access for recreational fishing.

STORMWATER MANAGEMENT — The intentional containment, treatment or alteration of flow of water that results from precipitation specifically for the purpose of preventing flooding, erosion or nonpoint pollution.

WATER-DEPENDENT USES — Activities which require a location in, on, over or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity. Examples of water-dependent uses include public and private marinas, yacht clubs, boat yards, commercial and recreational fishing facilities, tour boat and charter boat facilities, unloading and aggregate transshipping facilities, waterborne commerce, ferries, marine educational or laboratory facilities, and water-related public and quasi-public utilities.

3. *Applicability.* The Waterfront Overlay District is applicable where shown on the Warsaw Zoning Map.
4. *Uses.* Uses permitted in the WOD District are identified in Table 405.050-1, Use Table.
5. *Dimensions.* Development in the WOD shall conform to the dimensions applicable in the underlying base zone district along with any supplemental regulations provided in Section 405.040(M), except as follows:
 - a. *Visual and physical access.* Any new development that creates a visual or physical obstacle to public access on land that was previously accessible to the public shall mitigate the impact to ensure that physical and visual access is provided in another form.
 - b. *Waterfront setback.* Properties adjacent to the Osage River shall have a setback of fifty (50) feet from the top of the riverbank, as defined by the Director of Public Works on a site-by-site basis.
6. *District regulations.* Development otherwise permitted in the underlying zone shall meet the following standards:
 - a. *Docks and piers.* Access to the water from lots in any proposed subdivision shall be from a single common dock unless a single dock is considered infeasible, as determined by the Director.
 - b. *Water-dependent uses.* Any applicant proposing development adjacent to a water-dependent use will be required to notify the owner of the water-dependent use and submit his/her comments with the site plan, if comments were received. New development that permanently interferes with existing use of the water or will permanently inhibit the continued operation of a water-dependent use is prohibited.
 - c. *Residential uses.* All habitable space within dwelling units in the WOD shall be located above the one-hundred-year floodplain.
 - d. *Water-enhanced uses.* Any proposed water-enhanced use that will have a significant negative environmental or economic impact on existing water-dependent uses [more than one (1)] will not be permitted.
 - e. *Marinas.* All site plans for new marinas or expansion of existing ones must include a stormwater management plan signed and prepared by a Missouri licensed engineer and must include a pump out.
 - f. *Hazards to water quality.* No structure or building shall be used in such a way as to significantly threaten or cause significant pollution to the water quality of the Osage River or Truman Lake.
 - g. *Relation to water.* Any use encroaching on water or that will exist permanently above water that is not water-dependent will not be permitted.
 - h. *Building orientation.* Primary structures shall be oriented toward the Osage River as well as the street by providing windows, doorways and other architectural features on

the riverfront side of buildings.

- i. *Natural features.* Destruction of natural features that serve to protect from floods or erosion shall not be permitted. Development shall comply with requirements of Section 405.070 Stormwater Management and Natural Area Protection Standards. Any party responsible for the illegal or unauthorized destruction of such features will be compelled to replace them or compensate the City for their replacement.
- j. *Pedestrian trails.* A continuous publicly accessible municipally owned pedestrian trailway, the Osage Trail, shall be created along the Osage River waterfront in the Waterfront Overlay District. An applicant for site plan approval of a lot or parcel which contains land along the Osage River waterfront shall be required to reserve a continuous right-of-way having a minimum width of twenty five (25) feet measured laterally from the riverbank of the Osage River in which a minimum twelve-foot-wide paved public trailway shall be developed on that lot or parcel in accordance with City's Master Trail Plan.

J. *Light Industrial (M-1).*

- 1. *Purpose.* This district is intended to provide for a variety of businesses, including warehouses, research and development firms, repair shops, wholesale distributors, and light manufacturing. This district may include supporting office and commercial uses where appropriate. Uses permitted in this district are intended to serve community and regional needs. This district is intended to be located away from low- and medium-density residential development. The M-1 District implements the Industrial and Transportation/Utilities classifications of the Warsaw Comprehensive Plan and should take access from a primary connector or principal arterial street.
- 2. *Uses.* Uses permitted in the M-1 District are identified in Table 405.050-1, Use Table.
- 3. *Dimensions.* The following dimensions shall apply to development in the M-1 District along with any supplemental regulations provided in Section 405.040(M):

Table 405.040-9 Light Industrial District Dimensions									
Structure or Dwelling Type	Lot Dimensions		Maximum Density (units/acre)	Maximum Lot Coverage (percent)	Setbacks				Maximum Building Height (feet)
	Minimum Lot Size (square feet)	Minimum Lot Width (feet)			Minimum Front (feet)	Minimum Interior Side (feet)	Minimum Corner Side (feet)	Minimum Rear (feet)	
Office/ Commercial/ Industrial	8,000	80			25	7		20	45

K. *Heavy Industrial (M-2).*

1. *Purpose.* The purpose of this district is to accommodate a broad range of manufacturing, warehousing and wholesaling uses. This district is intended to be located away from residential development. The M-2 District implements the Industrial and Transportation/Utilities classifications of the Warsaw Comprehensive Plan and should take access from a primary connector or principal arterial street.
2. *Uses.* Uses permitted in the M-2 District are identified in Table 405.050-1, Use Table.
3. *Dimensions.* The following dimensions shall apply to development in the M-2 District along with any supplemental regulations provided in Section 405.040(M):

Table 405.040-10 Heavy Industrial District Dimensions									
Structure or Dwelling Type	Lot Dimensions		Maximum Density (units/acre)	Maximum Lot Coverage (percent)	Setbacks				Maximum Building Height (feet)
	Minimum Lot Size (square feet)	Minimum Lot Width (feet)			Minimum Front (feet)	Minimum Interior Side (feet)	Minimum Corner Side (feet)	Minimum Rear (feet)	
Office/ Commercial/ Industrial	15,000	100			25	15		20	45

L. *Rural Holding And Open Space (RH-O).*

1. *Purpose.* The purpose of this district is to conserve and protect open land uses, accommodate low-intensity uses on land which is either unsuited for intensive development or which is not yet served by public utilities. Nonagricultural uses must be rezoned to a different classification prior to subdivision or development.
2. *Uses.* Uses permitted in the RH-O District are identified in Table 405.050-1, Use Table.
3. *Dimensions.* The following dimensions shall apply to development in the RH- O District along with any supplemental regulations provided in Section 405.040(M).

Table 405.040-11 Open Space District Dimensions									
Structure or Dwelling Type	Lot Dimensions		Maximum Density (units/acre)	Maximum Lot Coverage (percent)	Setbacks				Maximum Building Height (feet)
	Minimum Lot Size (acres)	Minimum Lot Width (feet)			Minimum Front (feet)	Minimum Interior Side (feet)	Minimum Corner Side (feet)	Minimum Rear (feet)	
	5	100			25	15		20	35

M. *Supplementary Dimensional Standards.* No lot or yard shall be established in any district that does not meet the minimum requirements of that district along with any applicable regulations in this Section.

1. *Maximum height.* Chimneys, cooling towers, elevator headhouses, grain elevators, stage towers, scenery lofts, water towers, ornamental towers, church steeples, radio and television towers, antennas and mechanical equipment usually required to be placed above the roof level and not intended for human occupancy are not subject to any height limitations.
2. *Double-frontage lots.* Lots with two (2) nonadjoining frontages (double- frontage lots) shall maintain the required front yard setback along both frontages.
3. *Accessory buildings.*
 - a. No accessory building shall be erected in any required front or side yard, and no detached accessory building shall be erected closer than five (5) feet to any other building.
 - b. Accessory buildings may be located in the rear yard but shall not be closer than five (5) feet to the rear lot line and shall not be closer to the side lot line than the required side yard setback.
 - c. No accessory building shall cover more than thirty percent (30%) of the required rear yard.
4. *Number of structures and uses per lot.* Where a lot or tract is used for other than a single-family dwelling, more than one (1) principal use and structure may be located upon the lot or tract, provided that all structures and uses conform to all requirements for the district in which the lot or tract is located.
5. *Sight triangle.* On a corner lot in any district except C-2, development and landscaping shall not obstruct the sight triangle as defined by these regulations.

§ 405.060. Purpose and Applicability of Development Standards.

A. *Purpose And General Provisions.* The development and design standards set forth in Sections 405.070 through 405.120 shall apply to the physical layout and design of development in Warsaw. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the Comprehensive Plan vision for a more attractive, efficient and livable community. The specific purposes of these Sections include:

1. To implement the Warsaw Comprehensive Plan through the creation and application of development standards that reflect Warsaw's community character and development choices;
2. To encourage the proper use of the land by promoting an appropriate balance between the built environment and the preservation and protection of open space and natural resources;
3. To protect public and private investment through preservation of open spaces, protection of natural resources, including existing trees, providing buffers between incompatible uses and along roadways, and encouraging the planting of new trees and vegetation as deemed appropriate;
4. To promote sound management of water quality and quantity through preservation of natural areas and their functions and by encouraging soil management and the use of native plant materials;
5. To provide appropriate standards to ensure a high-quality appearance for Warsaw and promote good design while also allowing flexibility, individuality, creativity and artistic expression;
6. To strengthen and protect the image, identity and unique character of Warsaw and thereby enhance its business economy;
7. To protect and enhance residential neighborhoods, downtown Warsaw, commercial districts and other areas by encouraging physical development that is of high quality and is compatible with the character, scale and function of its surrounding area;
8. To encourage developments that relate to adjoining public streets, open spaces and neighborhoods with building orientation and physical connections that contribute to the surrounding network of streets and walkways; and
9. To provide road connectivity for the movement of people, goods and services

B. *Applicability.* The development standards in Sections 405.070 through 405.120 are fully applicable to new development. In order to promote redevelopment and balance the costs of development in compliance with these standards on an existing structure against the benefits to the community of bringing all development into compliance with community development standards, some exemptions from Section 405.110, Parking and Loading, and Section 405.120, Landscaping and Screening development standards are allowed for redevelopment on a sliding scale based on the amount of redevelopment taking place on the site as described in Table 405.060-1, Applicability of Development Standards, and more completely described below:

Table 405.060-1 Applicability of Development Standards				
	Percent Compliance with Development Standards			
	Multifamily	Commercial	Mixed-Use	Industrial
New development				
New development	100%	100%	100%	100%
Existing development				
Less than 10%	n/a	n/a	n/a	n/a
Between 10% and 75%	Per Section 405.060(B)(2)(a)(2), below			
Greater than 75%	100%	100%	100%	100%
Interior changes	n/a	Off-street parking standards apply		
Nonconformities [Section 405.050(F)]				
Nonconforming lots	Applicable to structures only, not lots			
Nonconforming uses	Nonconforming uses are not permitted to be altered			
Nonconforming structures				
Enlargement, alteration, movement	100%	100%	100%	100%
Damage or destruction	100%	100%	100%	100%

NOTES:

¹ If there is more than one (1) structure on a lot, this is based on the individual structure subject to the addition, not the total for the lot.

1. *New development.* The development standards in this Section shall apply to all new development unless otherwise specified in the Section. Single and two-family residential development may be exempt from some requirements as identified in the specific development standards section.
2. *Existing development.*
 - a. *External additions.* The development standards in this Section shall apply to all external additions as follows:
 - (1) External additions that increase the assessed valuation of the existing structure by less than ten percent (10%), as determined by the building permit valuation, shall not be required to comply with these development standards.
 - (2) External additions that increase the assessed valuation of the existing structure by more than ten percent (10%) but less than seventy-five percent (75%), as determined by the most recent building permit valuation, shall require a corresponding percent increase in compliance with these development standards or until the site reaches compliance, whichever is less.
 - (3) External additions that increase the building permit valuation of an existing structure by seventy-five percent (75%) or greater, as determined by the most recent county assessed value, shall be required to fully comply with these standards.
 - b. *Interior changes.* Where development changes are wholly internal to the existing structure, only the off-street parking requirements included in Section 405.110 are applicable. This requirement may be waived by the Director where the applicant can

show that there is sufficient existing parking to service the interior changes.

- c. *Ten-year time frame.* Any application by property owners to expand structures shall remain on record for ten (10) years from the date of said work completion. Any subsequent application to expand structures shall be cumulative to any requests made within the previous ten (10) years. The total shall be used by the City to determine the property owner's necessary level of compliance

§ 405.070. Stormwater Management and Natural Area Protection Standards.

A. *Purpose.* The City contains many natural amenities, including stream corridors, river corridors, natural drainage paths, significant viewsheds and hillsides, as well as tree cover, and open space, all of which contribute to stormwater management and flood risk reduction as well as the City's character, quality of life and property values. The regulations of this section are intended to implement the Warsaw Comprehensive Plan and stormwater management design criteria to ensure that the natural character of the City is reflected in patterns of development and redevelopment, and significant natural features are protected and incorporated into open space areas. This section regulates stormwater management for development and redevelopment, as well as uses and activities within identified stormwater drainage setbacks, to preserve, conserve and manage disturbance to the City's stream corridors so that the following objectives may be achieved:

1. Encourage sustainable and healthy development practices that benefit the community as a whole;
2. Protect the public by preventing or regulating development in hazardous areas, such as locations within natural drainage paths or on steep slopes;
3. Mitigate impacts to the public from stream erosion and degradation;
4. Encourage only minimal grading that relates to the natural contour of the land;
5. Discourage mass grading activities, excessive tree and vegetation removal, and excessive terracing;
6. Improve surface and ground water quality by reducing the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface and surface water bodies;
7. Recognize that natural features contribute to the welfare and quality of life of the City's residents;
8. Provide natural, scenic, and recreation areas within and adjacent to stormwater drainage setbacks for community's benefit, thereby creating added value to lands adjacent to natural drainage paths and streams.

B. *Definitions.*

1. Best Management Practice (stormwater BMP): post-construction, permanent stormwater BMPs designed to manage stormwater runoff. Stormwater BMPs may also be referred to as green stormwater infrastructure practices.
2. Drainage Easement: Authorization by the property owner to the public, a corporation or persons of the use of an area of land for stormwater management purposes.
3. Green Stormwater Infrastructure (GSI): Stormwater management solutions designed to capture, filter, absorb, and/or re-use stormwater by mimicking natural hydrologic processes. GSI may also be referred to as stormwater BMPs.

4. **Natural Drainage Path:** The overland route in which water concentrates based on the natural topography of the land. Natural drainage paths function as the surface drainage component of a stormwater drainage system and represent the path stormwater will take when the design capacity is exceeded in the enclosed system. Natural drainage paths typically begin with approximately 2 acres of drainage area.
 5. **Stream Corridor:** Perennial or intermittent waters included within a channel of land, and its adjacent riparian zones, which serve as a transitional zone between the aquatic and terrestrial upland ecosystems.
 6. **Storm Drainage System:** All of the natural and man-made facilities and appurtenances such as natural drainage paths, streams, pipes, culverts, bridges, open channels, swales, street gutters, inlets, retention/detention facilities, and stormwater BMPs/GSI which serve to convey and control surface drainage.
 7. **Stormwater Drainage Setbacks:** preservation of vegetated areas adjacent to a natural drainage path or stream defined by the drainage easement with limitations on allowable development and uses. Stormwater drainage setbacks consist of preservation, protection, and limited-use setback zones.
 8. **Top of Bank:** The vertical point along a stream bank where an abrupt change in slope is evident, typically representative of the bank-full or channel-forming flow caused by approximately the two-year design storm as defined by the City's stormwater management design criteria.
- C. *Stormwater Management Requirements.* All improvements shall be in compliance with the City's stormwater management design criteria, per Section 500.050, City of Warsaw Standards and Procedures for Design and Construction. Applicability standards are set forth in 405.030(O), Drainage Permit. The applicant shall follow the procedures established in Section 405.030 to demonstrate compliance with the design criteria.
- D. *Natural Drainage Path Preservation.* Natural drainage paths and stream corridors shall be preserved and protected by limiting development activity in and adjacent to these areas to reduce risk of property damage from flooding and stream bank erosion, and to protect the safety of the public.
1. *Natural drainage path requirements.* Site design shall not change natural drainage paths. Natural drainage path preservation shall be as follows:
 - a. All final grading and drainage shall comply with applicable City and State requirements.
 - b. To the maximum extent feasible, development shall preserve the natural drainage paths unique to each site as a result of topography and vegetation. Natural drainage paths may be modified on site only if outside of the stormwater drainage setback. If natural drainage paths are modified, appropriate stabilization techniques shall be employed.
 - c. Streets, roads, private access roads and other vehicular routes shall, to the maximum extent feasible, not be constructed within a natural drainage path.

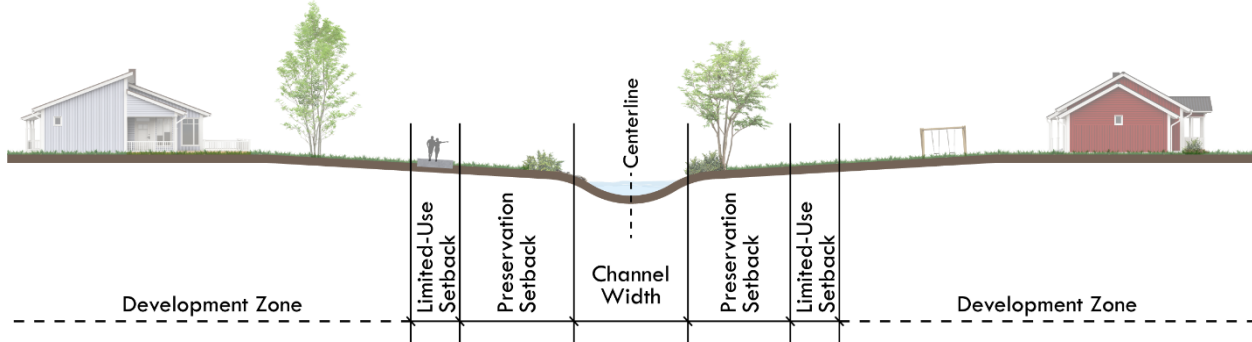
- d. Grading shall be designed such that drainage flows away from all structures and heavily used areas.
 - e. Development shall be designed to mitigate all negative or adverse drainage impacts, such as flooding and erosion, on adjacent and surrounding properties.
2. *Stormwater drainage setbacks.* Stormwater drainage setbacks shall apply to all land or development that includes natural drainage paths as defined herein and identified in the stormwater management design criteria. The requirements for stormwater drainage setbacks are as follows:
- a. The stormwater drainage setback shall start at the top of bank of the natural drainage path/stream, to be determined by topographic survey, and move outward on either side of the channel. If a top of bank cannot be determined, one of the following methods may be applied to define the top of bank for the stormwater drainage setback:
 - (1) Apply the assumed channel width to the centerline of the natural drainage path.
 - (2) Delineate the bank-full or channel-forming flow caused by approximately the two-year rainfall event as defined by the City’s stormwater management design criteria.
 - b. Stormwater drainage setbacks shall be identified on the site plan and dedicated on the preliminary and final plats as a Drainage Easement.
 - c. Stormwater drainage setback widths have been determined based on tributary drainage area, as shown in Table 405.070-1 and Figure 405.070-1, with the following defined setback widths:
 - (1) *Channel Width:* centered on the natural drainage path is preserved for frequent stormwater flows with no other allowable uses.
 - (2) *Preservation Setback Width:* begins at the top of bank of the natural drainage path/stream and is preserved for vegetation or other forms of bank stabilization with no other allowable uses.
 - (3) *Limited-Use Setback Width:* extends a predetermined distance from the preservation setback or to the extents of the 100-year effective FEMA floodplain, whichever is greater. Allowable uses within the limited-use setback include community amenities such as trails and greenways, as well as utility rights-of-way.

Table 405.070-1 Stormwater Drainage Setbacks

Drainage Area (acre)	Assumed Channel Width (feet)*	Preservation Setback Width (feet)	Limited-Use Setback Width (feet)	Total Setback Width (feet)
2 to < 10	5	5	-	15
10 to < 40	10	10	10	50
40 to < 160	30	30	10	110
160 to < 640	60	60	20	220

Drainage Area (acre)	Assumed Channel Width (feet)*	Preservation Setback Width (feet)	Limited-Use Setback Width (feet)	Total Setback Width (feet)
640+	80	80	20	280
*Actual channel width may differ from Assumed Channel Width values presented in table based on results of topographic survey.				

Figure 405-070-1: Stormwater Drainage Setbacks



- d. No construction or disturbance of any type, including clearing, grubbing, stripping, fill, excavation, linear grading, paving, or building is allowed in the setback zones except as falls within the allowable setback uses or by permission of the City Engineer. Dense stands of native vegetation shall be maintained, particularly in the preservation setback.
 - e. Unless otherwise accepted by the Director, any maintenance of stormwater drainage setbacks shall be the responsibility of the property owner.
 - f. For work on existing facilities already located closer to the stream than allowed above, the improvements shall not increase the encroachment any closer to the stream. Bank stability concerns shall be addressed for improvements to existing land within the setback zones. Formal designation of a stormwater drainage setback is not required.
 - g. The application of stormwater drainage setbacks shall not operate to deprive any landowner of substantially all of the market value of their property or otherwise constitute an unconstitutional taking without compensation. If application of the stormwater drainage setbacks to a specific project would create a taking, then the Board of Aldermen may allow a variance, but only to the extent necessary to avoid a taking.
- E. *Drainage easements.* All storm drainage systems shall be placed in a drainage easement, per the City of Warsaw’s stormwater management design criteria. If a subdivision is traversed by a natural drainage path or stream, a stormwater drainage setback shall be applied per Table 405.070-1. The entirety of the stormwater drainage setback shall be placed in a drainage easement to provide adequate stormwater drainage and for access for maintenance thereof.
- F. *Maintenance agreements.* Any person engaged in work of development or redevelopment that requires a drainage easement shall enter into a stormwater management operations and

maintenance agreement assuring the continued operation and maintenance of such stormwater management components by the property owner and allowing access and inspection by the City. The agreement shall be recorded in the office of the Register of Deeds and be binding upon all owners of the property.

G. *Grading plan; revegetation of disturbed sites.* A grading plan, submitted pursuant to Section 405.030(N), Grading Permit, and demonstrating compliance with the above standards is required. The grading plan shall include a section outlining the type and extent of revegetation proposed to accomplish the following requirements:

1. Following construction, the site shall be reclaimed and revegetated following the standards of Section 405.120, Landscaping and Screening.
2. In areas of subdivisions and large lot development sites, phased grading and revegetation is preferred.
3. In areas of subdivisions and development sites where landscaping is not required or not anticipated by the Director, the developer shall reclaim all disturbed property and replant the entire area with native vegetation as described in Section 405.120, Landscaping and Screening.
4. Temporary or permanent irrigation shall be provided to the revegetated areas if the City Engineer determines that it is necessary.

H. *Erosion Prevention And Sediment Control.* Erosion control methods shall be used during construction to protect water quality, control drainage, and reduce soil erosion in accordance with Section 500.050 City of Warsaw Standards and Procedures for Design and Construction. All new development shall be subject to the following erosion prevention and sediment control standards:

1. Compliance with applicable City and State requirements.
2. Water shall be managed within the site to a pre-project conditions. Site disturbance shall cause no adverse impacts downstream. Erosion and sediment control shall contain erosion and sediment on the site, and protect stormwater management infrastructure within the site during construction.
3. Erosion control measures as necessary to control erosion and sedimentation during site development and construction shall be implemented.

I. *Steep Slope And Ridgeline Development.*

1. *Purpose.* The purpose of this subsection is to:
 - a. Prevent soil erosion and landslides;
 - b. Protect the public by preventing or regulating development in hazardous areas, such as locations with steep slopes;
 - c. Provide safe circulation of vehicular and pedestrian traffic to and within hillside areas and provide access for emergency vehicles necessary to serve the hillside areas;

- d. Preserve the most visually significant slope banks and ridgelines in their natural state;
 - e. Preserve visually significant rock outcroppings, native plant materials, natural hydrology and other areas of visual significance;
 - f. Encourage variety in building types, grading techniques, lot sizes, site design, density, arrangement and spacing of buildings in developments;
 - g. Encourage innovative architectural, landscaping, circulation and site design; and
 - h. Require revegetation and reclamation of slopes disturbed during development.
2. *Applicability.* This Subsection shall apply to any development or subdivision proposal or lot created after December 21, 2015 for properties with an average slope of fifteen percent (15%) or greater, or where adverse conditions associated with slope stability, erosion or sedimentation are present as determined by the City Engineer. Determinations of adverse conditions shall be identified by the City Engineer within ten (10) days of applicable application filing.
 3. *Development on slopes greater than twenty percent (20%).* Site areas with slopes greater than twenty percent (20%) shall remain undisturbed except as follows:
 - a. This requirement shall not apply to small, isolated steep slope areas within a site that do not exceed two thousand five hundred (2,500) square feet.
 - b. Slope areas of twenty percent (20%) or greater shall count toward minimum lot size, as defined in Section 405.040 Zoning Districts.
 - c. Development is permitted outside of the slope area of twenty percent (20%) if the Director determines that there is sufficient buildable area on the lot for the proposed structure.
 4. *Development on slopes between fifteen percent (15%) and twenty percent (20%).* The following standards apply to site design for all proposed development on sites where the average slope of the site measures between fifteen percent (15%) and twenty percent (20%).
 - a. Roads and building sites shall be oriented to minimize grading.
 - b. Buildings shall be oriented to consider views from the site as well as the aesthetic impact of views of the site from surrounding properties.
 - c. Hilltops, if graded, should be rounded to blend with natural slopes rather than leveled.
 - d. Slopes providing a transition from graded areas into natural areas should be varied in percent grade both up-slope and across the slope, in the undulating pattern of surrounding natural slopes so that the top or the toe (or both) of the cut or fill slope will vary from a straight line in plan view.
 - e. Parking areas should be constructed on multiple levels and follow natural contours as necessary to minimize cut and fill.

- f. Roads should follow natural topography to the extent feasible, to minimize cut and fill. Necessary grading should be constant half-cut and half-fill along the length of the road (versus all cut or all fill at points) unless other arrangements would result in less severe alteration of natural terrain.
 - g. Typical design should utilize full split pads (separate level for a down-slope lower story), a split foundation (adapting a single story to a slope), setting the building into a cut in the hillside, or a combination of techniques. Repetitive padding or terracing of a series of lots (stair-stepping up a slope) is discouraged. Creation of a single large pad or terrace (especially creating a single pad or terrace of an entire lot) should be an exception to typical design to deal with circumstances that cannot be managed with other techniques.
5. *Utilities on slopes.* Where buried utilities are placed on side slopes and where the utility corridor runs transverse to the side slope, the side slope portion of the corridor shall be no more than ten percent (10%).
6. *Cutting, grading and filling.*
- a. Cutting and grading to create benches or pads for buildings or structures shall be avoided to the maximum extent feasible.
 - b. Except for driveways, cut and fill slopes shall be entirely contained within a lot (i.e., natural grade at the lot lines shall be maintained).
 - c. Sharp angles shall be rounded off in a natural manner at the top and ends of cut and fill slopes [within approximately five (5) feet of the sharp angle] unless steep angles are a natural character of the site. Where this would damage tree root systems, the amount of rounding off may be reduced and shrubs used instead to hide the transition.
7. *Raising or lowering of natural grade.* The original, natural grade of a lot shall not be raised or lowered more than four (4) feet at any point for construction of any structure or improvement, except:
- a. The site's original grade may be raised or lowered a maximum of six (6) feet if retaining walls are used to reduce the steepness of man-made slopes,.
 - b. As necessary to construct a driveway from the street to a garage or parking area, grade changes or retaining walls up to six (6) feet may be allowed.
 - c. For the purposes of this Subsection, basements and buildings set into a slope are not considered to lower the natural grade within their footprint.
8. *Vehicular routes.* The following regulations apply to vehicular routes on slopes of fifteen percent (15%) or greater.
- a. No street, road, private access road, driveway or other vehicular route shall cross slopes greater than fifty percent (50%).
 - b. Streets, roads, private access roads, driveways and other vehicular routes shall not be allowed to cross slopes between thirty percent (30%) and fifty percent (50%), except

that a short run of no more than one hundred(100) feet or ten percent (10%) of the road/street's entire length, whichever is less, may be allowed by the Director upon finding that:

- (1) Such street or road will not have significant adverse safety or environmental impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and
 - (2) No alternate location for access is feasible or available.
- c. Streets, roads, private access roads and other vehicular routes shall, to the maximum extent feasible, follow natural contour lines and not be within a natural drainage path.
 - d. Grading for streets, roads, private access roads and other vehicular routes shall be limited to the paved portion of the right-of-way, plus up to an additional ten (10) feet on either side of the paved portion as needed, except that when developing access on slopes in excess of twenty-five percent (25%) only the paved right-of-way shall be graded, plus the minimum area required for any necessary curb, gutter or sidewalk improvements. The remainder of the access right-of-way shall be left undisturbed to the maximum extent feasible.
9. *Trails*. Public trails are permitted on all slopes provided proper safety buffers are in place. Private trails may be allowed if the Director determines that there will be no significant adverse impacts.

§ 405.080. Mobility and Connectivity Development Standards.

A. *Purpose.* These standards attempt to avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections. The purpose of this Section is to:

1. Support the creation of a highly connected transportation system within Warsaw in order to provide choices for drivers, bicyclists and pedestrians;
2. Increase effectiveness of local service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations, such as employment, schools, parks and shopping centers;
3. Reduce vehicle miles of travel and travel times, improve air quality, reduce emergency response times; and
4. Mitigate the traffic impacts of new development and free up arterial capacity to better serve regional long-distance travel needs.

B. *Traffic Impact Mitigation.*

1. *Applicability of traffic impact analysis requirement.* The transportation system for new development shall be capable of supporting the proposed development in addition to the existing and future uses in the area. Evaluation of system capacity shall be undertaken through a Traffic Impact Analysis (TIA) that should consider the following factors without limitation: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and connections to transit; impacts on adjacent neighborhoods; and traffic safety, including pedestrian safety. A TIA shall be required with applications for development review and approval when:
 - a. Trip generation during any peak hour is expected to exceed two hundred fifty (250) trips per day or more than one hundred (100) trips during any one-hour peak period, based on traffic generation estimates of the Institute of Transportation Engineers' Trip Generation Manual (or any successor publication); or
 - b. A TIA is required by the Planning and Zoning Commission or Board of Aldermen as a condition of any land use application approved pursuant to the requirements of this Code; or
 - c. The Director, in his or her sole discretion, requires a TIA for:
 - (1) Any project that proposes access to a street with Level of Service D or below;
 - (2) Any application for a rezoning or specific plan review;
 - (3) Any case where the previous TIA for the property is more than two (2) years old;
 - (4) Any case where increased land use intensity will result in increased traffic generation; or
 - (5) Any case in which the Director determines that a TIA should be required because of other traffic concerns that may be affected by the proposed development.

2. *Traffic impact analysis and development review process.*

- a. A scoping meeting between the developer and the Director shall be required prior to the start of the TIA in order to determine the parameters of the study. This may be conducted as part of a preapplication meeting. The Director shall define the vicinity of the TIA study in as limited a geographic area as is feasible to make adequate traffic determinations for the project. Where a larger boundary is necessary to make adequate traffic determinations, the City shall work with the applicant to provide traffic information and perform such modeling as is necessary to study the area outside of the project vicinity.
- b. The TIA shall be submitted with the applicable development application.
- c. When access points are not defined or a site plan is not available at the time the TIA is prepared, additional studies may be required when a site plan becomes available or the access points are defined.

3. *Traffic mitigation measures.*

- a. The applicant shall, as part of the TIA, recommend measures to minimize and mitigate the anticipated impacts and determine the adequacy of the development's planned access points. Mitigation measures shall be acceptable to the Director and may include, without limitation: an access management plan; transportation demand management measures; street improvements on or off the site; placement of proportionate pedestrian, bicycle or transit facilities on or off the site; or other capital improvement projects, such as traffic calming infrastructure or capacity improvements.
- b. Following City approval of the TIA, the developer and the City shall enter into an agreement specifying the implementation program and time frame for the required traffic improvements and identifying mitigation requirements where the project construction time frame varies from the anticipated traffic improvement time frame.

C. *Streets And Vehicular Circulation.*

1. *Street standards.* All streets shall meet the standards of Section 500.050, City of Warsaw Standards and Procedures for Design and Construction, Section 405.070, Stormwater Management and Natural Area Protection Standards, and Section 405.140, Subdivision Design Standards, and shall be consistent with the transportation element of the Warsaw Comprehensive Plan.
2. *Street connectivity.*
 - a. *Purpose.* Street and block patterns should include a clear hierarchy of well-connected streets that distributes traffic over multiple streets and avoids traffic congestion on principal routes. Within each development, the access and circulation system should accommodate the safe, efficient and convenient movement of vehicles, bicycles and pedestrians through the development and provide ample opportunities for linking adjacent neighborhoods, properties and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations, such as parks, schools and shopping. These connections should knit separate

developments together rather than forming barriers between them.

b. *Residential streets.*

- (1) Residential streets shall be laid out so that use by through traffic will be discouraged. Traffic-calming techniques, such as diverters, neck-downs, street gardens and curvilinear alignments, are encouraged to reduce speeds and cut-through traffic.
- (2) Should topography or other constraints require the use of straight streets that extend more than six hundred (600) feet without being punctuated by cross streets, an oblong median, traffic-calming device or similar feature shall be used to slow traffic and break-up the runway appearance. (See Figure 405.080-A.)
- (3) To the maximum extent practicable, streets shall be arranged to follow the natural contours of the site.

c. *Vehicular access to public streets and adjacent land.*

- (1) All development shall provide public street connections to all existing, proposed or preliminary platted adjacent public streets.
- (2) If there are no adjacent public streets, subdivisions and/or site plans shall provide for connections along each boundary abutting adjacent vacant land for future connections spaced at intervals not to exceed one thousand (1,000) feet for arterials, or six hundred sixty (660) feet for other street types, or as otherwise approved by the Director.
- (3) When connections to surrounding streets are required, public right-of-way shall be dedicated and streets developed pursuant to Section
 - (a) 405.140 to existing paved rights-of-way. The City may also require temporary turnarounds to be constructed and paved for temporary culs-de-sac between development phases.

d. *Culs-de-sac and dead-end streets discouraged.*

- (1) The design of street systems shall use through streets. Permanent culs-de-sac and dead-end streets shall only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical.
- (2) All permanent dead-end streets shall be developed as culs-de-sac and extend no further than six hundred sixty (660) feet.
- (3) All culs-de-sac shall conform to the requirements of the present adopted International Fire Code.
- (4) Half streets (i.e., streets of less than the full right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the development, creates or comprises a street that meets the right-of-way and pavement requirements.

- (5) Whenever cul-de-sac streets are created, at least one (1) eight-foot wide pedestrian access easement shall be provided, to the maximum extent practicable, between each cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian pathway. This requirement shall not apply where it would result in damage to or intrusion into significant natural areas, such as stream corridors, wetlands and steep slope areas. The pedestrian access easement will be dedicated to the City and maintained as part of the sidewalk system. (See Figure 405.080-B.)

D. *Driveways And Access.*

1. *General.*

- a. Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles, as well as for those needing access to the property in its intended use.
- b. Private driveways and parking lots that provide access from residential lots and districts to businesses in nonresidential districts shall not be permitted.
- c. All driveway entrances and other openings onto streets shall be constructed so that:
 - (1) Vehicles may safely enter and exit from the lot in question;
 - (2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized; and
 - (3) The driveway is not less than twenty (20) feet in length from the face of the garage to the nearest street improvement.
- d. Each driveway shall be not more than thirty (30) feet in width, measured at right angles to the center line of the driveway, except as that distance may be increased by permissible curb return radii.
- e. Joint driveways are desirable whenever possible in order to minimize the number of access points to streets and access easements. (See Figure 504.080-C.)
- f. One (1) curb cut is allowed for each legal lot. Curb cuts should be spaced at intervals of one hundred fifty (150) feet along the street frontage, unless the Director determines that a lesser amount is appropriate. A second curb cut may be requested for residential lots with more than two hundred (200) feet of frontage through Section 405.030(M), Minor Modification.
- g. Unless no other practicable alternative is available, all driveways and other openings shall be located a minimum of:
 - (1) Seventy-five (75) feet from a street intersection;
 - (2) Forty (40) feet from another access driveway; and
 - (3) Ten (10) feet from an interior property line for single-family development and twenty (20) feet from an interior property line for multifamily and nonresidential

development.

2. *Residential.* In addition to the above general requirements, all residential development shall be subject to the following:
 - a. Direct driveway access (ingress or egress) from any single-family residential lots to any arterial street or highway shall be prohibited on any lot platted after the effective date of this Code.
 - b. In order to prevent sidewalk obstructions caused by parked cars, garages shall be set back either three (3) feet from the right-of-way line or a minimum of twenty (20) feet from the right-of-way line. No garage may be setback a distance between three (3) feet and twenty (20) feet from the right-of-way.
 - c. Multifamily development sites greater than five (5) acres shall include a minimum of two (2) through-access drives. An exception may be made by the Director where a site is landlocked by existing development or other physical constraints, or where existing natural features on the site require the use of protective measures that would otherwise make a second access drive infeasible.
3. *Nonresidential.* In addition to the above general requirements, all nonresidential development shall be subject to the following unless otherwise provided for in the downtown Warsaw design standards:
 - a. All uses shall have access limited to the collector or arterial streets.
 - b. All nonresidential buildings, structures and parking and loading areas shall be physically separated from all nonarterial or collector streets by vertical curbs and other suitable barriers and landscaping to prevent unchanneled motor vehicle access. Each property shall not have more than two (2) accessways to any one street unless unusual circumstances demonstrate the need for additional access points. In addition, each accessway shall comply with the following:
 - (1) To the maximum extent possible, unless prohibited by existing site constraints, the width of any accessway leading to the arterial street shall be median-divided to provide separation from incoming and outgoing traffic. (See Figure 504.080-E.)
 - (2) Curb returns shall have a minimum radius of thirty (30) feet.
 - (3) On corner lots for nonresidential development, no part of any accessway shall be nearer than one hundred (100) feet to the intersection of any two (2) street rights-of-way.
4. *Visibility at intersections.* On all lots or parcels of land on which a front setback is required, no obstruction that will obscure the view of motor vehicle drivers shall be placed within the triangular area formed by the adjoining street property lines and a line connecting them at points of forty-five (45) feet from the intersection of said street property lines. (See Figure 504.080-F.)

E. *Pedestrian Circulation.*

1. *Sidewalks required.* Sidewalks shall be installed on both sides of all arterials, collector streets and local streets (including loop streets and culs-de-sac) as identified within the Warsaw Transportation Improvement Plan and within and along the frontage of all new development or redevelopment. Sidewalk entries shall be provided to all buildings and individual units that front on the sidewalk.
2. *On-site pedestrian connections.*
 - a. All commercial, multifamily, mixed-use, and attached residential development shall provide a network of on-site, paved, pedestrian walkways with a minimum width of five (5) feet to and between the following areas (See Figure 504.080-G.):
 - (1) Entrances to each commercial, multifamily, mixed-use and/or attached residential building on the site, including pad site buildings;
 - (2) Public sidewalks, walkways or trails on adjacent properties that extend to the boundaries shared with the subject development;
 - (3) Public sidewalks along the perimeter streets adjacent to the development;
 - (4) Adjacent land uses and developments; and
 - (5) Adjacent public park, greenway, trail or other public or civic use.
 - b. Internal pedestrian walkways shall be provided through parking areas in excess of fifty (50) spaces, constructed of materials distinguishable from the driving surface through the use of one (1) or more of the following methods:
 - (1) Changing paving material, patterns or paving color (See Figure 504.080-H.);
 - (2) Changing paving height;
 - (3) Decorative bollards;
 - (4) Painted crosswalks;
 - (5) Raised median walkways with landscaped buffers; or
 - (6) Stamped asphalt.

§ 405.090. Commercial and Mixed-Use Design and Development Standards.

A. *Purpose.* The commercial and mixed-use design standards are intended to protect and preserve the quality and character of the built environment in the City. More specifically, the purposes of this Section are to:

1. Encourage high-quality development as a strategy for investing in the City's future;
2. Emphasize Warsaw's unique community character while maintaining and enhancing the quality of life for its citizens;
3. Enhance the sense of place by shaping the appearance, aesthetic quality and spatial form of structures and developments;
4. Protect and enhance property values;
5. Minimize negative impacts of development on the natural environment;
6. Provide property owners, developers, architects, builders, business owners and others with a clear and equitable set of parameters for developing land;
7. Encourage a pedestrian- and bicyclist-friendly environment;
8. Ensure greater public safety, convenience, and accessibility through the physical design and location of land use activities; and
9. Promote both the sustainability of the structure and the overall community.

B. *Generally Applicable Design Standards.*

1. *Design intent.* It is the intent of these regulations to preserve and protect property values by creating an aesthetic quality throughout the built environment of Warsaw. Warsaw's design character is that of a vibrant, small- town lake resort, complementary to the natural landscape and unbuilt environs.
2. *Site design requirements.*
 - a. The location of structures and access shall complement the existing topography and views of the site. Excessive grading and/or the use of engineer-designed retaining walls shall be minimized when an alternate site layout would avoid such disturbances. Buildings on sloping lots with a grade differential in excess of ten (10) feet shall be designed with foundations that step with the existing (natural) grades.
 - b. All disturbed areas shall be revegetated within fourteen (14) days of disturbance using native plant species . For a list of permissible plant species, refer to the resources found within the stormwater management design criteria. Where revegetation is not possible within fourteen (14) days, the applicant shall be required to provide a surety bond or enter into an agreement to complete the work as determined by the Director.
 - c. Where development has been proposed on a site, construction activity shall, at a minimum, avoid the following:

- (1) All drainage and utility easements;
 - (2) Any required development setbacks;
 - (3) All areas over thirty percent (30%) in slope; and
 - (4) Any unique and sensitive natural site features as identified by the Director.
- d. Continuous, linear strip development shall be discouraged.
 - e. Transformers, switchgear and related utility service equipment shall not be located above ground in pedestrian access easements. Building service panels are to be located on the inside of all buildings.
 - f. The requirements of Section 405.070, Stormwater Management and Natural Area Protection Standards shall be incorporated during site design.
3. *Building orientation and entrances.* Except as otherwise specified in these design standards, the following regulations shall apply.
 - a. *Individual buildings.*
 - (1) The front building facade shall be oriented toward a public street and pedestrian walkways.
 - (2) In cases where the long axis of a building is perpendicular to the primary street, the portion of the structure facing the primary street shall be configured with at least one (1) operable entrance and one or more transparent windows.
 - b. *Corner lots.* Buildings on corner lots shall be oriented to the corner and to the street fronts and should make a strong tie to the building lines of each street unless the applicant can demonstrate that to do so would be infeasible. Parking and curb cuts shall be located away from corners.
 - c. *Multiple buildings.*
 - (1) Buildings within mixed-use and commercial developments shall be organized to promote a compact pattern of development, pedestrian-friendly spaces, streetscapes, areas of naturalized landscaping and screened parking areas.
 - (2) Buildings shall be arranged and grouped so that their primary orientation complements one another and adjacent, existing development by:
 - (a) Framing the corner of an adjacent street intersection or entry point to the development;
 - (b) Framing and enclosing a pedestrian and/or vehicle road or access corridor within or adjacent to the development site;
 - (c) Framing and enclosing on at least three (3) sides parking areas, public spaces or other site amenities;
 - (d) Framing and enclosing outdoor dining or gathering spaces for pedestrians

between buildings; or

(e) Framing one (1) or more areas of natural vegetation.

4. *Build-to-zone.*

a. *Intent:* to create a consistent and well-designed building edge that contributes to the overall character of the site and promotes a more pedestrian-oriented environment while allowing for flexibility to accommodate amenities such as outdoor seating and gathering spaces.

b. *Standards.*

(1) Except as otherwise specified in the Downtown Warsaw Design Standards, mixed-use and commercial buildings shall build a minimum of seventy percent (70%) of the building wall to the back of the sidewalk along primary street frontages. See Figure 405.090-B.

(2) Portions of the street frontage not occupied by the building wall shall be occupied by community amenities, such as plazas or streetscape or pedestrian walkways that provide access to rear parking.

5. *Building design.*

a. *Four-sided design.*

(1) All sides of a building shall be architecturally finished with equal levels of materials and detailing. Blank walls void of architectural details or other variation are prohibited. Except as otherwise provided in the Downtown Warsaw Design Standards, any wall that faces a street, connecting pedestrian walkway, or residential use, and that exceeds thirty (30) feet in length shall include a minimum of two (2) of the following within each successive thirty-foot section or fraction thereof:

(a) Change in wall plane, such as projections or recesses, having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the facade;

(b) Change in texture or masonry pattern.

(c) Windows.

(d) Trellises with vines.

(e) Covered walkways.

(f) Structural canopies.

(g) An equivalent element that subdivides the wall into human scale proportions.

(2) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent (60%) of their horizontal length.

- (3) Rear facades of buildings shall either be screened from view of the public or be landscaped and incorporate architectural facade elements resembling the elements in the front facade.
 - (4) Corporate or franchise architecture is discouraged in favor of architecturally compatible designs. The Director may require photographic examples of the more minimized corporate architecture in the designs and completed structure by the same company in other communities.
- b. *Building materials and colors.*
- (1) Except as otherwise specified for downtown Warsaw, all primary exterior building materials shall be durable, economically maintained, and of a high quality that will retain its appearance over time, including but not limited to: brick; native or manufactured stone (Renaissance stone or similar masonry materials); integrally colored, burnished, textured, or glazed concrete masonry units; prefinished metal panel systems; quality metals, such as copper; high-quality prestressed concrete systems; tilt-up concrete panels with an architectural finish; and drainable (water managed) EIFS. Exceptions to these material requirements may be made by the Director for the M-1 and M-2 Districts.
 - (2) The following exterior materials are prohibited: split shakes, rough- sawn wood; painted concrete block; tilt-up concrete panels without an architectural finish; field-painted or prefinished standard corrugated metal siding; standard single- or double-tee concrete systems; or barrier-type EIFS. The Director may permit the use of these materials on up to ten percent (10%) of any facade as an accent material.
 - (3) Metal is not permitted as a primary facade material. Architectural aluminum or steel panels (designed to ensure absence of any "oil canning") are permitted, but use of architectural aluminum or steel panels should be limited to specific architectural elements or features. This Section does not prohibit the use of metal siding designed to look like clapboard siding.
 - (4) Building materials, except glass, shall be of low reflectance and finished in subtle, neutral or earth tone colors (brown, tan, grey, green, blue, red in muted, flat colors) characteristic of the soil types and vegetation found in Warsaw.
 - (5) Building trim and accent areas may feature brighter colors, but fluorescent colors and neon tubing accents are not permitted.
- c. *Roofs.* Roofs shall be designed and constructed as follows:
- (1) Flat roofs shall include parapets concealing flat roofs and rooftop equipment, such as HVAC units, from public view. Parapet roofs should be of sufficient height to conceal HVAC units and other similar roof-mounted apparatus from public view from adjacent street levels. Parapet roofs shall have cornices or be stepped.
 - (2) Sloping roofs shall have a vertical rise of not less than one (1) foot for every three (3) feet of horizontal run and no more than one (1) foot for every one (1) foot of horizontal run. Sloping roofs shall have three (3) or more roof slope planes where a

building exceeds three thousand (3,000) square feet. Two (2) or more roof slope planes shall be required for buildings of three thousand (3,000) square feet or less.

C. *Highway Commercial And Big Box Design Standards.*

1. *Applicability.* The standards in this Subsection apply to:

- a. All retail establishments with twenty-five thousand (25,000) square feet of gross leasable area or more; and
- b. All formula or chain retail, restaurant, or personal service businesses that have ten (10) or more substantially similar businesses in the United States at the time of application. This Subsection does not apply to gas stations, offices, hotels or banks.

2. *Site layout and design.*

- a. *Structures.* In order to develop and maintain a strong street edge, buildings for stand-alone projects or individual pad developments associated with a larger commercial center shall be located at the front of the site at the minimum setback line with the exception of a single drive-through lane or additional landscaping.

b. *Pedestrian flow.*

- (1) Sidewalks at least eight (8) feet in width shall be provided along all sides of the lot that abut a public street.
- (2) Sidewalks at least eight (8) feet in width shall be provided along the full length of the building across any facade featuring a public entrance and along any facade abutting public parking areas. These sidewalks shall be located at least ten (10) feet from the front of the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- (3) In parking lots with one hundred (100) spaces or more, sidewalks at least eight (8) feet in width shall be provided from all public entrances to the perimeter of the side to permit for the safe movement of pedestrians through the parking lot.

3. *Building facade.*

- a. *Small retail stores.* Where large retail establishments contain additional separately owned stores that occupy less than thirty thousand (30,000) square feet of gross floor area, with separate, exterior customer entrances, the street level facade of such stores shall be transparent above the walkway grade for no less than fifty percent (50%) of the horizontal length of the building facade of such additional stores.
- b. *Entrances.* All sides of a large retail establishment that directly face an abutting public street shall feature at least one (1) customer entrance. Where a large retail establishment directly faces more than two (2) abutting public streets, this requirement shall apply only to two (2) sides of the building, including the side of the building facing the primary street, and another side of the building facing a second street. Each entrance shall be prominent, visible from the street, connected by a walkway to the public

- sidewalk, and include human-scale elements. Movie theaters are exempt from this requirement.
- c. *Service functions.* Service functions like refuse collection, incidental storage and similar functions shall be integrated into the architecture of the building unless an alternate location places these functions farther from adjacent residential uses.
4. *Off-street parking location.*
- a. Outside of downtown Warsaw, no more than seventy percent (70%) of the off-street parking for the entire store shall be located in front of the building. Off-street parking shall be established in one (1) or more of the locations listed below. The locations are listed in priority order; the applicant shall select the highest feasible location from this list and shall demonstrate why that application was selected over other alternative locations.
 - (1) Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
 - (2) Adjacent to lot lines abutting nonresidential development;
 - (3) Adjacent to lot lines abutting mixed-use development;
 - (4) Behind the building;
 - (5) In front of the building; or
 - (6) Adjacent to lot lines abutting residential uses.
 - b. In cases where an off-street parking lot serving a nonresidential use is located on an abutting lot, connection between the two (2) parking areas via a cross-accessway with a minimum width of twelve (12) feet and a maximum width of twenty-four (24) feet is strongly encouraged. A cross- access easement shall be recorded.
 - c. The property shall not be advertised or marketed as available for camping, long-term parking, or any use other than typical customer parking for shopping patrons. Parking lots shall not be used for short-term or long-term storage of motor homes, campers, trailers or recreational vehicles.
 - d. Except for the purpose of normal loading and unloading operations, no trailers, semitrailers and trucks, truck-tractors, or outdoor containers shall be stored on site.
5. *Relationship to surrounding uses.*
- a. Multibuilding developments shall be configured to locate the tallest and largest structures within the core of the site and provide a gradual decrease in building height and mass towards adjacent residential land uses.
 - b. Horizontally integrated mixed-use developments shall locate nonresidential uses away from lots in adjacent residential areas.
 - c. Medium- to high-density housing shall be incorporated to the maximum extent feasible, both within and around the development, to facilitate connections between residential

and nonresidential uses.

- d. Nonresidential structures taller or larger than adjacent residential uses shall be broken up into modules or wings with the smaller or shorter portions of the structure located adjacent to residential uses.

D. *Downtown Warsaw Design Standards.* The Downtown Warsaw Design Standards are applicable to property within the boundaries identified in Figure 405.090-C.

- 1. *General design considerations.* The following design considerations are applicable to all historic buildings in downtown Warsaw regardless of the style, age or location of the building.

- a. *Context.* The context of surrounding buildings should be a top consideration when designing changes to the physical environment. Changes to existing buildings should take into consideration the relationship to neighboring buildings. All buildings should relate to surrounding buildings in set back, size, shape, rhythm of window openings, regulating lines of traditional building features, materials, color, and ornamentation.
- b. *Style.* Downtown Warsaw does not have one, single architectural style. The majority of buildings are typical historic commercial buildings constructed in the late 1800s and early 1900s, commonly referred to as "early 20th Century commercial buildings." However, there are several post World War II buildings that have replaced original commercial buildings as well as some modern (post-1970) buildings, particularly on the outer edges of the downtown boundaries. Rehabilitation of all existing buildings should respect and relate to the historic commercial buildings.
- c. *Existing fabric.* All existing historic building materials and details should be retained. Care should be taken not to obscure the facade or details on the facade by covering it with metal, plastic, masonry or wood panels. Existing nonhistoric cover-up materials should be removed when possible. The original size and shape of masonry openings should be retained. Original openings should not be altered by blocking in or downsizing windows or storefronts.

- 2. *Streetscape design and character.*

- a. *Intent.* A distinguishing feature in most historic commercial districts is the consistent set back from the street and sidewalk. The wall of commercial buildings along the sidewalk forms a relationship with the street that is essential to the pedestrian as opposed to automobile orientation of the business district. The edge can be interrupted by unequal setbacks and/or the absence of buildings (parking lots or vacant lots). These interruptions are often a result of destination-oriented businesses and may be appropriate for the outer edges of the downtown district. Interruptions in the continuous wall of buildings can disrupt pedestrian flow. This condition is currently illustrated toward the north and south ends of Main Street. See Figure 405.090-D for the location streetscape elements.
- b. *Design standards.*

- (1) All existing buildings shall maintain a consistent setback from the street, flush with the facades of neighboring buildings. See Fig. 405.090-E.
 - (2) Curb cuts shall not be allowed off of Main Street in the core area of downtown between Polk Street and State Street.
 - (3) Where disruptions in the continuous street wall of buildings already exist, landscaping shall be used to recreate the edge to minimize the disruption.
 - (4) Demolition of existing buildings shall be permitted only when either a professionally prepared cost-benefit analysis or structural analysis finds that no other feasible alternative exists.
- c. *Building size and shape.* All commercial buildings shall maintain the overall size, scale, height and horizontal or vertical orientation of the original commercial buildings in the area which is approximately either twenty (20) feet to twenty-five (25) feet or forty (40) feet to fifty (50) feet wide and one (1) or two (2) stories tall, except for corner buildings in the core area where buildings are wider than fifty (50) feet; these buildings shall be composed of at least two (2) twenty- to twenty-five-foot bays. Structural design precedent shall be established by neighboring buildings.
- d. *Design rhythm.* The repetition of the storefront bays and the location and size of the door and window openings creates a pattern or rhythm along the street. The rhythm created by the traditional historic commercial buildings shall be maintained on all buildings.
- e. *Regulating lines.*
- (1) *Intent.* The majority of downtown buildings relate to some or all of the regulating lines on adjacent buildings: building height, cornice or building cap, upper level windows, distinction between upper facade and storefront, transom and display windows and bulkhead. Even when there are a variety of one- and two-story buildings in the same block, there are typically predominant regulating lines. See Figure 405.090-F for the location of regulating lines.
 - (2) *Design standards.* When regulating lines are prevalent, as determined by the Director, the following guidelines should be followed.
 - (a) Building heights shall be emphasized by the horizontal alignment of cornices or building caps. All building heights shall relate to neighboring buildings in the block, as addressed in Subsection (D)(2), above. Where a one-story building adjoins two-story buildings, the one-story building shall relate to the height of other one-story buildings in the block. Regulating lines are not always established by immediately adjacent buildings and may be established by the block as a whole.
 - (b) The alignment of upper level windows along the block shall be maintained to the maximum extent possible.
 - (c) The clear distinction between the storefront and upper facade shall be

maintained to the maximum extent possible.

- (d) The alignment of storefront elements (transom window, display windows, bulkhead) shall be maintained to the maximum extent possible with neighboring buildings.

f. *Building materials.*

(1) *Intent.*

- (a) Building materials are an important consideration in how buildings relate to each other and their surroundings. Materials can be indicative of architectural styles and often establish the basic color scheme on a building facade. Historic commercial buildings in downtown Warsaw are predominately red or blond brick; a few pressed metal upper facades and wood (Trader's Alley) are original to the area as well. Most buildings have a decorative, corbeled brick or applied pressed metal cornice. The majority of brick buildings have brick or limestone window lintels and sills. Upper floor windows in two-story buildings were typically double-hung windows with wood frames; some have been replaced with aluminum frames and single, fixed panes.
- (b) Most storefronts were originally wood, some with cast-iron columns and brick or limestone piers. Most buildings have a steel I-beam spanning the storefront bay that serves as the lower cornice (many have decorative rosettes). Alterations over the years have included the installation of aluminum, brick, stone and wood siding on several storefronts; in many instances, these materials altered the proportions and regulating lines of the original storefront. The bulkheads or base of the storefronts were originally brick or wood.

(2) *Design standards.*

- (a) All existing historic building materials shall be retained to the maximum extent possible.
- (b) Proposed building improvements shall use traditional materials or materials similar to the traditional ones. Questions about traditional materials shall be determined by the Director.
- (c) Contemporary materials may be appropriate if the design and composition relate to the context and other design standards are met. Aluminum or wood siding, wood or asphalt shingles and dark or mirrored glass is prohibited except as accent materials limited to use on twenty percent (20%) or less of the structure.

g. *Color.*

(1) *Intent.*

- (a) Color plays an important role in how well a building fits into its environment and should be considered when rehabilitating existing buildings. A good source for paint colors typical of and appropriate for historic commercial buildings are the

heritage or historic paint colors offered by many paint manufacturers. Although personal preference is a major factor in the selection of paint color, the following standards should be considered when selecting colors.

- (b) The brick facades have already been painted on a number of buildings in downtown Warsaw. Typically, when the facade of a brick building must be repainted, it should be painted a color similar to the natural color of the brick. Likewise, when brick or limestone trim, such as window lintels or sills, is painted, it should be painted a color to match the natural color of the material. Accent colors should be used primarily on wood trim, such as window frames, storefront frames and bulkheads. By introducing a new paint color on decorative brick, limestone or pressed metal details, the details are accented making the building appear more ornate than it was originally designed. It was very rare for masonry or components, such as window lintels or sills, or cornices to be painted on traditional historic commercial buildings in this area of the country.

(2) *Design standards.*

- (a) A paint scheme for historic commercial buildings shall consist of no more than three (3) colors: one (1) primary color for the body and no more than two (2) accent colors for the primary and secondary trim. The predominant building material (brick or pressed metal) shall be considered the primary body color. If the historic building material has been altered, a natural color, similar to the historic material, shall be used for the body. Questions about color appropriateness shall be resolved by the Director.
- (b) Accent colors should complement the natural colors that already exist in the downtown district.
- (c) Color schemes shall be modest or muted color schemes with bright colors limited to accents.
- (d) Masonry that has been previously painted may be repainted if it is not feasible to remove existing paint from the masonry surfaces. Masonry buildings or details that have not been painted previously shall not be painted.

3. *Building facade.* Building facades should relate to the surrounding buildings as described in this Section. Existing buildings should retain the traditional elements outlined below. See Figure 405.090-G for the location of building facade elements.

a. *Storefront.*

- (1) *Intent.* Storefronts were historically composed almost entirely of glass, creating visual openness. This openness creates an inviting relationship to the street, emphasizes the pedestrian orientation of the commercial district and should be retained.

(2) *Design standards.*

- (a) The storefront shall fit within its original opening. The original building

entrance(s) should be retained when possible.

- (b) Doors on the storefront shall use clear glass and shall not be made of solid metal or solid wood.
- (c) Storefront revisions shall retain the original elements: transom window, display windows, bulkhead and entrance (door), and use only appropriate materials as described here or in Subsection (D)(2)(f), Building materials. The size, proportions and alignment of windows, door and bulkhead shall relate to neighboring buildings.
- (d) Display and transom windows that have been downsized or covered shall, to the maximum extent possible, be reopened.
- (e) Display windows shall be clear glass and retain the size and proportion of the original opening.
- (f) Ideally, where transom windows have been altered, they shall be restored to their original appearance to the maximum extent possible.
 - i. When restoration of the transom window glass is not feasible, the size and proportion of the original opening shall be maintained.
 - ii. When ceiling heights have been lowered, opaque panels shall be framed in to resemble the form and profile of an historic transom window.
- (g) When installing new display or transom glass in a storefront, consideration should be given to reducing heat gain. There are a variety of glass products that minimize heat gain without affecting visibility. Examples of such products include thermal glazing with clear or Low E glass. The important aesthetic consideration is that it be clear glass.

b. *Upper facade.*

- (1) *Intent.* On two-story buildings, the upper windows are a predominant character-defining feature.
- (2) *Design standards.*
 - (a) The historic masonry window openings shall be maintained to the maximum extent possible. Windows that have been downsized or covered shall be reopened to maintain the size and proportion of the historic window openings.
 - (b) For fire safety purposes, window openings shall not be blocked in or covered with a solid material.
 - (c) When upper level windows are missing or are in need of replacement, the openings shall not be downsized to accept stock sizes; replacement windows shall be provided to fill the entire opening and resemble the style and profile of the original window.
 - (d) Windows shall be clear glass. Reflective or tinted glass is prohibited in

downtown Warsaw.

c. *Cornice or building cap.*

(1) *Intent.* The cornice defines the top of the building and emphasizes the relationship of the top of the building to adjacent buildings.

(2) *Design standards.*

(a) Existing cornices shall be retained to the maximum extent possible and repaired as needed.

(b) When cornices have been removed, they shall be replaced with an historic cornice to the maximum extent feasible. If replacement is not feasible, a simplified cornice shall be designed to define the top of the building and maintain the visual unity of building tops along the block.

d. *Rear facades.* Where rear or secondary public entrances are used for customer access or where rear facades are visible to the general public, the following standards shall apply:

(1) Rear facades that are visible from a public street should complement the main facade in their design and material usage.

(a) Materials selected for facades of buildings facing Harrison Street, including accessory uses, may differ from those approved for the Main Street facade, but general design treatment and color schemes shall be consistent around all sides of the building.

(b) The rear facades shall be constructed of the primary building material, such as brick or stone. When concrete or concrete block is the predominant material of an existing rear facade, it shall be painted to match the color of existing brick or stone.

(c) Rear facades that are covered with wood or metal siding shall be painted a neutral color to blend with the natural colors found in the predominant building materials.

(2) Architectural embellishments, awnings, landscaping and signs should be used to mark the secondary entrance.

(3) A minimum of twenty percent (20%) of the building's rear facade facing a public right-of-way, parking area, or open space shall consist of transparent materials.

(4) Shed additions and stairs that are not in use shall be removed where possible.

(5) Service necessities, including trash dumpsters, downspouts, gas tanks, satellite dishes and utility boxes shall be screened from public view with fencing or landscaping pursuant to Section 405.120.

(6) It is recommended that a coordinated effort be made to encourage businesses to share dumpsters.

- (7) Rear customer entries shall be well maintained.
4. *Demolition controls for historic structures.*
- a. *Purpose.* This Subsection is intended to work in conjunction with Warsaw Municipal Code Chapter 500, Article III, Demolition, by establishing standards for the demolition of historic structures. The purpose of this Subsection is to:
- (1) Effect and accomplish the protection, enhancement and perpetuation of such areas and improvements and of districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history.
 - (2) Safeguard the City's historic, aesthetic and cultural heritage, as embodied and reflected in such areas, improvements and districts.
 - (3) Stabilize and improve property values in such districts.
 - (4) Foster civic pride in the beauty and accomplishments of the past.
 - (5) Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided.
 - (6) Strengthen the economy of the City.
 - (7) Promote the use of historic districts and landmarks for the education, pleasure, and welfare of the people of the City.
- b. *Applicability.* The standards of this Subsection are applicable to historic structures in downtown Warsaw, defined as those buildings that have some or all of the architectural features identified in this Section that were common to building design in the period generally from the late 1800s through the early 1900s and any other structure located in the downtown design standards area that is fifty (50) years of age or older.
- c. *Demolition restriction.* No historic structure shall be demolished unless the owner has first given the City at least six (6) months' notice of his or her intention to demolish the building. During that six-month period, the City will work with the owner to identify any alternative uses that would allow the existing building to produce a better economic return that would allow it to remain in active use, or that would allow it to be used for the purposes or land uses the owner wants to achieve, or to identify a purchaser for the building who would preserve it from demolition. In the event the owner does not accept the alternatives, if any, offered by the City during that six-month period, the demolition may proceed, but only after the owner has provided at least thirty (30) days' additional time for the City or other parties to document the building through photographs or other means. The owner is encouraged, but not required, to allow access to the building during the thirty-day period in order to allow documentation of the interior of the building as well.
- d. *Maintenance.* Property owners are required to maintain historic buildings and structures, as defined above, in a State of normal repair and not allow demolition by neglect. Demolition by neglect is the gradual deterioration of a building when routine maintenance is not performed. The City has the authority to impose enforcement

provisions on property owners who are found to have allowed an historic structure to fall into a state of neglect.

§ 405.100. Multifamily and Townhouse Design Standards.

A. *Purpose.* The purpose of the multifamily and townhouse residential design standards is to preserve the quality and character of the built environment in the City. More specifically, the purposes of this Section are to:

1. Encourage high-quality development as a strategy for investing in the City's future;
2. Emphasize the City's unique community character;
3. Maintain and enhance the quality of life for the City's citizens;
4. Shape the City's appearance, aesthetic quality, and spatial form;
5. Protect and enhance property values;
6. Provide property owners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land; and
7. Promote the sustainability of both the structure and the overall community.

B. *Applicability.*

1. The design standards in this Section apply to all new dwellings intended or constructed to be occupied by three (3) or more households, including individually constructed buildings, townhomes, and multiple buildings constructed as parts of a larger development.
2. Section 405.060(B), Applicability, identifies how these provisions apply to redevelopment and infill development.

C. *Site Design.*

1. *Building separation.* The minimum separation between multifamily buildings, including accessory buildings, on the same lot or development parcel is fifteen (15) feet.
2. *Building orientation.*
 - a. Individual buildings within a multifamily development shall be oriented to:
 - (1) Common open space, such as interior courtyards or on-site natural areas or features;
 - (2) Perimeter streets;
 - (3) Other residential buildings; or
 - (4) Through-access drives.
 - b. Multifamily buildings in a single development shall be clustered or grouped to form neighborhoods.
3. *Common space.*
 - a. Developments with at least four (4) units shall provide one hundred fifty (150) square feet of private common open space for each multifamily dwelling unit. A minimum of

forty percent (40%) of the open space shall be usable for recreation, including swimming pools, sport courts, or playgrounds with equipment. Required landscaping is excluded from open space calculations.

- b. To the maximum extent practicable, common open spaces, such as gardens, courtyards, recreation or play areas, shall contain a minimum of three (3) of these features:

- (1) Seasonal planting areas;
- (2) Trees;
- (3) Pedestrian-scaled lighting;
- (4) Gazebos or other decorative shelters;
- (5) Seating;
- (6) Play structures for children; or
- (7) Natural features or areas, unless the City determines that for preservation reasons the buildings should avoid the feature or area.

4. *Pedestrian circulation.*

- a. *Circulation patterns.* Sidewalks shall be provided as necessary for efficient pedestrian circulation within the project and to neighboring properties pursuant to Section 405.080, Mobility and Connectivity Development Standards.

- b. *Walkway location and design.*

- (1) Sidewalks shall be separated from vehicular traffic where possible.
- (2) Sidewalks shall be constructed of attractive, durable materials, such as decorative concrete or brick pavers.
- (3) Sidewalk widths shall be compatible with anticipated uses, but in no instance shall be less than five (5) feet wide as a minimum standard.

5. *Stormwater management.* The requirements of Section 405.070, Stormwater Management and Natural Area Protection Standards shall be incorporated during site design.

D. *Building Design.*

1. *Maximum building length.* The maximum length of any multifamily building shall be one hundred fifty-six (156) feet or six (6) townhouse units, whichever is less.
2. *Facade design.* Multifamily buildings with a facade length of greater than forty (40) linear feet shall incorporate a variety of different wall planes and roof planes and shall feature a minimum of two (2) of the following design elements in the design of the front facade (See Figure 405.100-C.):

- a. Bay windows;

- b. Covered porches or balconies;
 - c. Structural offsets of a minimum of four (4) feet from the principal plane of the facade;
 - d. Accent materials, such as brick, stone, or stucco with banding highlights; or
 - e. Window grills and shutters.
3. *Patio*. All ground floor units shall be provided with a minimum six-foot-by- ten-foot patio or balcony directly accessible from the unit. At least fifty percent (50%) of all units above ground-floor level shall be provided with a minimum four-foot-by-ten-foot balcony directly accessible from the unit.
 4. *Building materials*. All construction shall be of durable high-quality materials and shall meet the following standards:
 - a. If vinyl exterior siding is used, it shall have a manufacturer's warranty of a minimum of fifteen (15) years.
 - b. Metal is not permitted as a primary facade material. This Section does not prohibit the use of metal siding designed to look like clapboard siding.
 - c. Architectural aluminum or steel panels (designed to ensure absence of any deformation or oil canning) are permitted, but use of architectural aluminum or steel panels should be limited to specific architectural elements or features.
 5. *Transparency*. At least twenty-five percent (25%) of all walls facing a public street shall contain windows or doorways.
 6. *Roof*.
 - a. Minimum roof pitch on all townhouses, duplexes and multifamily dwellings is 4/12. No flat roofs are permitted.
 - b. Multifamily residential buildings shall be designed to avoid any continuous roofline longer than fifty (50) feet. Rooflines longer than fifty (50) feet shall include at least one (1) vertical elevation change of at least two (2) feet.
 - c. The incorporation of a variety of roof forms is strongly encouraged. Upper-level residential floors may be incorporated into the roof form to reduce the apparent height and mass of buildings.
 - d. The height of each multifamily building taller than thirty-five (35) feet shall be stepped down from its highest roofline at least one (1) full story on any end of the building located within fifty (50) feet of a street right- of-way or an adjacent area zoned or used for single-family residential.
 7. *Building access*. Multifamily buildings shall provide concentrated unit access points. Monotonous access balconies and corridors running the length of the exterior of a building are prohibited.

E. *Parking Location And Layout*.

1. *Parking internal to development.*

- a. To the maximum extent feasible, garage entries, carports, parking areas and parking structures shall be internalized in building groupings or oriented away from street frontage.
- b. Parking areas and freestanding parking structures (detached garages or carports) shall not occupy more than thirty percent (30%) of each perimeter public street frontage of a multifamily development.
- c. To the maximum extent practicable, freestanding parking structures that are visible from perimeter public streets shall be sited so that the narrow end of the parking structure is perpendicular to the perimeter street.

2. *Covered parking.*

- a. Multifamily development shall provide covered parking to meet a minimum of fifty percent (50%) of the required parking identified in Table 405.110-1, Off-Street Parking. The Director may reduce or waive this requirement for low-income housing.
- b. Carports and common garages shall be limited to sixty (60) feet in length.
- c. Detached garages and carports shall incorporate compatible materials, scale, colors, architectural details and roof slopes similar to those of the primary multifamily buildings.

F. *Storage Space.*

1. *Intent.*

- a. To ensure multifamily developments provide sufficient storage for residents so that balconies and garages may be used for their original purpose.
- b. To reduce parking impacts resulting from undersized garage spaces and a lack of storage.
- c. To ensure parking is used for parking and not for storage.

2. *Design standards.* Multifamily developments shall provide a minimum of thirty-two (32) feet of exterior storage space per unit. Storage may be provided through one (1) or more of the following:

- a. Increased garage dimensions that allow for storage in front of parked vehicles;
- b. Storage units incorporated above detached garage structures or within the multifamily building;
- c. Storage closets within units, aside from bedroom closets; or
- d. Detached storage buildings or sheds.

§ 405.120. Landscaping and Screening.

A. Landscaping.

1. *Purpose.* The purpose of the landscaping standards is to ensure that landscaping in Warsaw:
 - a. Integrates building sites with both natural topography and existing vegetation;
 - b. Minimizes disturbed and impervious areas;
 - c. Respects the limitations and best uses of water resources;
 - d. Reduces the amount of reflected glare and heat absorbed in and around developments;
 - e. Breaks up large expanses of parking lots; and
 - f. Preserves residential neighborhoods by lessening the impacts of potentially incompatible uses.

2. *Applicability.* This landscaping section shall apply to all new development and redevelopment as provided in Section 405.120(A)(3). Applicability of the provisions of this Section shall be as indicated in Table 405.120-1, below.

Table 405.120-1 Applicability of Landscaping Standard by Development Type						
Standard	Section	Single-Family/ Duplex	Multifamily	Mixed Use	Commercial	Industrial
Landscaped area	405.120(A)(3)(a)	♦	♦	♦	♦	♦
Landscape buffer	405.120(A)(3)(b)		♦	♦	♦	♦
Parking lot landscaping	405.120(A)(3)(d)		♦	♦	♦	♦

3. *Required landscaping.*

- a. *Landscaped areas.* All exposed ground areas surrounding or within a principal or accessory use, including adjacent, unpaved street rights-of-way, that are not devoted to drives, parking lots, sidewalks, patios or similar uses shall be landscaped.
 - (1) All residential lots shall have a minimum of one (1) tree planted between the sidewalk and the front of each house at the time the house is constructed.
 - (2) All multifamily and commercial uses shall provide at least four (4) feet in depth of site perimeter landscaping along all public streets, planted at a minimum of thirty hundredths (0.30) landscape unit per linear feet, fifteen percent (15%) of which shall be trees.

- b. *Landscape buffer.* The following regulations apply to properties where a multifamily, mixed-use or nonresidential district or use abuts a single-family residential district or use.

(1) *Buffer required.*

- (a) A minimum fifteen-foot wide buffer space shall be provided.
- (b) The buffer shall be landscaped with sixty hundredths (0.60) landscape unit per linear foot, twenty-five percent (25%) of which shall be trees.
- (c) New trees and shrubs shall be evenly spaced at planting.
- (d) A solid masonry wall, a minimum of six (6) feet in height, may be substituted for required shrubs.
- (e) Where a natural buffer exists, as determined by the Director, it shall remain undisturbed.
- (f) If used in addition to a landscape screen, fences shall have additional evergreen shrubs planted on the residential side of the fence.
- (g) Green stormwater infrastructure (GSI)/stormwater best management practices (BMPs) are encouraged in landscape buffers to meet both landscaping requirements and stormwater retention requirements per the City’s stormwater management design criteria.

(2) *Uses and easements.*

- (a) Mechanical equipment and permanent detention facilities are prohibited in the buffer area. This restriction does not apply to GSI/stormwater BMPs with native vegetation.
- (b) Utility easements may cross but not be placed in the long dimension of a buffer yard except for drainage easements when GSI/stormwater BMPs are implemented within the landscape buffer.
- (c) Wherever practical, pedestrian access shall be placed through the buffer yard.

c. *Landscaping units.* Required landscaping is calculated in landscaping units. Table 405.120-3 indicates the landscape units awarded for various preserved or planted landscape materials:

Table 405.120-3 Landscape Units Awarded		
Landscape Material	Landscape Units Awarded	
	Newly Installed	Existing Retained
Evergreen tree, more than 10 feet high	8	14
Evergreen tree, more than 8 feet to 10 feet high	8	11
Evergreen tree 6 feet to 8 feet high	6	9
Deciduous tree, more than 8 inches in caliper	n/a	14
Deciduous tree, more than 4 inches to 8 inches in caliper	n/a	11

Table 405.120-3 Landscape Units Awarded		
Landscape Material	Landscape Units Awarded	
	Newly Installed	Existing Retained
Deciduous tree, more than 2.5 inches to 4 inches in caliper	7	9
Deciduous tree, 1.5 inches to 2.5 inches in caliper or multistem	4	4
Shrubs, 36 inches high	1	1.2
Shrubs, 24 inches high	0.8	0.9
Shrubs, 18 inches high	0.5	0.6
Perennials/ground cover	1 per 400 square feet	
Annual flower bed	1 per 400 square feet	
Lawn grass	1 per 800 square feet	
Flower basket support	0.2 per basket	
Earthen berm, minimum 18 inches high	0.05 per linear foot	

Hardscape Material	Units Awarded
Split rail fence	0.20 per linear foot
Screening (opaque) fence	0.40 per linear foot
Shredded bark or 3 inches plus rock mulch, such as river rock	1 per 500 square feet
Ornamental pavers	1 per 250 square feet
Landscape boulders, 3 feet or greater in height	1 per boulder
Seating	0.40 per linear foot
Landscape lighting, sculpture, art, water feature, and/or sheltering structure/landmark	As determined by Director

Retained Existing Vegetation Mass ¹	Bonus Landscaping Units Awarded
300 or more square feet with a minimum of 3 deciduous trees (4 inches in caliper or greater), 3 evergreen trees (minimum 6 feet high) or any combination thereof	15%
500 or more square feet with a minimum of 5 deciduous trees (4 inches in caliper or greater), 5 evergreen trees (minimum 6 feet high) or any combination thereof	20%
800 or more square feet with a minimum of 8 deciduous trees (4 inches in caliper or greater), 8 evergreen trees (minimum 6 feet high) or any combination thereof	25%

NOTES:

¹Points awarded for retained vegetation in perimeter buffers may only be applied in the buffer area along the same lot line or street frontage where the vegetation is found.

- d. *Parking Lot Landscaping.* The following landscaping requirements shall be met for all off-street surface parking lots. Figure 405.120-A identifies the three (3) required types of parking lot landscaping.

- (1) Parking lot perimeter landscaping is required around the entire perimeter of a parking lot as follows:
 - (a) Perimeter parking lot landscaping of a minimum width of ten (10) feet shall be required for all parking lots having more than three (3) spaces where the parking lot is adjacent to a public street or a nonretail or industrial use such as a residential area, institutional use (e.g., hospital) or office.
 - (b) The parking lot perimeter landscaping shall achieve a minimum of one and two-tenths (1.2) landscape units per linear foot.
 - (c) Where lots are being developed in a mixed-use district, the parking lot perimeter landscaping requirement may be reduced along an interior lot line, at the discretion of the Director, provided that interior parking lot landscaping applies to both parking lots.
- (2) Internal landscaping shall be provided as follows:
 - (a) Landscape strips shall be installed between the parking rows of every other double row of parking when parking rows exceed fifty (50) parking spaces. Landscape strips shall be designed as follows:
 - i. Be a minimum of twelve (12) feet in width and shall extend the length of the parking row.
 - ii. Include a five-foot wide sidewalk and a seven-foot wide planting strip.
 - iii. Meet planting requirements for interior landscape islands, as outlined below.
 - (b) Landscape islands shall be installed for every ten (10) parking spaces contained in a parking row, either within the parking row or at the end of the parking row and shall be designed as follows:
 - i. Be a minimum of six (6) feet in width and at least two hundred (200) square feet in total area.
 - ii. Be sunken below the level of the parking lot surface to allow for runoff capture.
 - iii. Have a minimum of four (4) five-gallon deciduous shrubs and one (1) deciduous tree, a minimum of two and one-half inches in caliper, per two hundred (200) square feet.
 - iv. Incorporate perennials and grasses for seasonal color.
 - v. Contain a minimum of fifty percent (50%) living landscaping material, with a maximum of fifty percent (50%) nonliving landscaping material. Approved sidewalks are not counted toward the nonliving landscape material percentage.
- (3) *Curbs*. Landscaped areas within parking lots or the along perimeter of the property

must be protected from vehicular traffic through the use of continuous concrete curbs, unless GSI/stormwater BMPs are used. At least one break per ten (10) linear feet of curb is required to allow for runoff inflows into the landscaped areas. If GSI/stormwater BMPs are implemented within the landscape area alternative edging may be used to allow for sheet flow of stormwater runoff into the facilities.

- e. *Site distance triangle.* A site distance triangle within the off-street parking area must be established at street intersections by maintaining a maximum height for shrubs and ground cover of thirty (30) inches. No obstructions are permitted in the site distance triangle, including tree branches that must be trimmed within eight (8) feet of the ground. All applicable sight distance requirements must be met for parking lot internal circulation and access points to the public right-of-way.
4. *Landscaping standards.* All landscaping elements, including but not limited to planters, retaining walls and berms, must be specifically approved and shall conform to the following standards:
 - a. *Preservation of existing vegetation.* Landscaping plans should be designed to preserve and protect existing native vegetation and mature trees. Bonus landscape credit shall be awarded for preserved vegetation as indicated in Table 405.120-3, Landscape Units Awarded, above, where the Director accepts the existing vegetation as being in good health and meets the intent of the landscaping requirements of this Chapter.
 - b. *Allowed plant materials.* Proposed materials must be specified on development plans. For a list of permissible plant species, refer to the resources found within the stormwater management design criteria. Materials not on the list may be approved if the Director determines that they are equally or more suitable for local soil conditions and local climate requirements, and that the requested materials would provide the same or better level of visual benefits and have desired growth habits. No noxious weeds, as defined by the State, are permitted for use in the City.
 - c. *Revegetation.*
 - (1) All disturbed areas must be adequately reseeded and restored on all projects. A revegetation bond, satisfactory to the Director, must be furnished as a condition of certificate of occupancy and shall remain in full force and effect until the landscaping plan is completed, vegetation is sufficiently established, and temporary erosion and sediment control, such as silt fence and straw bales, are removed from the site.
 - (2) In all disturbed areas, soil must be prepared with tilling and the addition of decomposed organic matter, such as, but not limited to, compost, composted horse manure, or composted chopped straw or hay. Straw tackifier or matting on steep slopes is required to prevent soil erosion. The addition of decomposed organic matter is also required prior to turf installation.
 - d. *Retaining walls.*
 - (1) Where retaining walls are used, they shall not exceed six (6) feet in height and shall either incorporate the use of native materials or be earth tone colors to match the

native soils and rocks. In instances where the topographic conditions justify additional retaining walls, there shall be a minimum planting area of five (5) feet between the walls.

- (2) In cases where the wall is split into multiple sections, a minimum of five (5) five-gallon shrubs for each twenty (20) feet of linear planting area shall be planted in the area between the walls and at the base of the lowest wall.
- e. *Stormwater management.* The requirements of Section 405.070 Stormwater Management and Natural Area Protection Standards should be considered when designing landscaping. Opportunities to meet both the requirements of this Section and Section 405.070 with vegetated GSI/stormwater BMPs are encouraged.

B. *Screening.*

1. *Single-family residential screening.* To the maximum extent practicable, utility equipment on residential lots shall be located behind the front building line of the house and screened from public view by an opaque wall, fence or landscaping screen. Alternative locations may be approved by the Director to allow for the retention of existing trees on wooded sites. Roof-mounted mechanical equipment, except solar energy collection systems, is prohibited on single-family residential dwellings.
2. *Multifamily, mixed-use and commercial screening.* For all developments other than single-family residential, the following mechanical equipment screening standard shall apply to the maximum extent practicable.
 - a. *Roof-mounted mechanical equipment.* Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to or greater than the height of the mechanical equipment being screened. See Figure 405.120-B.
 - b. *Wall-mounted mechanical equipment.* Wall-mounted mechanical equipment, except air-conditioning equipment (e.g., window air-conditioning units), that protrudes more than six (6) inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture and color of the subject building. Wall-mounted mechanical equipment that protrudes six (6) inches or less from the outer building wall shall be designed to blend with the color and architectural design of the subject building.
 - c. *Ground-mounted mechanical equipment.* Ground-mounted mechanical equipment shall be screened from view by landscaping or by a decorative wall that is compatible with the architecture and landscaping of the development site. The wall shall be of a height equal to or greater than the height of the mechanical equipment being screened.
 - d. *Utilities.*
 - (1) Utility poles (other than wooden poles erected by a public utility company) and supports shall be painted or be of materials neutral in color.

- (2) All transformers and other facilities and equipment, including telecommunications equipment, shall either be screened through the use of architectural materials compatible with the architectural materials present on the site or, alternatively, through landscape screening.
 - (3) Such screening shall be adequate to completely screen such facilities from all rights-of-way.
- e. *Alternate screening.* Mechanical equipment that is not screened in full compliance with the screening standards of this Section shall be reviewed in accordance with the procedures of Section 405.030(H), Alternative Compliance. Alternate screening methods may include, but shall not be limited to, increased setbacks, increased landscaping, grouping the equipment on specific portions of a site and painting or otherwise camouflaging the equipment.
3. *Screening of service, loading and storage areas.*
- a. *Applicability.* These screening requirements are applicable to all service, loading and storage areas. Owners are encouraged to locate the types of features listed in this Subsection where they are not visible from off-site or from public areas of a site, so that screening is unnecessary.
 - b. *Placement.*
 - (1) All service areas shall be placed at the rear, on the side of, or inside buildings. See Figure 405.120-C.
 - (2) No service area shall be visible from a public right-of-way or from adjacent residential areas.
 - (3) Service areas and access drives shall be located so they do not interfere with the normal activities of building occupants or visitors on driveways, walkways, in parking areas or at entries.
 - c. *Outside storage areas and loading docks.*
 - (1) All storage areas, service areas and loading docks not screened by an intervening building shall be screened from view from any public street right-of-way. In addition, storage and loading areas must be screened from view from any adjoining property when that property requires a buffer. On property zoned or used industrial, all outside storage areas that are adjacent to nonindustrial zoned property must also be screened from view.
 - (2) An opaque screen consisting of one (1) or a combination of the following shall be used:
 - (a) Freestanding walls, wing walls or fences;
 - (b) Earthen berms in conjunction with trees and other landscaping; or
 - (c) Landscaping, that must be opaque and eight (8) feet in height within eighteen

(18) months of planting.

- (3) Screening shall be a minimum height of eight (8) feet to screen truck berths, loading docks, areas designated for permanent parking or storage of heavy vehicles and equipment or materials.
 - (4) Screening shall be long enough to screen the maximum size trailer that can be accommodated on site. Sites that can accommodate a full-size tractor-trailer shall provide a forty-eight-foot wing wall, where wing walls are used.
- d. *Shopping cart storage.* All shopping carts shall be stored inside the building they serve. Shopping cart corrals shall be made of a material suitable for withstanding weathering and rusting. Plastic corrals are prohibited.
 - e. *Refuse facility screened.* All refuse facilities, including new refuse facilities placed on an existing development, shall be large enough to accommodate a trash dumpster and shall be completely screened from view of public streets and adjoining nonindustrial zoned properties by:
 - (1) Meeting the requirements of the other sections of this Section; or
 - (2) Screening on three (3) sides by a minimum six-foot wall surrounded by evergreen landscaping. See Figure 405.120-D. An opening shall be situated so that the container is not visible from adjacent properties or public streets and the opening shall be a wood or metal clad opaque gate. Chain-link gates are not permitted. Gates must have tie backs to secure in the open position.
 - f. *Design of screening.* All screening shall be complementary to the building served in landscaping approach and through the use of similar colors and material palette.

§ 405.130. Sustainability.

A. *Wind Energy.*

1. *Purpose.* This Subsection is intended to promote the compatible use of small wind-energy systems. Wind energy is an abundant, renewable, and nonpolluting energy resource. When converted to electricity, it reduces our dependence on nonrenewable energy resources and reduces air and water pollution that result from conventional sources. Distributed wind-energy structures also enhance the reliability and power quality of the power grid, reduce peak power demands, and increase local electricity generation.
2. *Small wind-energy standards.* Small wind-energy systems shall be a permitted accessory use in all zoning districts subject to the following requirements:
 - a. *Tower system standards.*
 - (1) A wind tower for a small wind-energy system shall be set back a distance of one (1.0) times its total height from:
 - (a) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
 - (b) Any overhead utility lines, unless written permission is granted by the affected utility; and
 - (c) All property lines.
 - (2) The maximum height of a small wind-energy system tower shall be seventy-five (75) feet. Systems taller than seventy-five (75) feet shall be required to obtain a conditional use permit.
 - b. *Vertical axis wind turbine standards.* A vertical axis wind turbine (VAWT) using vertical wind turbine technology shall be permitted in all zone districts as an accessory use, subject to the following requirements:
 - (1) *Residential district requirements.*
 - (a) A maximum of one (1) VAWT is permitted per lot or one (1) per acre, whichever is greater.
 - (b) Building-mounted VAWTs shall not exceed forty (40) feet in height measured from the base attached to the structure to the highest point on the VAWT.
 - (c) The maximum height for a VAWT shall not exceed seventy-five (75) feet measured from the base of the tower to the highest point on the VAWT.
 - (d) A VAWT shall be set back a distance of one (1.0) times its total height from:
 - i. Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
 - ii. Any overhead utility lines, unless written permission is granted by the

affected utility; and

- iii. All property lines, unless written permission is granted from the affected land owner or neighbor.

(2) *Nonresidential district requirements.* Multiple VAWTs are permitted on any nonresidential lot subject to the following requirements:

- (a) Building-mounted VAWTs shall not exceed forty (40) feet in height measured from the base attached to the structure to the highest point on the VAWT.
- (b) Light-pole-mounted VAWTs shall not exceed twenty-five (25) feet in height measured from the top of the light pole to the highest point on the VAWT.
- (c) The maximum height for a VAWT shall not exceed seventy-five (75) feet measured from the base of the tower to the highest point on the VAWT.
- (d) A VAWT shall be set back a distance of one (1.0) times its total height from:
 - i. Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
 - ii. Any overhead utility lines, unless written permission is granted by the affected utility; and
 - iii. All property lines, unless written permission is granted from the affected land owner or neighbor.

3. *General standards for tower and VAWT systems.*

- a. *Lighting.* A small wind-energy system or VAWT shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration. A light temporarily used to inspect a turbine, tower and associated equipment is permissible, provided that said light is only used for inspection purposes and not left on for an extended period of time.
- b. *Decibel levels.* Decibel levels for a small wind-energy system or VAWT shall not exceed the lesser of sixty (60) decibels (dBa) as measured at the closest neighboring inhabited dwelling, except during short-term events, such as utility outages and severe wind storms.
- c. *Color.* The color of the small wind-energy system shall either be the stock color from the manufacturer or painted with a nonreflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.
- d. *Signs.* All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind-energy system or VAWT visible from any public road shall be prohibited.
- e. *Code compliance.* A wind-energy structure including tower shall comply with all

- applicable State construction and electrical codes, and the National Electrical Code as adopted by the City.
- f. *Screening.* Ground-level mechanical equipment associated with the wind-energy system shall conform to Section 405.120(B), Screening.
4. *Other standards.*
 - a. The structure shall comply with all applicable Federal Aviation Administration requirements, including but not limited to Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations in excess of two hundred
 - (1) (200) feet in height and installations close to airports. The system shall also comply with any and all Missouri aeronautics regulations.
 - b. All electrical wires associated with a wind-energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
 - c. A VAWT tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.
 - d. No part of the system, including guy wire anchors, may be closer than five (5) feet from any property boundary.
 - e. Temporary meteorological (Met) towers shall be permitted under the same standards as a small wind-energy system, except that the requirements shall be the same as those for a temporary structure. A permit for a temporary Met tower shall be valid for a maximum of three
 - (1) (3) years after which an extension may be granted. Permanent Met towers may be permitted under the same standards as a small wind energy system.
 - f. All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
 5. *New technology.* The Director may waive the provisions of these requirements through the alternative compliance process in Section 405.030(H) where the availability of new technology alleviates the issues addressed by these regulations.
 6. *Decommissioning.* A wind-energy system that has reached the end of its useful life shall be removed within six (6) months of such determination. A wind-energy system is considered to have reached the end of its useful life when it has been inoperable for twelve (12) consecutive months. Time extensions are allowed when good faith efforts to repair the turbine can be demonstrated.

B. *Solar Energy Systems.*

1. *Purpose.* This Subsection is intended to promote the compatible use of solar energy systems

and to assist in decreasing the City's dependence upon non-renewable energy systems through the encouragement of solar energy systems for the heating of buildings and water.

2. *Applicability.*

- a. Solar energy systems are permitted in all zoning districts as an accessory use.
- b. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located.

3. *Roof-mounted solar.* The installation and construction of a roof-mounted solar energy system shall be subject to the following development and design standards:

- a. A roof- or building-mounted solar energy system may be mounted on a principal or accessory building.
- b. A roof-mounted solar collection system shall not exceed by more than eighteen (18) inches above the roof on which it is located, nor shall it extend a minimum of one (1) foot below the ridge line.
- c. A solar collection system may be located on an accessory structure.
- d. The zone district height limitations of this Code shall not be applicable to solar collectors, provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve, and that such structures do not obstruct solar access to neighboring properties.
- e. Placement of solar collectors on flat roofs shall be allowed by right, provided that panels do not extend horizontally past the roofline.
- f. A development proposed to have a solar collection system located on the roof or attached to a structure, or an application to establish a system on an existing structure, shall provide a structural certification as part of the building permit application.

4. *Ground- or pole-mounted solar.* The installation and construction of a ground- mounted or pole-mounted solar energy system shall be subject to the following development and design standards:

- a. The height of the solar collector and any mounts shall not exceed twenty (20) feet when oriented at maximum tilt.
- b. Any solar collector and any mounts, in a residential district, shall not exceed the greater of one-half (1/2) the footprint of the principal structure or six hundred (600) square feet, whichever is greater. The size of any solar collector and any mounts in mixed use and non-residential districts shall not exceed one-half (1/2) of the footprint of the principal structure.
- c. The surface area of a ground- or pole-mounted system, regardless of the mounted angle, shall be calculated as part of the overall coverage.
- d. The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the

- underlying zoning district, and the system may not be located in the front yard.
- e. All power transmission lines from a ground-mounted solar energy system to any building or other structure shall be located underground and/or in accordance with the building electrical code, as appropriate.
 - f. All abandoned or unused freestanding solar energy systems shall be removed within twelve (12) months of the cessation of operations.
5. *Electrical equipment.* All electrical equipment associated with and necessary for the operation of solar energy systems shall comply with the setbacks specified for accessory structures in the underlying zoning district.
 6. *Solar panel orientation.* Solar panels are designed to absorb (not reflect) sunlight; and, as such, solar panels are generally less reflective than other varnished or glass exterior housing pieces. However, solar panel placement should be prioritized to minimize or negate any solar glare onto nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar system.
 7. *Administrative review process.*
 - a. *In general.* The Director, in consultation with Code Enforcement, shall have up to fifteen (15) working days following the submittal of a complete application to approve or deny such application. The Director may impose such conditions and require such guarantees deemed reasonable and necessary to protect public interest and to ensure compliance with the standards and purposes of this Zoning Ordinance and policies of the land use.
 - b. All solar collection installations shall be performed by a qualified solar installer, and, prior to operation, the electrical connections shall be inspected by the Code Enforcement Director. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.
 - c. *Submittal requirements.* An application for a solar energy system shall be filed on a form, approved by the Director, with any other required documentation he or she should deem necessary.
 8. *Conflict with other municipal policies and ordinances.* Nothing in this Subsection does, or is intended to, abrogate the owner's responsibility to meet all other requirements of this Code, including, but not limited to, the preservation of private and public views, the quality of architectural design, the preservation of historic landmark structures, or the like.

C. *Green Stormwater Infrastructure.*

1. *Purpose.* This Subsection is intended to promote the use of green stormwater infrastructure in both public improvement projects and private development projects. Green stormwater infrastructure is defined as stormwater management solutions designed to capture, filter, absorb, and/or re-use stormwater by mimicking natural hydrologic processes.
 - a. *Terminology.* Green stormwater infrastructure (GSI) may also be referred to as green infrastructure, stormwater control measures, or post-construction permanent

- stormwater best management practices (stormwater BMPs).
- b. *Distinguishing between Temporary Construction and Post-Construction BMPs.*
 - (1) Temporary construction BMPs, also known as erosion and sediment control BMPs, are those designed and installed specifically to minimize the impacts of sediment carried in runoff from active construction sites.
 - (2) Post-construction stormwater BMPs are designed to capture and treat runoff on a long-term basis following completion of construction.
 2. *Applicability.* All improvements defined in Section 405.030(O), Drainage Permit are encouraged to use green stormwater infrastructure to meet the City's stormwater management requirements, defined in Section 405.070, Stormwater Management and Natural Area Protection Standards.
 3. *Principles.*
 - a. *Utilize and protect the natural stormwater system.* Natural drainage paths, streams, undisturbed green spaces, wetlands and riparian areas are all efficient low-cost natural stormwater management features. This is the existing natural stormwater management system and should be preserved and utilized where practical. Replacing the services provided by these natural systems with man-made systems requires significant capital investment and time, creates the need for ongoing operation and maintenance of these systems, and reduces the value of natural resources.
 - b. *Capture rain where it falls.* Managing rain with the use of green stormwater infrastructure in close proximity to where it hits the ground can reduce the need for stormwater pipes and can provide a more efficient means for infiltration and treatment of runoff. Green stormwater infrastructure can also help create a more aesthetically pleasing environment, provide improved pedestrian connectivity, maintain natural areas, reduce heat islands and improve air quality.
 - c. *Minimize impervious surfaces.* Impervious surfaces, such as roadways, parking lots and rooftops, reduce the available area for infiltration and increase the rate and volume of runoff. By minimizing impervious surfaces, stormwater volume and flow rates can be decreased, thereby reducing likelihood of flash flooding, stream channel erosion and impaired water quality. Development and redevelopment improvements are encouraged to minimize increased impervious areas through use of alternative permeable materials, or, remove un-used impervious areas to reduce the negative impacts of development on the City's stormwater management systems.

§ 405.140. Subdivision Design Standards.

A. *General Purpose And Intent.* The purpose and intent of these regulations is to provide for the harmonious development of the community and the surrounding area; to provide for the proper location and width of streets, building lines, open spaces, safety and recreation facilities, utilities, drainage, and for the avoidance of congestion of populations through requirements of minimum lot width, depth and area and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved and water, sewer, drainage, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure the actual construction of such physical improvements.

B. *Blocks, Lots And Easements.*

1. *Block length.*¹

- a. Intersecting streets (which determine block length) shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood.
- b. In residential districts, where no existing plats are recorded, the blocks shall not exceed one thousand three hundred twenty (1,320) feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum.
- c. In blocks longer than eight hundred (800) feet, pedestrianways and/or easements through the block may be required near the center of the block.
- d. Such pedestrianways or easements shall have a minimum width of ten (10) feet.

2. *Block width.*

- a. In residential development, the block width shall normally be sufficient to allow two (2) tiers of lots of appropriate depth.
- b. In certain instances, however, a different arrangement may be required in order to provide better circulation or to protect a major circulation route.
- c. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

3. *Lots.*

- a. Minimum lot width shall be measured at the building setback line. In addition, corner lots should have a width fifteen (15) feet greater than the minimum width.
- b. Minimum lot depth should be one hundred (100) feet. This measurement shall be made through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets.
- c. Minimum lot area shall be subject to the zoning regulations of the district in which the subdivision is located and the minimum design standards of this regulation. The more

restrictive of the regulations shall govern.

- d. All side lot lines shall bear between sixty degrees (60°) and ninety degrees (90°) from the street right-of-way line on a straight street or from the tangent of a curved street.
- e. Front building or setback shall be shown on the final plat for all lots in the subdivision and shall not be less than the setbacks established by the zoning regulations or any other regulations adopted by the Board of Aldermen; the most restrictive setback requirement shall govern.
- f. Double-frontage lots shall be avoided unless, in the opinion of the Planning and Zoning Commission, a variation to this rule will give better street alignment and lot arrangement.
- g. Every lot shall abut on a public street other than an alley.
- h. The subdivision or resubdivision of a tract or lot shall not be permitted where said subdivision or resubdivision places an existing permanent structure in violation of the requirements of the zoning regulations or the minimum design standards of these regulations.
- i. Where possible, residential lots should not be designed to face on arterial streets. The number of lots facing on collector streets shall be kept to a minimum. The street pattern shall be designed so that the side lines of lots abut arterial and collector streets wherever land shapes and topography permit.

4. *Easements.*

- a. Where alleys are not provided, permanent easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines and three (3) feet in width on side lot lines, where necessary, for utility poles, wires, conduits, underground conductors, storm and sanitary sewers, gas, water and heat mains, and other public utilities.
 - (1) These easements shall provide for a continuous right-of-way.
 - (2) Where the utility company or agency has the need for a wider easement than required above for a specific location, this easement shall be shown on the plat.
 - (3) Permanent easements shall not be obstructed by structures, retaining walls or trees.
 - (4) A property owner may install fences and landscape the easement with grass and shrubs at his/her own risk.
 - (5) A twelve-foot temporary construction easement shall be provided on each side of all lot lines for initial construction of water, sewer and other utility lines.
- b. *Drainage easements.* All stormwater management components, including stormwater drainage setbacks, shall be placed in a drainage easement following the requirements of Section 405.070, Stormwater Management and Natural Area Protection Standards and the City of Warsaw's stormwater management design criteria.

C. *Streets And Alleys.*

1. *Relationship to adjoining street systems.*
 - a. The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements.
 - b. The width of such streets in new subdivisions shall be not less than the minimum street widths established herein.
 - c. Alleys, when required, and street arrangements must cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it.
 - d. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated as a public way.
2. *Street names.* Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Street names should not be similar to already platted street names.
3. *Arterial streets.* Arterial streets through subdivisions shall conform to the major street plan of the Comprehensive Plan as adopted by the Planning and Zoning Commission and the governing body.
4. *Culs-de-sac.* An adequate turnaround of not less than a one-hundred-foot diameter right-of-way shall be provided at the closed end of a dead-end local street longer than one (1) lot in length. Such local street segment shall not exceed five hundred (500) feet in length from the center line of an intersection of a cross street to the center of the cul-de-sac.
5. *Right-angle intersections.* Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be sixty degrees (60°).
6. *Half streets.* Half streets shall be prohibited, except where no lots front on such half street.
7. *Alleys.*
 - a. Alleys may be required in commercial, industrial and residential areas.
 - b. Dead-end alleys shall be avoided, wherever possible, but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead end.
 - c. Alleys should be avoided in residential areas except where alleys of adjoining subdivisions would be closed or shutoff by failing to provide alleys in the adjoining subdivision.
8. *Street alignment.* On streets with reverse curves, a reasonable tangent shall be provided between curves to permit a smooth flow of traffic.

9. *Street layout.* Proposed streets shall conform to topography as nearly as possible to reduce drainage problems and grades.
 10. *Minimum requirements.* The right-of-way grades and widths for streets and alleys dedicated and accepted shall conform to the standardized regulations of the Kansas City Metropolitan Chapter APWA, 1997 Editions, as adopted in Section 500.050.
 11. *Curbing.* Curbing shall be placed on all streets within a subdivision. Curbing design shall be presented by developer for approval by the City Engineer.
- D. *Required Improvements.* The subdivider shall install, or provide for the installation of, the following improvements:
1. *Streets.* The subdivider shall provide for the installation of paved streets. All street construction shall conform to the specifications of the Board of Aldermen, and compliance therewith shall be confirmed by the City Engineer prior to release of surety by the Board of Aldermen.
 2. *Walks.* Sidewalks shall be installed on both sides of all arterial and collector streets, and sidewalks shall be required on both sides of the street in a commercial district. All sidewalks shall be not less than five (5) feet in width of Portland cement concrete and shall comply with the specifications of the City Engineer. Sidewalks shall be located in the platted street right-of-way six (6) inches from the property line.
 3. *Storm drainage.* The subdivider shall follow the stormwater standards as listed and referenced in Section 405.070, Stormwater Management and Natural Area Protection Standards. A drainage permit is required to demonstrate compliance with stormwater management standards per Section 405.030 (O), Drainage permit.
 4. *Sanitary sewers and other utilities.*
 - a. The subdivider shall be responsible to provide for and pay the full cost for the proper installation of all utilities, including sanitary sewer and connection to approved treatment facilities, and water supply, natural gas, electricity and telephone service. Such utilities shall be installed according to the specifications of the controlling utility company or public agency.
 - b. All structures within seven hundred fifty (750) feet of a public sewer system must utilize such public system for sewage disposal. Structures further than seven hundred fifty (750) feet from an existing sewer line may use a private sewage disposal system provided that the owner of such structure can demonstrate to the satisfaction of the Board of Aldermen that such private sewage system will function properly given its design, the anticipated volume of sewage and the characteristics of the site.
 5. *Street signs.* The City shall install street signs at all intersections within a subdivision.
 6. *Permanent monuments.* Permanent monuments shall be placed at all lot and block corners, angle points, point of curve in streets, and at intermediate points as required prior to the final acceptance of the plat by the City. Said permanent monuments shall be three-fourths-inch iron bars or pipe, eighteen (18) inches long, and shall be set with top of monument flush

with existing ground line.

7. *Exceptions for existing improvements.* Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of this Section and are in good condition as determined by the Board of Aldermen upon its consideration of the opinion of the City Engineer, no further provision need be made by the subdivider to duplicate such improvements. However, where such existing improvements do not meet the requirements of this Code as determined by the Board of Aldermen upon its consideration of the opinion of the City Engineer, the subdivider shall provide for the repair, correction or replacement of such improvements so that all final improvements will then meet the requirements of this Code as determined by the Board of Aldermen upon its consideration of the opinion of the City Engineer.

Section 500.050. City of Warsaw Standards and Procedures for Design and Construction.

- A. The following shall be adopted and published on the City’s website to establish standards and procedures for the construction of all public improvements, including: streets, sewers, flood control, stormwater management, street lighting, landscaping and irrigation systems.
1. American Public Works Association (APWA) standard specifications and design criteria of the Kansas City Metropolitan Chapter APWA as adopted and amended by the City of Warsaw.
 2. Street signs and traffic markings manual; the Federal Highway Administration Uniform Traffic Control Devices as adopted by the City of Warsaw.