

CITY OF WILLARD, MISSOURI

224 W. Jackson Street P.O. Box 187 Willard, MO 65781 417-742-3033 417-742-3080 Fax



MEETING AGENDA AND PACKET

PLANNING AND ZONING COMMISSION

Public Hearing Meeting

October 1, 2024

6:00 p.m.

Willard City Hall

224 W. Jackson, Willard, MO

PLANNING AND ZONING MEMBERS

Terry Kathcart, Chairman

Alderman David Keene, Vice-Chairman

Valorie Simpson, Secretary

Sam Baird

Josh Breeze

Steve Cobb

Burnis Coleman

Marianne Hill

David Kinsman

Jeff LaMontia

Gary Walker



Agenda Item #3

Agenda Amendments/Agenda Approval

CITY OF WILLARD
PLANNING AND ZONING
REGULAR MEETING
October 1, 2024
6:00 P.M.

Update Posted on September 24, 2024 @ 5:00 p.m.

Notice is hereby given that the City of Willard Planning and Zoning Commission will conduct a Public Hearing Meeting at 6:00 p.m., Tuesday, October 1, 2024, at the Willard City Hall, 224 W. Jackson, Willard, MO.

The tentative agenda of this meeting includes:

PLEDGE OF ALLEGIANCE

1. Call the Meeting to Order
2. Roll Call
3. Agenda Amendments/Agenda Approval
4. Approval of the Minutes from the Meeting on September 3, 2024
5. Citizen Input
6. Vote for a New Planning & Zoning Commission Board Chairperson, Vice-Chairperson, and Secretary
7. Public Hearing
 1. 400.190 Variances
8. Discussion 400.190 Variances
9. Public Hearing
 1. 400.470 Update to C-2 Zoning
10. Discussion 400.470 Update to C-2 Zoning
11. Public Hearing
 1. 400.480 Update to M-1 Zoning
12. Discussion 400.480 Update to M-1 Zoning
13. Public Hearing

1. 400.890 Update to R-1 Zone
14. Discussion 400.890 Update to R-1 Zone
15. Public Hearing
 1. 400.510 Mixed Use Ordinance
16. Discussion 400.510 Mixed Use Ordinance
17. New Business
18. Unfinished Business
19. Adjourn

If you need special accommodation to attend this meeting, please contact the City Hall at 417-742-3033. Members of the news media can obtain this agenda by contacting the City Clerk.

Janice Gargus, City Clerk
417-742-5302



Agenda Item #4

Approval of the Meeting Minutes from 9.3.2024

MEETING MINUTES

CITY OF WILLARD
PLANNING AND ZONING
REGULAR MEETING
September 3, 2024
6:00 P.M.

Staff Present: Mayor Troy Smith, Planning & Zoning Commission Director Mike Ruesch, Planning Assistant Tammy Nephew, City Clerk Janice Gargus.

Citizens Present: None

The tentative agenda of this meeting includes:

PLEDGE OF ALLEGIANCE

Terry Kathcart led the Pledge of Allegiance

1. Call the Meeting to Order

Chairman Terry Kathcart called the meeting to order at 6:00 p.m. and asked the City Clerk to conduct the Roll Call.

2. Roll Call

Roll Call was conducted by the City Clerk.

Present: Terry Kathcart, David Keene, Valorie Simpson, Josh Breeze, Steve Cobb, Marianne Hill, David Kinsman, Jeff LaMontia, Gary Walker

Not Present: Sam Baird, Burnis Coleman

3. Agenda Amendments/Agenda Approval

Mike Ruesch explained that there is not a lot to discuss, and the meeting will be short due to a change of agenda items. He said that Agenda Items #7 through #16 had been previously approved by the Planning & Zoning Commission Board and sent to the Board of Aldermen for their approval. However, there should have been a Public Hearing for these items, and we failed to publicize the Public Hearing in a timely manner. Therefore, the Public Hearing will be publicized for 15 days and held on October 1, 2024. Mike said the agenda items for the October 1, 2024, meeting will not change from tonight's agenda, and he apologized for the delay. Mike also said that Item #6 is incorrect due to the Board of Aldermen will need to vote to re-appoint Burnis Coleman and Jeff LaMontia at their next meeting and approval of the Planning & Zoning Commission Board Chairman Terry Kathcart, Vice-Chairman David Keene, and Secretary Valorie Simpson will need to be moved to our next meeting and voted on. Valorie Simpson said that Vice-Chairman David Keene can only serve a one-year term due to him also serving on the Board of Aldermen. Mike said the Mayor needs to appoint board members and the Board of

Aldermen need to vote to approve them. Additionally, Valorie pointed out several errors on the list of board members with the dates of appointments. Janice stated she had found this list on the City Clerk's computer and was unaware of the errors. Valorie will work with Janice to correct the dates and update the list. Mike said this item will stay on the agenda for our next meeting. Mike also told the board that we will be starting the use of iPads for every member to use during the meetings to access the meeting packets which means there will no longer be paper copies of the packet at the meetings. Valorie Simpson said that she does not want to use an iPad and still wants a paper copy. Mike told her we would try to accommodate her. Motion was made by Valorie Simpson and seconded by Josh Breeze to approve the agenda with the amendments of striking Items #7 through #16, striking Item #6, and correcting /updating the board member list. Motion carried with a 9-0 vote. Voting aye: Terry Kathcart, David Keene, Valorie Simpson, Josh Breeze, Steve Cobb, Marianne Hill, David Kinsman, Jeff LaMontia, Gary Walker.

4. **Approval of the Minutes from the Meeting on July 16, 2024**

Valorie Simpson said that the first sentence of the **ATM Square Final Plat – Discussion and Vote** doesn't make sense to her, and she doesn't understand what it's saying that Mike Ruesch discussed with the Board of Aldermen. Mike and Janice explained that it refers to Mike discussing the **ATM Square Final Plat** with the Board of Aldermen. Motion was made by Valorie Simpson and seconded by Terry Kathcart to approve the Minutes from the Meeting on July 16, 2024, with the amendment of changing the wording of the first sentence of the ATM Square Final Plat – Discussion and Vote to clarify that it refers to Mike discussing the ATM Square Final Plat with the Board of Aldermen. Motion carried with a 9-0 vote. Voting aye: Terry Kathcart, David Keene, Valorie Simpson, Josh Breeze, Steve Cobb, Marianne Hill, David Kinsman, Jeff LaMontia, Gary Walker.

5. **Citizen Input**

None

6. **Discuss the Re-Appointment of Members to the Planning & Zoning Commission Board and Present to the Board of Aldermen for Approval**

1. Valorie Simpson – Term Expired May 2024
2. Burnis Coleman – Term Expired August 2024
3. Jeff LaMontia – Term Expired August 2024
4. Terry Kathcart – Term Expires November 2024

7. **Public Hearing**

1. 400.190 Variances

8. **Discussion/Vote 400.190 Variances**

9. **Public Hearing**

1. 400.470 Update to C-2 Zoning

10. **Discussion/Vote 400.470 Update to C-2 Zoning**

11. **Public Hearing**

1. 400.480 Update to M-1 Zoning

12. **Discussion/Vote 400.480 Update to M-1 Zoning**

13. **Public Hearing**

1. 400.510 Mixed Use Ordinance

14. **Discussion/Vote 400.510 Mixed Use Ordinance**

15. **Public Hearing**

1. 400.890 Update R-1 Zone

16. Discussion/Vote 400.890 Update R-1 Zone

Motion was made by Valorie Simpson and seconded by Josh Breeze to postpone Item #6 **Discuss the Re-Appointment of Members to the Planning & Zoning Commission Board and Present to the Board of Aldermen for Approval** to the October 1, 2024, meeting and to **advertise the Public Hearing for 15 days for Items #7 through #16 and move Items #7 through #16 to the October 1, 2024, meeting.** Motion carried with a 9-0 vote. Voting aye: Terry Kathcart, David Keene, Valorie Simpson, Josh Breeze, Steve Cobb, Marianne Hill, David Kinsman, Jeff LaMontia, Gary Walker.

17. New Business

Mike Ruesch said there are several things to discuss including that we will be holding off on the Animal Ordinance. He said that of all the codes, the ones pertaining to animals get the most feedback. Mike also stated that the new fee schedule is on the website and the City Administrator, Wesley young, will decide when it goes to the Board of Aldermen for approval. Additionally, Mike said he is working with an HOA developer.

18. Unfinished Business

None

19. Adjourn

Chairman Terry Kathcart asked for a motion to adjourn the meeting. Motion was made by Marianne Hill and seconded by David Keene to adjourn the meeting at 6:17 p.m. Motion carried with a 9-0 vote. Voting aye: Terry Kathcart, David Keene, Valorie Simpson, Josh Breeze, Steve Cobb, Marianne Hill, David Kinsman, Jeff LaMontia, Gary Walker.

Chairman Terry Kathcart

Secretary Valorie Simpson

Attested by City Clerk Janice Gargus



Agenda Item #7
&
Agenda Item #8

Public Hearing 400.190 Variances

Discussion 400.190 Variances

AN ORDINANCE REVISING AND REPLACING SECTION 400.190 OF THE CITY CODE

WHEREAS, Schools are encouraged and allowed in the R-1 zone and,

WHEREAS, proper signage is important for the identification and identity of the school and,

WHEREAS, signage for schools may exceed the size defined by the R-1 zone,

WHEREAS, a variance may be needed to address the issue,

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

SECTION 1. REPEAL SECTION 400.190

Section 400.190 is hereby repealed in its entirety

SECTION 2. REPLACEMENT OF SECTION 400.190

Section 400.190 is hereby replace with the following:

Section 400.190 Appeals Pertaining To Zoning Regulations.
[Ord. No. 020227 §1(3.7), 2-27-2002]

- A. *Appeal From Administrative Order.* The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of the applicable zoning provisions of this Chapter.
- B. *When Appeals May Be Taken.* An appeal may be taken to the Board of Adjustment by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person, or by an officer, department, board or agency of the City of Willard affected by a decision of an Administrative Official. An appeal must be made within fifteen (15) days after the date of the decision or order appealed. Appeals shall be taken by filing with the City Clerk a written notice of appeal specifying the grounds for the appeal. The City Clerk shall enter the date of filing on the notice of appeal and shall transmit to the Chair of the Board of Adjustment the notice of appeal and all papers and materials constituting the record upon which the action appealed from was taken.
- C. *When Appeals To Stay Proceedings.* A notice of appeal properly filed as herein provided shall stay 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 acts stated in the certificate a stay would, in the opinion of the officer, cause imminent peril to life or property. In such a case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a proper court order.
- D. *Hearing On Appeals.* The Board of Adjustment shall hold a public hearing on all appeals in accordance with the provisions of Section **400.360(A)**.

E. *Board Of Adjustment Decision On Appeal.*

1. A motion to reverse, affirm or modify the order, requirement or decision appealed from shall include, so far as practical, a written statement of the specific reasons or findings of fact that support the motion. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement or decision or to decide in favor of the applicant on any matter upon which it is required to pass.
2. Within thirty (30) days after the hearing on an appeal, the Board of Adjustment shall file with the City its findings of fact and decision with respect to the appeal. The City Clerk shall transmit by mail a copy of the decision to the appellant and to each other person who requests in writing to be notified.

**Section 400.200 Variances Pertaining To Zoning Regulations.
[Ord. No. 020227 §1(3.8), 2-27-2002]**

- A. *Jurisdiction And Authority.* The Board of Adjustment shall exercise the authority to vary the strict or literal terms of the applicable zoning provisions of this Chapter in accordance with the standards set forth in Subsection (C). A variance is the remedy created by this power and is part of the Board's appellate jurisdiction. It is a discretionary privilege which is granted because strict and literal enforcement of certain provisions of this Chapter would, due to special conditions peculiar to a particular property, result in unusual difficulty or hardship.
- B. *Authorized Variances.* Variances from the zoning regulations and restrictions contained in this Chapter may be granted by the Board of Adjustment in the following instances:
 1. A variance of the applicable bulk regulations for buildings and structures, including maximum height, lot coverage, floor area ratio, required yard areas and other required open space.
 2. A variance of the applicable minimum requirements for lot size, width and depth and setbacks from lot lines.
 3. A variance of the applicable off-street parking and off-street loading requirements and ratios.
 4. A variance of the landscaping and buffer yard requirements.
 5. A variance for sign requirements in a R-1 Zone for schools
- C. *Standards For Grant Of Variance.* The Board of Adjustment may grant a variance if it concludes that strict enforcement of the ordinance would result in practical difficulties or undue hardship for the applicant and, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare will be secured and substantial justice will be done. The Board of Adjustment may reach these conclusions if it finds in writing that:
 1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in undue hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out;
 2. The conditions of which the applicant complains is one suffered by the applicant and would not be applicable to other property in the same zoning classification;
 3. The property in question cannot yield a reasonable return or the applicant cannot make reasonable use of his/her property if strict compliance with the regulations is required;
 4. The hardship relates to the applicant's land, rather than personal circumstances;

5. The alleged hardship has not been created by any person presently having an interest in the property;
 6. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
 7. The variance will not nullify the intent and purpose of the Willard Land Development Regulations and the Willard Comprehensive Plan.
 8. **School signage is needed and deemed reasonable for the application.**
- D. *Application For Variance.* An application for a variance shall be submitted to the City Clerk. The City Clerk shall transmit the application and all papers and materials constituting the record to the Board of Adjustment.
- E. *Hearing On Variances.* The Board of Adjustment shall hold a public hearing on any application for variance in accordance with the provisions of Section 400.360(A).
- F. *Board Of Adjustment Decision On Variances.*
1. In deciding on variances, the Board of Adjustment shall take a separate vote on each of the seven (7) required findings stated in Subsection (C). The affirmative vote of four (4) members of the Board shall be required on each separate finding. Insofar as is practical, a motion to make an affirmative finding on each of the requirements shall include a written statement of the specific reasons or findings of fact supporting the motion.
 2. A motion to deny a variance may be made on the basis that any one (1) or more of the seven (7) requirements set forth in Subsection (C) are not satisfied or that the application is incomplete. Such motion, insofar as is practical, shall include a written statement of the specific reasons or findings of fact that support the motion. A motion to deny a variance is adopted as the Board of Adjustment's decision if supported by more than one (1) affirmative vote.
 3. In granting a variance, the Board of Adjustment may impose such reasonable conditions to ensure that the use of the property to which the variance applies will be as compatible as practical with surrounding properties.
 4. A variance may be issued for a specified or indefinite duration.
 5. The nature of the variance shall be entered upon the permit. All such conditions are enforceable in the same manner as any applicable requirement of this Chapter.

**Section 400.210 Recordation of Order of The Board of Adjustment.
[Ord. No. 020227 §1(3.9), 2-27-2002]**

Whenever the Board of Adjustment shall have acted upon an appeal, request or variance, the Board shall cause its order granting or denying said appeal or application to be recorded in the records of the Greene County Recorder of Deeds. However, no order shall be recorded until the order has become final by the passage of thirty (30) days from the date said order is filed with the City Clerk without an action being filed in a court of competent jurisdiction challenging the issuance of said order or until a court of competent jurisdiction upholds said order if it is challenged within the thirty (30) day period.

**Section 400.220 Judicial Review — Board of Adjustment Action.
[Ord. No. 020227 §1(3.10), 2-27-2002]**

Any person aggrieved, any neighborhood organization as defined in Section 32.105, RSMo., by any decision

of the Board of Adjustment made under the provisions of this Article may seek judicial review of such decision in accordance with the provisions of Section 89.110, RSMo.

Section 400.230 Appeals Pertaining To Subdivision Regulations.
[Ord. No. 020227 §1(3.11), 2-27-2002]

A. *Jurisdiction.* The Board of Aldermen shall hear and decide:

1. Appeals where it is alleged there is error in any order, requirement, decision or determination made by an Administrative Official in the interpretation of the applicable subdivision regulations of this Chapter or the requisite standards of Chapter **405**, Design Standards for Public Improvements.
2. Appeals of the decision of the Planning and Zoning Commission disapproving a site plan for simple land development or disapproving an application for minor subdivision or disapproving a preliminary plat or final plat for major subdivision pursuant to the requirements of this Chapter.

B. *When Appeals May Be Taken.* An appeal under the provisions of Subsection **(A)(1)** above may be taken to the Board of Aldermen by any person aggrieved. Appeals must be made in accordance with the following:

1. *Appeal from administrative order.* An appeal of any order, requirement, decision or determination made by an Administrative Official must be made within fifteen (15) business days after the date of the decision or order appealed.
2. *Appeal from decision of Planning and Zoning Commission.* An appeal of any decision of the Planning and Zoning Commission must be made within sixty (60) days of the date of the decision appealed.
3. *Filing of appeals.* Appeals shall be taken by filing with the City Clerk a written notice of appeal specifying the grounds for the appeal. The City Clerk shall enter the date of filing on the notice of appeal and shall transmit to the Board of Aldermen the notice of appeal and all papers and materials constituting the record upon which the action appealed from was taken.

C. *Board Of Aldermen Decision On Appeal.*

1. Action by the Board of Aldermen to reverse or modify a decision of an Administrative Official shall require an affirmative vote of not less than two-thirds (2/3) of the entire membership of the Board.
2. Action by the Board of Aldermen to override a decision of the Planning and Zoning Commission disapproving any development plan for simple land development, application for minor subdivision or preliminary or final plat for major subdivision shall be made in accordance with the provisions for appeals prescribed in the following applicable Sections of this Chapter:
 - a. For simple land development in accordance with Section 400.990(7).
 - b. For minor subdivision in accordance with Section **400.1020(C)**.
 - c. For major subdivision preliminary plat in accordance with Section **400.1080(E)**.
 - d. For major subdivision final plat in accordance with Section **400.1110(C)**.

Section 400.240 Variances Pertaining To Subdivision Regulations.
[Ord. No. 020227 §1(3.12), 2-27-2002]

A. *Purpose And Intent.* It is the purpose and intent of this variance procedure to provide relief from unusual hardship, inequitable construction procedures or public improvement design standards which may be

impractical and other conditions which occur with a specific parcel of land, but do not occur in the normal subdivision and land development process.

- B. *Authority.* The Board of Aldermen shall exercise the authority to vary the strict or literal terms of the subdivision requirements of this Chapter and the requisite improvement standards of Chapter **405**, Design Standards for Public Improvements in accordance with the procedures and standards set forth in Subsection (C). The Board of Aldermen shall not consider a variance unless and until it has received in writing the recommendation of the Planning and Commission.
- C. *Standards For Grant Of Variance.* No variance shall be granted unless it is found that:
1. There are special and unusual circumstances or conditions affecting said property such that the strict application of the regulations from which the variance is requested would deprive the owner of reasonable use of said property and is not the mere grant of a privilege;
 2. The variance is necessary for the preservation and enjoyment of a substantial property right of the owner;
 3. The granting of the variance would not be detrimental to the public safety, convenience or welfare or be injurious to other property in the vicinity; and
 4. The granting of the variance would not be in conflict with the intent of the subdivision and platting provisions of this Chapter.
- D. *Application Procedure.* An application for a variance shall be submitted to the City Clerk. The application shall indicate the specific provisions from which a variance is requested and the reasons for such request. Variance requests shall be reviewed in accordance with the following procedures:
1. Applications for variances may be submitted for Commission review concurrently with the final plat for minor subdivision or with the preliminary plat for major subdivision or with the site plan for simple land development requiring public improvements. Following public hearing, the Commission shall review and make recommendation on the variance request concurrently with action on the final plat if a minor subdivision or preliminary plat if a major subdivision or the site plan if a simple land development.
 2. Requests for variances independent of plat review or site plan review shall show just cause why such request was not made at the time of plat review or development plan review. Public hearing shall be held on all such requests in accordance with the requirements of Section **400.360(B)**.
- E. *Hearing On Variances.* The Planning and Zoning Commission shall hold a public hearing on all variance requests. Notice of hearing shall be made in accordance with the provisions of Section **400.360(B)**.
- F. *Decision On Variances.*
1. *Commission action.* After the public hearing has been completed, the Commission shall make recommendation to approve or deny the variance request. The recommendations of the Commission shall be made in accordance with the findings required in Subsection (C). Insofar as is practical, a motion to recommend approval or denial of a variance shall include a written statement of the specific reasons or findings of fact supporting the motion. The record of the Commission's findings and recommendation shall be sent to the Board of Aldermen within thirty (30) days of the Commission's decision.
 2. *Board of Aldermen action.* The Board of Aldermen shall approve or disapprove the request for variance. The decision of the Board of Aldermen shall be made in accordance with the findings required in

Subsection (C). Insofar as is practical, a motion to recommend approval or denial of a variance shall include a written statement of the specific reasons or findings of fact supporting the motion.

- G. *Recordation Of Variance.* When the Board of Aldermen has approved a variance from the regulations in accordance with this Section, the variance shall be recorded in the records of the Greene County Recorder of Deeds. However, no variance shall be recorded until the variance has become final by the passage of thirty (30) days from the date said variance is filed with the City Clerk without an action being filed in a court of competent jurisdiction challenging the approval of said variance or until a court of competent jurisdiction upholds said variance if it is challenged within the thirty (30) day period.

Section 400.250 Appeal of Order of Tree Board.
[Ord. No. 020227 §1(3.13), 2-27-2002]

- A. *Authority.* The Board of Aldermen shall hear and decide appeals to any order or ruling of the Tree Board. Action by the Board of Aldermen to reverse or modify a ruling or order of the Tree Board shall require the affirmative vote of a majority of the Board of Aldermen.
- B. *When Appeals May Be Taken.* An appeal of any order or ruling of the Tree Board must be made within fifteen (15) working days after the date of the ruling or order appealed.
- C. *Filing Of Appeals.* Appeals shall be taken by filing with the City Clerk a written notice of appeal specifying the grounds for the appeal. The City Clerk shall enter the date of filing on the notice of appeal and shall transmit to the Board of Aldermen the notice of appeal and all papers and materials constituting the record upon which the action appealed from was taken.

Section 400.260 When Appeals and Variances Not Allowed.
[Ord. No. 020227 §1(3.14), 2-27-2002]

No appeal, request or variance application to the Board of Adjustment and no appeal or variance application to the Board of Aldermen shall be allowed with respect to the same request prior to the expiration of six (6) months from the date of the ruling of the Board of Adjustment or the date of the ruling of the Board of Aldermen unless a substantial change of circumstances or conditions can be demonstrated by the applicant.

Approved as to Form: _____
Nate Dally, City Attorney

Approved by: _____
Troy Smith, Mayor

Attested by: _____
Janice Gargus, City Clerk



Agenda Item #9
&
Agenda Item #10

Public Hearing 400.470 Update to C-2 Zoning

Discussion 400.470 Update to C-2 Zoning

First Reading: 10/14/2024
Bill No: 24-42

Second Reading: 10/28/2024
Ordinance No: 241014A

AN ORDINANCE REVISING AND REPLACING SECTION 400.470 OF THE CITY CODE

WHEREAS, the C-2 zone is under review and,

WHEREAS, current zoning needs changes, and

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

SECTION 1. REPEAL SECTION 400.470

Section 400.470 is hereby repealed in its entirety

SECTION 2. REPLACEMENT OF SECTION 400.470

Section 400.470 "C-2" General Business District. [Ord. No. 020227 §1(5.8), 2-27-2002; Ord. No. 021111 §1, 11-11-2002]

- A. *Permitted Uses.* The "C-2" District is designed for those business and commercial uses that draw their customers from motorists on the highway or for whom location on a highway or arterial street is necessary. The district also provides for the location of commercial activities that involve outdoor storage of materials and goods. The following uses are permitted in the "C-2" General Business District:
1. All uses permitted in the "C-1" Neighborhood Commercial District.
 2. Agricultural implement sales and service.
 3. Arcades and game rooms, bowling alleys, theaters, skating rinks and other such similar places of commercial entertainment, provided that no such building or premises is closer than one hundred (100) feet to the boundary of any residence district.
 4. Banks and financial institutions, including automatic teller machines and drive-through facilities.
 5. Boat sales and rental.
 - ~~6. Car wash.~~
 6. Clinics, dental laboratories and similar medical service facilities.
 7. Funeral home.
 8. Greenhouse, nursery or garden stores, on-premises sales permitted.
 9. Health and fitness centers, including dance studios.

10. Hardware, home improvement and builder supply stores.
11. Heating, air-conditioning and plumbing stores.
12. Library, museum, art gallery and similar uses.
13. Liquor store and tavern.
14. Manufactured home sales and rental, but not including the use of a manufactured home as a residence.
15. Monument sales, outside storage permitted.
16. Motels and hotels, when located on a State or Federal highway.
17. New or used automobile, recreational vehicle or motorcycle sales and service facilities, outside storage permitted, but excluding the wrecking of motor vehicles.
18. Offices, clerical, research and services not related to goods and merchandise, such as offices of attorneys, physicians, engineers, accountants, insurance agents, stockbrokers, travel agents, telecommunications and Internet services and government.
19. Off-street parking facilities.
20. Pest control services.
21. Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.
22. Restaurants, including drive-in facilities.
23. General retail sales and rental of goods, merchandise and equipment.¹
24. Residential dwellings existing at the time the district was mapped.
25. Service stations or gas stations, including repair shops.
26. Schools, professional, business and trade.
27. Veterinarian, animal hospital or kennel, provided that no such building, kennel or exercise runway is closer than three hundred (300) feet to the boundary of any residence district.
28. Towers, other than wireless facilities, less than one hundred (100) feet in height and related facilities, provided telecommunication towers comply with Article VI, Section 400.600.
29. Type I wireless facilities in accordance with Article VI, Section 400.600.
30. Type III wireless facilities in accordance with Article VI, Section 400.600, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.
31. Type IV wireless facilities in accordance with Article VI, Section 400.600, provided wireless towers are set back from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one

hundred twenty (120) feet or greater.

32. Water reservoirs, water standpipes and elevated and ground-level water storage tanks.

33. (Reserved)

34. Medical marijuana dispensaries. [Ord. No. 190923, 9-23-2019]

35. Medical marijuana testing facility. [Ord. No. 190923, 9-23-2019]

B. Conditional Uses. Certain non-conforming uses may be located within the district by written permission by the Board of Aldermen after written notice to all landowners within one hundred eighty-five (185) feet of the proposed use, followed by a public hearing; provided, that in the Board of Aldermen's judgment, such use will not seriously injure the appropriate use of neighboring property and will conform to the general intent and purpose of this

1. Editor's Note: Former Subsection (A)(25), regarding personal self-service storage facilities, which immediately followed, was repealed 12-20-2018 by Ord. No. 181220E. Remaining Subsections were renumbered from (A)(26) — (A)(34) to (A)(25) — (A)(33).

Chapter, and, further provided that such use shall comply with the height, area and other regulations of the district in which they may be located, as well as any additional restrictions as may be ordered. [Ord. No. 181220E, 12-20-2018; Ord. No. 201214A, 12-28-2020]

C. *Lot Size, Bulk And Open Space Requirements.*

Minimum lot area	None
Minimum lot width	None
Minimum lot depth	None
Maximum structure height	45 feet
Maximum floor area ratio	1.0

Minimum Yard Requirements	
Front yard	25 feet
Rear yard	None
Side yard	None
Maximum building coverage (including accessory structures)	50%

D. *Open Space Requirements.* Not less than twenty percent (20%) of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings or structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover.

E. *Design Requirements.*

1. A site plan meeting the requirements of Article XIV shall be submitted and approved for all uses.
 2. All development shall meet the buffer yard and landscaping requirements in accordance with Article VIII.
 3. All off-street parking, vehicular use and loading areas shall be screened from residential uses in accordance with Article VIII.
 4. Refuse storage areas, storage for maintenance, mechanical and electrical equipment or other equipment incidental to uses shall be screened from view.
 5. Lighting shall be designed so as to reflect away from adjacent residential districts.
 6. All parking and loading areas shall be provided in accordance with the requirements set forth in Article IX.
 7. All outdoor storage, except the storage of motor vehicles in operating condition, shall be enclosed by screening. Off-street parking and loading spaces and the storage of motor vehicles in operating condition shall be enclosed when such use abuts a residence district or is separated from a residence district by only an alley.
- F. Standard For Medical Marijuana Dispensary And Testing Facilities. No building shall be constructed, altered or used as a medical marijuana dispensary or testing facility without complying with the following regulations of this Subsection: **[Ord. No. 190923, 9-23-2019]**
1. Distance Requirement. No medical marijuana dispensary or testing facility shall be located within three hundred (300) feet of a then-existing elementary or secondary school, or child day-care center. Measurements shall be made from the center threshold of the main public entrances of such premises by the most direct walking route. There shall be no distance requirement for a church.
 2. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana dispensary or testing facility building.
 3. Hours Of Operation. All sales or distribution of medical marijuana and any other products at medical marijuana dispensaries shall take place between the hours of 8:00 A.M. and 10:00 P.M.
 4. Display Of License Required. The medical marijuana dispensary or testing facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.
 5. Zoning Limitations. Medical marijuana dispensaries or testing facilities shall be limited to the C-2 General Business District located in the City of Willard.
 6. Site Plan Review. Any plans for a medical marijuana dispensary or testing facility shall meet the requirements of Article III, Section 400.340, and Article XIV, Section 400.1160, of the Willard Municipal Code and all related building codes currently adopted by the City of Willard.
 7. Waste generated by facilities shall be disposed of in accordance with requirements promulgated by the Department of Health and Senior Services and other applicable Federal, State and local laws, whichever shall be more restrictive, to prevent exposure

to the public or create a nuisance.

8. Odor Control. No facility shall emit any odor of marijuana which is capable of being smelled by a person of ordinary senses outside of the boundary of the lot on which the facility is located. If a facility is located in a multiple-tenant building, the facility shall not emit any odor of marijuana which is capable of being detected by a person of ordinary senses outside of the tenant space in which the facility is located.

Approved as to Form: _____
Nate Dally, City Attorney

Approved by: _____
Troy Smith, Mayor

Attested by: _____
Janice Gargus, City Clerk



Agenda Item #11
&
Agenda Item #12

Public Hearing 400.480 Update to M-1 Zoning

Discussion 400.480 Update to M-1 Zoning

AN ORDINANCE REVISING AND REPLACING SECTION 400.480 OF THE CITY CODE

WHEREAS, the M-1 zone needs a revision and,

WHEREAS, current zoning does not define needed items,

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

SECTION 1. REPEAL SECTION 400.480

Section 400.480 is hereby repealed in its entirety

SECTION 2. REPLACEMENT OF SECTION 400.480

Section 400.890 is hereby replaced with the following:

Section 400.480 "**M-1**" **Light Industrial District.**

- A. *Purpose.* The "M-1" Light Industrial District is intended to allow for industrial operations and related activities that do not create nuisances and hazards. Industrial operations and activities are permitted provided they are conducted inside a building, although outdoor storage is permitted subject to limitations. The following uses are permitted in the "M-1" District:
- 1a. Any use permitted in a C-2 Zoning District. [Ord. No. 130610D §1, 6-10-2013]
 - 1b. Accessory uses in accordance with Article VI, Section 400.520. [Ord. No. 130610D §1, 6-10-2013]
 2. Ambulance service offices or garages.
 3. Any storage, manufacturing, processing, assembly, packaging, servicing, testing or repair of goods and materials and business and sales offices accessory thereto.
 4. Any establishment which provides supplies and/or services primarily to commercial and industrial customers, such as sign shops, janitorial services, packaging or shipping services, photocopying, publishing, blueprinting and similar uses.
 5. Bakeries.
 6. Funeral homes, mortuaries and crematoriums.
 7. Governmental buildings and uses.
 8. Heating, air-conditioning and plumbing sales and service.
 9. Hardware, home improvement and building supply stores.

10. Heavy machinery and equipment sales, rental and service.
 11. Laundry, dry cleaning and carpet cleaning services.
 12. Manufactured home sales and rental, but not including the use of a manufactured home as a residence.
 13. Pest control services.
 14. Police and fire stations.
 15. Recording studios.
 16. Schools, business, industrial and trade.
 17. Retail sales of products produced by the principal use, provided that the gross amount of floor area devoted to sales and display does not exceed twenty-five percent (25%) of the gross floor area of the structure.
 18. Veterinary clinics, animal hospitals and kennels.
 19. Warehousing, storage and distribution centers.
 20. Type I wireless facilities in accordance with Article VI, Section 400.600.
 21. Type III wireless facilities in accordance with Article VI Section 400.600, provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.
 22. Type IV wireless facilities in accordance with Article VI, Section 400.600, provided wireless towers are set back from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional provider's facilities if the tower height is one hundred twenty (120) feet or greater.
 23. Towers, other than wireless facilities, less than one hundred (100) feet in height and related facilities in accordance with Article VI, Section 400.600.
 24. Water reservoirs, water standpipes and elevated and ground-level water storage tanks.
 25. Television and radio studios with transmitting facilities.
 26. (Reserved)
 27. Medical marijuana cultivation facility. [Ord. No. 190923, 9-23-2019]
 28. Medical marijuana-infused products manufacturing facility. [Ord. No. 190923, 9-23-2019]
 29. Personal Self Storage Facilities: A building or buildings, commonly referred to as mini-storage, composed of individual, self-contained units available on a rental basis for storage of business and household goods, usually on a short-term basis (often month-to-month).
 30. Car Washes
- B. Conditional Uses. Certain non-conforming uses may be located within the district by written permission by the Board of Aldermen after written notice to all landowners within one hundred eighty-five (185) feet of the proposed use, followed by a public hearing; provided, that in the Board of Aldermen's judgment, such use will not seriously injure the appropriate use of neighboring property and will conform to the general intent and purpose of this Chapter, and, further provided that such use shall

comply with the height, area and other regulations of the district in which they may be located, as well as any additional restrictions as may be ordered. [Ord. No. 181220E, 12-20-2018; Ord. No. 201214A, 12-28-2020]

C. *Use Limitations.*

1. There shall be no offensive noise, dust, smoke, odors, heat or glare noticeable at or beyond the property line.
2. All operations and activities, except off-street parking, loading and storage, shall be conducted wholly inside a building or buildings.
3. Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets and from other property, except property located in an "M-2" District. All outdoor storage shall be at least one hundred (100) feet from any residence district.
4. No building shall be used for residential purposes, except that a guard or caretaker employed on the premises and his/her family, may reside on the premises.

D. *Lot Size, Bulk And Open Space Requirements.*

Minimum lot area	None
Minimum lot width	None
Minimum lot depth	None
Maximum structure height	50 feet
Maximum floor area ratio	0.50

Minimum Yard Requirements

Front yard	25 feet
Rear yard	30 feet
Side yard	20 feet
Maximum lot coverage	50%

- E. *Open Space Requirements.* Not less than fifteen percent (15%) of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings or structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover.

F. *Design Requirements.*

1. A site plan meeting the requirements of Article XIV shall be submitted and approved for all uses.
2. All development shall meet the buffer yard and landscaping requirements in accordance with Article VIII.
3. All off-street parking, vehicular use and loading areas shall be screened from residential uses in

accordance with Article **VIII**.

4. Refuse storage areas and mechanical and electrical equipment shall be screened from view.
5. Lighting shall be designed so as to reflect away from adjacent residential districts.
6. All parking and loading areas shall be provided in accordance with the requirements set forth in Article **IX**.
- G. **Standards For Medical Marijuana-Infused Products Manufacturing And Cultivation Facilities.** No building shall be constructed, altered or used as a medical marijuana-infused products manufacturing or cultivation facility without complying with the following regulations of this Subsection: [**Ord. No. 190923, 9-23-2019**]
 1. **Distance Requirement.** Measurements shall be made from the center threshold of the main public entrances of such premises by the most direct walking route.
 - a. **Type 1.** No extraction facility using combustible or hazardous gases shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, or child day-care center. There shall be no distance requirement for a church.
 - b. **Type 2.** No post-extraction or cultivation facilities that do not use combustible or hazardous gases shall be located within five hundred (500) feet of a then-existing elementary or secondary school, or child day-care center. There shall be no distance requirement for a church.
 2. **Operations Or Storage.** All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure.
 3. **On-Site Usage Prohibited.** No marijuana may be smoked, ingested, or otherwise consumed on the premises of any medical marijuana-infused products manufacturing or cultivation facility.
 4. **Display Of License Required.** The medical marijuana-infused products manufacturing or cultivation facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.
 5. **Site Plan Review Required.** Any plans for a medical marijuana-infused products or cultivation facility shall meet the requirements of Article **III**, Section **400.340**, and Article **XIV**, Section **400.1160**, of the Willard Municipal Code and all related building codes currently adopted by the City of Willard.
 6. **Waste generated by facilities shall be disposed of in accordance with requirements promulgated by the Department of Health and Senior Services and other applicable Federal, State and local laws, whichever shall be more restrictive, to prevent exposure to the public or create a nuisance.**
 7. **Odor Control.** No facility shall emit any odor of marijuana which is capable of being smelled by a person of ordinary senses outside of the boundary of the lot on which the facility is located. If a facility is located in a multiple-tenant building, the testing facility shall not emit any odor of marijuana which is capable of being detected by a person of ordinary senses outside of the tenant space in which the facility is located.

Approved as to Form: _____
Nate Dally, City Attorney

Approved by: _____
Troy Smith, Mayor

Attested by: _____
Janice Gargus, City Clerk



Agenda Item #13
&
Agenda Item #14

Public Hearing 400.890 Update to R-1 Zone

Discussion 400.890 Update to R-1 Zone

AN ORDINANCE REVISING AND REPLACING SECTION 400.890 OF THE CITY CODE

WHEREAS, Schools are encouraged and allowed in the R-1 zone and,

WHEREAS, proper signage is important for the identification and identity of the school and,

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

SECTION 1. REPEAL SECTION 400.890

Section 400.890 is hereby repealed in its entirety

SECTION 2. REPLACEMENT OF SECTION 400.890

Section 400.890 is hereby replace with the following:

Section 400.890 Signs Permitted in "R-1," "R-2" and "R-4" Residence Districts.

- A. Unless otherwise provided in Section 400.860, the following signs shall be permitted in the "R-1," "R-2" and "R-4" Residence Districts:
1. One (1) non-illuminated name plate or sign for each dwelling unit, not exceeding one (1) square foot in area, indicating the name of the occupant. Such signs must be attached to the principal structure, be parallel with the wall to which it is attached, and no part of said sign may extend into any required yard setback.
 2. One (1) non-illuminated name plate or identification sign not exceeding twelve (12) square feet in area for buildings other than dwellings, provided that said sign shall be attached to and parallel with the front wall of the building.
 3. One (1) white, illuminated, on-premises church or school bulletin board not exceeding eighteen (18) square feet in area.
 4. Non-illuminated real estate sale or lease sign or signs not exceeding a total area of twelve (12) square feet pertaining to the sale or rental of the property on which said sign is located.
 5. Signage for schools including wall, illuminated and pedestal signs not exceeding 40 square feet

Approved as to Form: _____
Nate Dally, City Attorney

Approved by: _____
Troy Smith, Mayor

Attested by: _____
Janice Gargus, City Clerk



**Agenda Item #15
&
Agenda Item #16**

**Public Hearing 400.510
Mixed Use Ordinance**

**Discussion 400.510
Mixed Use Ordinance**

First Reading: 10/14/2024

Second Reading: 10/28/2024

Bill No: 24-45

Ordinance No: 241014D

AN ORDINANCE REVISING AND REPLACING SECTION 400.510 OF THE CITY CODE.

WHEREAS, the city needs diversity of housing to sustain growth, and,

WHEREAS, the city wants to incentivize the infill of property, and

WHEREAS, mixed use zoning allows for diversity of development,

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

SECTION 1. REPEAL SECTION 400.510

Section 400.510 is hereby repealed in its entirety

SECTION 2. REPLACEMENT OF SECTION 400.510

Section 400.510 is hereby replaced with the following:

Section 400.510 - MIXED USE DISTRICT (MU)

Authority: Upon enactment of an ordinance by the Board of Aldermen, a development plan for a Mixed-Use District may be approved in any district in the City of Willard, subject to the procedures and standards in this Section.

- A. **Purpose:** The intent of the **Mixed Use (MU) District** is to encourage more creative and imaginative design than generally is not possible under conventional zoning regulations. It is intended to permit, upon application and upon approval of site and use plans, the creation of MU districts. MU Zones have been established to encourage creative and efficient planning and development of land within our community by providing greater flexibility in the use of and placement of buildings and structures on the land, the consolidation and preservation of community-valued view corridors, open spaces and trails. Proposed developments should be designed to maximize the integration of improvements into the natural and proposed landscape, thereby minimizing the visual impact on both view corridors/viewsheds as well as from property to property within the community. These MU provisions are intended to create a more attractive, walkable, desirable environment within the City.

B. REZONE APPROVAL PROCESS:

Application for zone change: Any person desiring to develop property under the provisions of this article shall first file an application for a zone change on the standard form provided by the City.

Staff developer review: Prior to the review of the MU Development plan and text by the Planning Commission, the applicant shall schedule a meeting with the planning department. **Staff Developer Meetings will be held on Wednesdays and require a week scheduling**

notice. Upon receiving an appointment notice, the planning department will invite all necessary staff and other agencies for the scheduled applicant meeting. The zone change application shall include a conceptual plan and supporting text materials which describe the proposed land uses, density and the proposal's relationship to the City comprehensive plan, as well as elevations of proposed buildings within the development. After the Staff Developer Meeting, the staff shall furnish to the applicant any comments regarding the zone change request that may help the applicant in preparing the request for submission. Staff shall hold such meetings with the applicant as are deemed necessary for proper review.

Public Hearing By Planning Commission, With Review And Recommendation: The Planning Commission will schedule a public hearing to consider the proposed zone change and shall review the conceptual plan, supporting text materials and staff comments for compliance with applicable general plan policies. The Planning Commission shall also make recommendations concerning the zone change request which will be forwarded to the Board of Aldermen

1. **Review by Board of Aldermen:** The Board of Aldermen will receive the recommendations of the Planning Commission and schedule a public meeting to consider official action on the zone change request.
2. **Decision Of Board of Aldermen:** The Board of Aldermen may approve, modify and approve, or deny the zone change request.

C. PERMITTED USES:

- "Home occupations", as defined in **Section 400.540** of this title.
- Multiple-family residential uses.
- Single-family residential uses.
- Townhouse and condominiums

Any combination of the above uses, **or other uses** that may be determined by the Planning Commission to be compatible and in harmony with each other according to the designated and approved development.

D. GENERAL REQUIREMENTS:

1. **Application And Plan:** The applicant will submit an application for a zone change on the standard zone change application form of the city, along with a site conceptual development plan, as outlined in this article, for a Mixed Use Development
2. **Planning Staff Review:** *Prior* to the review of the Preliminary Development plan and text by the Planning Commission, the applicant shall schedule a meeting with the planning department. **Staff Developer Meetings will be held on Wednesdays and require a week scheduling notice.** Upon receiving an appointment notice, the planning department will invite all necessary staff and other agencies for the scheduled applicant meeting. After the Staff Developer Meeting, the staff shall furnish to the applicant any comments regarding the zone change request that may help the applicant in preparing the request for submission. Staff shall hold such meetings with the applicant as are deemed necessary for proper review.
3. **Conceptual Development Plan:** All requests shall be accompanied by a colored site development plan and written text for the entire property proposed to be developed.
4. **Ownership:** A planned unit development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

5. **Open Spaces:** Preservation, maintenance and ownership of open spaces within the development shall be accomplished by:
 - a. Dedication of land as a public park or parkway system; or
 - b. Granting to the City a permanent open space easement on or over the said private open spaces to guarantee that the open space will remain perpetually in common use, with ownership and maintenance being the responsibility of a homeowner's association established with articles of association and bylaws which are satisfactory to the Board of Aldermen; or
 - c. Creating and complying with bylaws which provide for the payment of common expenses for the upkeep of the common areas and facilities.

E. CONTENT OF WRITTEN TEXT/SITE PLAN:

Use Of Land: The applicant shall prepare a site plan and written text that show and clearly explain the projected use of land including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.

Buildings: The text shall indicate the type, character and proposed height of all buildings. The plot plan, elevations and perspective drawings shall be prepared by the applicant to help the Planning Commission and Board of Aldermen better understand the proposal. (Elevations may not be required when applying for a residential - single lot development.)

Density: The density in terms of dwelling units per gross acre of land shall be indicated.

Common And Open Spaces: The location of any proposed school sites, churches, parks and other common or open spaces shall be identified.

Phasing Plan: A phasing plan, if the development is proposed to be developed in phases, shall be submitted.

Topography: Topography at contour intervals of two feet (2') shall be submitted.

Natural Features: Schematic diagram showing significant natural features such as stands of trees, sinkholes, wetlands, rock outcroppings, etc.

Landscape Plan: A landscape plan showing the general location of the lawn area, shrubs, trees and fencing shall be submitted. (This may be part of the site or plot plan.) All landscaping shall be maintained by the governing body of the subdivision. All plants and trees shall be cared for and properly maintained. Any dead plants or trees shall be replaced within 30 days per **Section 400 Article VIII**

Developable Area Reserved For Landscaping: The amount of developable land area reserved for landscaping shall be indicated (with a minimum of 20 percent of the site area developed as landscaping).

Utilities Underground: All utilities shall be underground unless otherwise approved by the Planning Commission. Transformer equipment shall be screened from the streets and from adjacent properties.

Refuse Storage Areas: Refuse storage areas shall be screened so that materials stored within these areas shall not be visible from access streets, freeways and adjacent properties. Storage or refuse areas shall not be located within required building setbacks nor within utility easements.

Lighting Plan: The plans submitted shall include a general lighting plan indicating the location of lights to be installed on site. Design shall follow **Section 400.1370**

Turning Spaces: Safe and convenient turning space shall be provided for cars, sewer vehicles, refuse collection vehicles, fire-fighting equipment, etc., at the end of private drives and dead-end

streets.

Traffic Conditions: A traffic analysis and street study shall be done by a certified engineer noting the effect of the development on traffic conditions on new and abutting streets shall be shown. The traffic analysis must extend from the proposed subdivision to the nearest arterial. The analysis shall be done on all accesses to the project and not loads on all affected streets. Existing traffic counts may be estimated from a study of the area served by the subject road or by counting vehicles consistent with good engineering practice.

Layout: The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways and walkways.

Off Street Parking: The arrangement and adequacy of off-street parking facilities & guest Parking per **Article IX**

Offsite Improvement Guarantees: See section 400.1460

Planning Objectives: The text material shall set forth planning objectives to be accomplished through the development of the project and show that the requested MU zoning is in conformance with the City general plan and complies with the requested zoning designation.

Public Improvements: All public improvements shall comply with **Section 400.1430**

Improvements: Location, grades, widths, and type of improvements proposed for all streets.

Line Locations: A plan showing the location of all water, sewer and drainage lines in and through the project.

Deed Restrictions; Covenants: Copies of all deed restrictions, restrictive covenants, bylaws, architectural controls or other requirements that may be appurtenant to the proposed development.

Signage: The size, location, design and nature of signs, if any, and the intensity and direction of area floodlighting shall be detailed in the text materials. Lighting shall be in accordance with **Section 400.Article X**

Grading And Drainage Plan: A grading and drainage plan shall be submitted with the site development plan. A **SWPPP** Plan shall be provided detailing silt fencing, track pads and stormwater drain protection.

Stormwater Plan: An engineered stormwater plan will be produced by a registered engineer to evaluate potential flows and develop a stormwater drainage plan. Detention, retention and release shall be determined through this reporting. The stormwater drainage report shall be conducted in accordance with and shall include all applicable information, maps, calculations and other materials as specified in Chapter **405** Design Standards for Public Improvements, Article **V**, Stormwater Design Standards — General Provisions.

If the proposed development is located within a flood hazard area, the stormwater drainage report shall provide all applicable information as specified in the Article XVII, Section 400.1520 (Floodplain Management Regulations).

Geotechnical Report: A geotechnical report identifying any possible flood, slope, faulting, soils or other related hazards on the site shall be submitted with the application

F. DEVELOPMENT GOALS:

The procedures herein established are intended to substitute procedural protections for substantive regulations in recognition of the fact that traditional density, bulk, spacing and use regulations, which may be useful in protecting the character of substantially developed areas, may impose

inappropriate and unduly rigid restrictions upon the development or redevelopment of parcels which lend themselves to an individual, planned approach. In addition, a development plan should be designed to ensure that the following general goals will be achieved

1. The proposed development may differ from the provisions of the other zoning districts of this Chapter but are congruent with the spirit and intent of this Chapter and the Willard Comprehensive Plan.
2. The development will efficiently utilize the available land and will protect and preserve, to the extent possible, natural features of the land such as trees, streams and topographic features.
3. The development shall provide for harmonious and coherent site and building design that creates a sense of place.
4. The development will be in an area in which transportation, Police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided however, that the applicant may make provision for such facilities or utilities which are not presently available.
5. In determining whether a proposed MU District should be approved, the Planning and Zoning Commission and the Board of Aldermen should consider the extent to which the proposed development plan is consistent with the Willard Comprehensive Plan and the other adopted plans and policies of the City.
6. To achieve these purposes, the requirements for a MU District may vary from and be either more or less restrictive than the requirements of other district regulations in this Article.

G. **Effect Of MU District Approval.** Approval of a MU Zoning District shall constitute an amendment to the zoning ordinance. Designation of a property as a MU District in accordance with an approved development plan shall supersede all existing and prior zoning classifications. Such property shall for zoning purposes be identified by the letters MU followed by an identifying number.

H. **Procedure.** Conceptual Development Applications for MU District designation shall be submitted pursuant to a three-step review process as specified in this Section. The process shall include:

1. Staff Developer Review Completed
2. A Conceptual Development Plan; and
3. A Final Development Plan.

I. APPLICATION FOR CONCEPTUAL DEVELOPMENT PLAN

In addition to this section, Conceptual Development Plans shall follow Sections 400.510.D, E & J for design criteria

Building Coverage: The land coverage by all buildings shall not exceed Sixty percent (60%) of the net lot or parcel acreage unless approved by the Board of Aldermen.

Open Space: Open space is defined as landscaping, approved trails, parks, park connectors, recreation areas, and designated open space. Detention areas, floodplains, and non developable land shall not be counted in the open space requirement

Minimum Lot Size: The minimum lot size in single-family residential subdivisions with private individual lots (no common area within lots) is Seven thousand (7,000) square feet; provided, **that at least twenty percent (20%) of the total project is developed and maintained as common**

open landscape or recreation area. Areas of density greater than 3 houses per acre may be reviewed in accordance with this chapter

Starting Density: 3 houses per acre

J. Bonus Density: The density of a planned unit mixed use development shall conform to the density limitations of the general plan, except that the Board of Aldermen upon recommendation of the Planning Commission may approve a density greater than the general plan designation where the following findings are made:

1. The proposed dwellings are platted for individual ownership of the dwelling units, and
2. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with the surrounding area and fits harmoniously into the neighborhood, **but in no case shall exceed six (6.2) dwelling units per acre.**

To be considered for density increases, the applicant will include, as part of the development design, any of the following credits:

- **Landscaping Along Periphery Of Development:** A common area landscaped strip of twenty five feet (25') shall be created along the periphery of the development and surrounds at least Seventy percent (70%) of the development. Walking paths, benches and gathering places may be integrated into this open space. An approved subdivision sign shall be constructed within the landscaping strip. All open space and landscaping shall be maintained regularly. Any landscaping plants that die shall be replaced within 30 days. All landscaping will be owned and maintained by the HOA or designated party.
 - **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development.**
- **Tree Lined Streets:** Tree lined streets for all streets (internal and periphery) to provide shade for sidewalks and to reduce solar heat gain. If all streets within the development, on both sides of the streets, will have a landscape strip between the curb and sidewalk planted with shade trees at forty-five-foot (45') spacing or less, with trees that are of twenty four inch (24") box containers with a minimum of one and one-half inch (1½") caliper, All tree installations shall follow **Section 400.770** for installation and setbacks. **Trees shall be maintained until established; dead trees shall be replaced within 30 days of notice. All trees shall be maintained by the HOA or designated party.**
 - **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development**
 - **Qualifying trees-400.510.K.3.C - APPROVED LANDSCAPING PLANTS.docx**
- **Walking Trail of 12' of concrete to be installed:** Where designated, a walking trail shall be established and designed to provide access to open space and connectivity to adjacent properties. Trails shall be installed in accordance with the City of Willard trails specifications and master trails plan. **All approved trails and easements shall be dedicated to the City of Willard for maintenance and upkeep**
 - **An increase of one dwelling unit per acre may be added to the minimum density for the development**

- **Additional Sidewalks- Interconnectivity:** Per **Section 405.150** a 5' sidewalk shall be established on one side of the street. The developer may provide sidewalks on both sides of the streets. By doing this he increases the pedestrian flow, mobility and safety of the proposed project. Interconnectivity of existing subdivisions is a priority. The connection of surrounding subdivisions to the new development is important. Credit will be given for the cost of installation of 1500 feet of Five foot (5) sidewalk within the city right of way of an existing subdivision.
 - **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development**

- **Increased Recreational Facilities:** Additional designated approved recreational amenities, above the requirements as already set forth for planned unit development, may receive an increase in density, as approved by the Planning Commission and Board of Aldermen in accordance with this chapter.
 - **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development**

- **Architectural design:** If the project is submitted and approved for architectural design standards designated by the City of Willard. This includes multiple floor plans and sliding square footage. Adding affordable housing options and ADA Accessible units as part of the project will add to your possible total.
 - **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development**

- **Pocket Parks and Park Connectors:** In accordance with section 405.115 the developer may establish a pocket park with available public connections for the entertainment and utilization of the public. Design and installation shall follow Willard Park standards and be reviewed and approved by the director of parks.
 - **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development**

- **Mixed Use:** The project will be evaluated on its use of multiple zones i.e. residential, commercial, R-3 etc. Project will be graded on use and design of mixed uses.
- **Combined Uses:** Bonus points will be awarded from use of combined uses within the project. Points will be given on design criteria, layout, height, location and accessibility.
 - **An increase of half a dwelling unit to one dwelling unit per acre may be added to the minimum density for the development**

K- Preferred Developers

Upon submission of the conceptual development plan, the project will be graded on the following items.

1. Diversity of Design
2. Bonus Density
3. Active Transportation and Interconnectivity
4. Recreation Areas

5. Mixed Use

Preferred developers will be eligible for

- Expedited Permitting Processes
- Preferred Plan Review
- Block Inspection Times
- Standard Permits on Homes

L. **Setbacks:** The setbacks for all Planned Unit Developments will be as follows:

- Front Yard:** Front yard setbacks shall be a minimum of twenty feet (20'). ~~The street side of corner lots, shall be the same as the front yard setback.~~ **Approved Corner lot side setbacks may be adjusted to be less than 20 feet if the property meets the intersection sight triangle requirements**
- Building, Parking Required:** The front yard setback area shall not be used for long term parking of any motor vehicles, or for required additional visitor parking, except for the driveway directly in front of the garage or carport of the dwelling unit.
- Side Setbacks:** Side yard setbacks on interior lot lines shall be a minimum of five feet (5') on one side and ten feet (10') on the opposite side for all dwellings, with a minimum of fifteen feet (15') between homes. Side yard setbacks on exterior lot lines (boundary lines) shall be a minimum of ten feet (10').
- Rear Setbacks:** Rear yard setbacks shall be a minimum of ten feet (10').

**Setbacks differing from the above standards will require approval of the Board of Aldermen. In all cases building and fire codes will be satisfied.*

- Parking Requirements:** The parking requirements of **Section 400 Article IX** of this title shall apply.
- Signs And Advertising:** The requirements of **Article X** of this code shall apply, except that in large residential planned unit developments (*those containing more than 200 dwelling units*), the Planning Commission may approve an overall sign scheme for the project which may exceed the restrictions.
- Height Restrictions:** No building shall be erected to a height greater than thirty-five feet (35') **unless specifically approved as part of the mixed-use plan**
- Size Requirement:** Each Planned Unit Development Zone shall contain a minimum of ~~twenty thousand (28,000) square feet and four (4) dwelling units.~~ **7000 square feet**
- Open Space Requirement:** All planned unit developments shall have a minimum of Forty percent (40%) of the developable site area developed and maintained as landscaped or natural open space. **Floodways unless altered (LOMAR) and slopes that exceed a specific percentage are not considered developable.** The applicant of the requested MU Zone shall show what areas are to be landscaped and what areas are to be left in a natural state. The Board of Aldermen shall determine if the proposed landscaped areas and the areas proposed to be left in a natural state will satisfy the Forty percent (40%) landscape or natural open space requirement. In any event, all landscaped and open green space areas shall be kept in a weed free condition. All proposed structures, future structures, roads and parking areas are excluded from the calculations used to satisfy this requirement.
- Time Limitations:** Building permits for construction within MU Zones must be obtained within eighteen (18) months of the approval of a zone change to planned unit development -

single lots. If eighteen (18) months elapsed without the issuance of building permits for the construction of the approved plans within the MU Zone, all conceptual and preliminary plan approvals shall be deemed null and void, unless an extension is granted. The applicant shall request an extension on an approved development plan prior to the expiration of the eighteen (18) month time limit. The Planning Director may approve a six (6) month extension on an approved development plan. In the case that a second six (6) month extension is needed, the applicant shall request a second extension on the approved development plan prior to the expiration of the first six (6) month extension time limit. The Board of Aldermen will approve or deny the requested second extension on the development plan. In the case that an approved development plan does expire, the zoning of the property shall remain a planned unit development, but no construction will be allowed on the property until a new plan is submitted and approved by the Planning Commission and the Board of Aldermen.

9. **Recreation Or Playground Areas:** In developments with five (5) or more units, there shall be provided usable recreation or playground areas with a total minimum area of one thousand (1,000) square feet for five (5) units and an additional two hundred (200) square feet for each unit over five (5) units. No side measurement of each usable recreation or playground area shall be less than twenty feet (20') in width/length. At least fifty percent (50%) of the usable area shall be in the form of open playground and green space.

M. **Planning Commission Submittal-** Upon completion of the Staff Developer Review and submittal of the Conceptual Development application, the Director of Development shall forward to the Planning and Zoning Commission for public hearing as required by **Section 400.360** with written comments with respect to the proposed planned development and shall also provide such recommendations as may inform and assist the applicant in preparing an application for approval of a MU District. The Planning commission may Refuse, Modify or Accept proposed submittal per **Section 400.510.F.1-6**

N. **Board of Aldermen Submittal:** After giving the notice required by **Section 400.360** of the Willard Land Development Regulations, a public hearing on the proposed conceptual development plan shall be set, advertised and conducted by the Board of Aldermen within forty-five (45) days of action or failure to act by the Planning and Zoning Commission. Within thirty (30) days following the conclusion of the public hearing, unless a delay is requested by the applicant, the Board of Aldermen may Approve with or without modifications, Deny, or Refer Preliminary Development Plan back to the Planning Commission for further consideration.

O. **Installation of Approved Utilities according to the Conceptual Development Plan**

1. All utilities and infrastructure shall be installed and inspected for compliance to city codes or
 - a. **Per Section 400.1430** the developer may bond for infrastructure of the development to delay installation. In no case will the Final Development Plan or Final Plat be approved without the installation of all defined utilities.
2. As built drawings shall be submitted and approved to be in accordance with city statute.
3. **Per Section 400.1450** a warranty bond in the amount approved by the board of aldermen to guarantee that the developer will correct all defects in such improvements or facilities that occur within two (2) years after the offer of dedication of such facilities or improvements is accepted by the City.

P. **Final Action by the Planning Commission:** The Planning and Zoning Commission shall review the proposed final development plan for compliance to conformity of the approved conceptual plan. The final development plan shall be inspected to ensure that all conditions,

regulations, ordinances, and codes have been satisfied as requested. If the final development plan has been found to be in compliance the planning commission shall recommend approval of a MU District and approval of the final development plan.

- Q. **Final Action by Board of Aldermen.** Within forty-five (45) days following the submission by the applicant or referral from the Planning and Zoning Commission of a complete application for the Final Development Plan or such longer period as may be agreed to by the applicant, the Board of Aldermen shall review the plan with respect to its conformity to the approved conceptual development plan; with respect to the merit or lack of merit of any departure of the final development plan from the conceptual development plan; and with respect to compliance of the final development plan with any conditions imposed by approval of the conceptual, State and City codes, ordinances and regulations. If the Final Development Plan is found to be in compliance the Board of Aldermen shall approve the Plan. The Board of Aldermen's action shall constitute final approval of the final development plan.

In any case, where the Board of Aldermen finds that the final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall not be approved. The failure of the Board of Aldermen to act within the aforesaid period shall be deemed a denial of the final development plan as submitted.

- R. **Building And Other Permits.** Upon, but not before, receiving notice that the final development plan has been approved and upon application by the applicant, all appropriate officials of the City may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved final development plan; provided however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the City have been met which are applicable to the permit sought.
- S. **Adjustments To Plan During Development.** During the construction of a planned development, the Board of Aldermen may authorize minor adjustments to the final development plan when such adjustments appear necessary considering technical or engineering considerations first discovered during actual development. Such minor adjustments must be brought to the Board of Aldermen's attention and must be voted on to be approved and made a part of the final development plan.
- T. **Amendments To Final Development Plan.** In addition to the minor adjustments authorized by Subsection (K) above, an approved final development plan may be amended, varied or altered in the same manner and subject to the same limitations as any other regulation established by this Article. In addition, an approved final development plan may be amended or altered pursuant to the procedures established by this Section for its original approval.
- U. **Compliance With Final Development Plan.** The construction and operation of a planned development shall be in compliance with the approved final development plan at all times.

400.511 - MULTIPLE FAMILY DEVELOPMENT STANDARDS:

- A. **Multifamily MU shall follow sections D, E, and L for design along with the following:**
1. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with the surrounding area and fits harmoniously into the neighborhood, as determined by the Board of Aldermen but in no case shall exceed a twenty five percent (25%) dwelling units per acre increase as stated in the general plan
 2. **Setbacks:** The setbacks for all planned unit developments - multiple family will be as

follows, unless an approved setback alternative plan is granted by the Planning Commission and approved by the City Council:

- a. **Front Yard:** Front yard setbacks shall be a minimum of twenty feet (20'). The street side of corner lots shall be the same as the front yard setback.
 - b. **Building, Parking Required:** The front yard setback area shall not be used for long term parking of any motor vehicles, or for required additional visitor parking, except for the driveway directly in front of the garage or carport of the dwelling unit.
 - c. **Side And Rear Setbacks:** Side and rear setbacks on interior lot lines shall be a minimum of ten feet (10') for all dwellings.
3. **Group Dwellings:** In group dwellings, no two (2) buildings may be located closer together than ten feet (10') for one- story buildings, fifteen feet (15') for two-story buildings, and twenty feet (20') for approved three-story (or more) buildings.
 4. **Two-Story Buildings:** For two-story (or more) buildings, the side and rear setbacks shall be at least twenty-five feet (25') along the boundary of a Single-Family Zone, and twenty feet

B. PLAN REVIEW CONFERENCE:

1. **Required:** Following the approval of the Planned Unit Development - Residential Zone change and upon request for issuance of any building permit therein, the developer and contractor and the planning staff shall meet to review the requirements of the zone change and to make sure that the developer and contractor are aware of the conditions under which the zone change was granted.
2. **Plans Stamped and Signed:** At the plan review conferences, the plans will be stamped and signed by the staff, developer and contractor as the official set of construction plans from which the work will be performed.
3. **Changes or Modifications:** Any changes or modifications to the approved plan for development during the period of construction shall first be re-submitted to the planning staff for approval and if deemed significant and at the discretion of the staff, returned to the Planning Commission for their review and recommendations and to the Board of Aldermen for a public meeting to consider official action on the zone change as provided for in section S. of this article.

Section 400.510.K.3.C - APPROVED LANDSCAPING PLANTS
TREE AND SHRUB SUGGESTIONS FOR PROPERTIES WITHIN THE CITY OF WILLARD

LARGE TREES:

Bald Cypress, *Taxodium distichum*,
Black Oak, *Quercus veluntina*
Bur Oak, *Quercus macrocarpa*
Chinkapin Oak, *Quercus muehlenbergii*
Northern Red Oak, *Quercus rubra*
Swamp White Oak, *Quercus bicolor*
White Oak, *Quercus alba*
Willow Oak, *Quercus phellos*
Tulip (Yellow) Poplar, *Liriodendron tulipifera*
American Basswood, *Tilia Americana*
Northern Catalpa, *Catalpa speciosa*
Sugar Maple, *Acer saccharum*
London Plane Tree, *Platanus x acerifolia*
Ginko, *Ginko biloba*
Blackgum, *Nyssa sylvatica*
Kentucky Coffee Tree, *Gymnocladus dioica*
Norway Spruce, *Picea abies*
Pecan, *Carya illinoensis*

SMALL TO MEDIUM TREES

Persimmon, *Diospyrus virginiana*
Flowering Dogwood, *Cornus florida*
Blackhaw, *Viburnum prunifolium*
Ohio Buckeye, *Aesculus glabra*
Red Buckeye, *Aesculus pavia*
Redbud, *Cercis Canadensis*
Serviceberry, *Amelanchier arborea*
American Holly, *Ilex opaca*
Deciduous Holly, *Ilex decidua*
Flowering Crabapple (Malus-cultivars)
Sassafras, *Sassafras albidum*
Zelkova serrata
Black or Rusty Blackhaw, *Nyssa sylvatica*
Eastern Wahoo, *Euonymus Atropurpureus*

Hawthorn (Numerous species and cultivars)

SHRUBS

Rhododendrons-Numerous species will grow here, but they must be planted in shaded sites.

Barberry

Buddleja (Butterfly Bush)

Lilac

Spiraea (Numerous species)

Quince

Forsythia

Hydrangea (Native is very hardy)

Ribes (Aromatic spineless)

Viburnum (Numerous species, Leatherleaf is a good one)

Weigela

Prohibited Trees/Shrubs

More importantly than preferred trees would be a strict prohibition on trees categorized as invasive by the Missouri Department of Conservation.

As of January 2022, the Missouri Department of Conservation (MDC) had identified the following as the top ten most invasive trees in Missouri:

1. Callery Pear (*Pyrus calleryana*): Also known as Bradford Pear or Cleveland Select
2. Tree of Heaven (*Ailanthus altissima*)
3. Siberian Elm (*Ulmus pumila*)
4. Japanese Honeysuckle (*Lonicera japonica*)
5. Autumn Olive (*Elaeagnus umbellata*)
6. Common Buckthorn (*Rhamnus cathartica*)
7. Chinese Privet (*Ligustrum sinense*)
8. Amur Honeysuckle (*Lonicera maackii*)
9. European Buckthorn (*Rhamnus frangula*)
10. Russian Olive (*Elaeagnus angustifolia*)

Approved as to Form: _____
Nate Dally, City Attorney

Approved by: _____
Troy Smith, Mayor

Attested by: _____
Janice Gargus, City Clerk