

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

Special Meeting

December 7, 2010

7:00 PM-Willard City Hall

224 W. Jackson Street

PLANNING AND ZONING MEMBERS

Mayor Jamie Schoolcraft

Aldermen Pat Lloyd

City Clerk Dale Duvall

Charles Gugel

Lucille Murray

Valorie Simpson

Robert Taylor

Randy Brown, Director of Development

www.cityofwillard.org

CITY OF WILLARD
PLANNING & ZONING
SPECIAL MEETING
December 7, 2010
7:00 P.M.

Notice posted on December 3, 2010

Notice is hereby given that the City of Willard, Planning & Zoning Commission will conduct a special meeting at 7:00 p.m. December 7, 2010 at Willard City Hall, 224 West Jackson, Willard, Missouri.

The tentative agenda of this meeting includes:

PUBLIC HEARING TO CONSIDER AND RECOMMEND TO THE BOARD OF ALDERMEN, CHANGES TO THE CITY OF THE WILLARD MUNICIPAL CODE BOOK, TITLE IV. LAND USE, CHAPTER 400: LAND DEVELOPMENT REGULATIONS.

PUBLIC HEARING TO CONSIDER AND RECOMMEND TO THE BOARD OF ALDERMEN, THE ZONING CLASSIFICATION FOR THE ANNEXED LAND OWNED BY WILLARD R-II SCHOOL DISTRICT TO BE USED FOR A TRANSITION HOUSE.

1. Call the meeting to order.
2. Roll Call.
3. Agenda Amendments/Approval of agenda.
4. Approve the minutes of the regular meeting on November 23, 2010.
5. Discussion/Recommendation of the rezoning request from Willard R-II School District.
6. Discussion/Recommendations of the proposed ordinance changes:
 - a. Land Development Regulations Ordinance #121228.
 - b. Signs Ordinance#121228A.
 - c. Park/Recreational Development, Dedication or Fee In Lieu Of Ordinance121228B.
 - d. Floodplain Management Ordinance#121228C.
 - e. Land Development Regulations Ordinance #121228D.
 - f. Amendment to the Land Development Regulations Ordinance 121228E.
 - g. Farm Animals Ordinance 121229F.
7. Old Business.

8. Adjourn meeting.

REPRESENTATIVES OF THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE
BY CONTACTING:

Dale Duvall, City Clerk
224 West Jackson
Willard, Missouri 65781
(417) 742-3033

CITY OF WILLARD
PLANNING AND ZONING
REGULAR MEETING
November 23, 2010
7:00 P.M.

Board present: Charlie Gugel; Valorie Simpson; Robert Taylor and City Clerk, Dale Duvall. Mayor Jamie Schoolcraft, Aldermen Pat Lloyd and Lucille Murray were not present.

Staff present: Director of Development, Randy Brown; City Clerk, Dale Duvall; Deputy City Clerk, Kendra Adams and City Attorney, Sativa Boatman-Sloan.

Guest present: Donna Stewart, Marcy Gallagher and Hannah Simpson.

Chairman, Valorie Simpson called the meeting to order.

Roll Call

City Clerk, Dale Duvall called roll call: Lucille Murray---; Charlie Gugel-present; Valorie Simpson-present; Pat Lloyd----; Mayor Schoolcraft----; Robert Taylor -present; Dale Duvall-present.

PUBLIC HEARING TO CONSIDER THE REQUEST FOR A CONDITIONAL USE PERMIT FOR MARCY GALLAGHER AND MARVIN HALEY II, TO PERMIT AN IN HOME DAYCARE AT THEIR RESIDENCE LOCATED AT 605 S. MILLER ROAD WILLARD, MO 65781.

Attorney Sativa Boatman Sloan opened the public hearing.

Marcy Gallagher addressed the Board regarding her request to be allowed to have an in-home daycare for up to (4) four children. The Commission members asked how many children Marcy was asking to watch. Marcy stated that she does not want more than (4) four and that she is looking at the age range of babies up to the age of 4(four).

Valorie Simpson asked about the pool in the backyard and the need for a fence around the pool. Dale Duvall asked where the dog would be kept while the children are present. Marcy stated that the dog would be around the children some. Robert Taylor asked if the dog could be kept in the dog pen while there are children present.

Agenda Amendments/Approval of Agenda

Motion by Dale Duvall with a second by Robert Taylor to approve the agenda. Lucille Murray---; Charlie Gugel-Aye; Valorie Simpson-Aye; Pat Lloyd---; Mayor Schoolcraft---; Robert Taylor-Aye; Dale Duvall-Aye. All votes aye. Motion carried.

Approve the Minutes of the Regular Meeting on September 28 , 2010

Motion made by Valorie Simpson with a change to read regular meeting, not special meeting on the minutes. Second made by Robert Taylor. Lucille Murray----; Charlie Gugel-Aye; Valorie Simpson-Aye; Pat Lloyd---; Mayor Schoolcraft---; Robert Taylor-Aye; Dale Duvall-Aye. All votes aye. Motion carried.

Conditional Use Permit for In-Home Daycare for Marcy Gallagher

Robert Taylor asked to add the condition requiring a fence around the pool and that the dog be kept in the pen while children are being watched. Dale Duvall spoke to the Commission regarding the state regulations on in-home daycares. **Motion** by Valorie Simpson with a second by Robert Taylor to recommend to the Board of Aldermen the approval of the conditional use permit with the following recommendations. That the pool would be enclosed per Randy Brown's instruction. Also, that the dog will be kept in a pen during the time that children are being watched. The hours of operation would be allowed to be 6:00a.m. - 6:00 p.m. to the Board of Aldermen. Lucille Murray----; Charlie Gugel-Aye; Valorie Simpson-Aye; Pat Lloyd---; Mayor Schoolcraft---; Robert Taylor-Aye; Dale Duvall-Aye. All votes aye. Motion carried.

Discussion of the ordinance regarding in-home childcare in the R-1 single family district.

Sativa informed the Commission that this was just for discussion and that no vote would be done at this meeting. The Commission discussed different conditions that they would like added to the ordinance. Suggested conditions were yearly inspections by the City, requiring a fence around a pool with a locking latch.

Old Business

Dale Duvall informed the Commission that the intersection at Farmer and Jackson will be a 4 way stop within the next two weeks. Randy Brown informed the Commission that he had not heard back from Freedom Bank as to their plans to build the permanent bank.

Adjourn Meeting

Motion made by Charlie Gugel with a second by Robert Taylor to adjourn the meeting. Lucille Murray----; Charlie Gugel-Aye; Valorie Simpson-Aye; Pat Lloyd---; Mayor Schoolcraft---; Robert Taylor-Aye; Dale Duvall-Aye. All votes aye. Motion carried.

City Clerk, Dale Duvall

Valorie Simpson, Chairman

CITY OF WILLARD PLANNING AND ZONING



AGENDA ITEM #5 Rezoning of annexed land

ACTION REQUIRED-RECOMMENDATION:

Per our ordinance, newly annexed land must remain zoned as per Greene County until the City of Willard votes on the new zoning. Willard Schools and the City are asking for your recommendation to rezone this property from A-1 to R-1 for the transition house.

Please contact me with any questions,

Dale Duvall



City of Willard

Zoning Case No. _____
Application Date _____
Application Fee \$ 65.00

**APPLICATION
ZONING CHANGE (REZONING)**

We, the undersigned, ask the City of Willard, Missouri Board of Aldermen to approve a zoning change as requested in this application on the tract of land described below. We attest to the truth and correctness of all facts and information presented with this application and agree to pay all advertising and mail notification costs for the public hearings as required by the *Willard Land Development Regulations*. The City of Willard is authorized to prepare and publish all required legal advertising and mail notifications, the cost of which is to be billed to the name listed below for payment.

Present Zoning Classification A- Requested Zoning Classification R-1

Legal Description of Property Requested to be Rezoned (attach additional sheet if needed):

Type of Planned Development: Residential - Mixed Use
(if applicable)

Street Address or Other Common Property Description _____

Property Owner's Name(s) WILLARD RII SCHOOL DISTRICT

If corporation, Corporate Official Name and Seal: _____

Mailing Address 460 E KIME WILLARD, MO 65781

Telephone Number 417-742-2584 Fax Number 417-742-2586

PROPERTY OWNER'S SIGNATURE:

Janelle Royal
(Not necessary if there is an authorized representative. Authorized representative must sign below).

AUTHORIZED REPRESENTATIVE:

I hereby certify that I am authorized to represent all of the property owners of the above described tract in this application. A power of attorney is attached.

Name DR. JANELLE ROYAL, ASSISTANT SUPERINTENDENT Signature Janelle Royal

Address 460 E KIME WILLARD, MO 65781 Telephone 417-742-2584

BILL ADVERTISING AND NOTIFICATION COSTS TO:

Name WILLARD RII SCHOOLS Telephone 417-742-2781

Address 460 E KIME WILLARD, MO 65781

Zoning Change (Rezoning) Application

FOR ATTACHMENT TO A DEED BETWEEN:
GRANTOR: CONCO QUARRIES, INC.
GRANTEE: WILLARD R-2 SCHOOL DISTRICT
SECTION 25, TOWNSHIP 30 NORTH, RANGE 23 WEST
GREENE COUNTY, MISSOURI

A TRACT OF LAND LYING IN PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 25, TOWNSHIP 30 NORTH, RANGE 23 WEST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 25, THENCE NORTH 02°20'31" EAST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 25, 111.50 FEET; THENCE NORTH 88°00'27" WEST, 400.07 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 88°00'27" WEST, 406.71 FEET; THENCE NORTH 39°22'33" EAST, 234.55 FEET; THENCE SOUTH 52°49'04" EAST, 323.40 FEET TO THE POINT OF BEGINNING, CONTAINING 37,899 SQUARE FEET (0.87 ACRES), ALL LYING IN GREENE COUNTY, MISSOURI, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.



CITY OF WILLARD, MISSOURI

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



12/01/2010

To: Mayor Jamie Schoolcraft
Board of Aldermen
Planning/Zoning Commissioners

From: Randy Brown
Director of Development

Re: Code Amendments

This memo is to recommend the enclosed changes that are proposed. Dale and I have reviewed them and have been working with Sativa on the recommended modifications. If you have any questions feel free to give Dale or myself a call or an email and we will be happy to explain. This is an ongoing effort to assure that all procedures and ordinances are updated in the code book.

Sincerely,

A handwritten signature in black ink that reads "Randy Brown". The signature is written in a cursive, flowing style.

Randy Brown
Director of Development

AN ORDINANCE

AN ORDINANCE APPROVING A MUNICIPAL CODE AMENDMENT TO SECTIONS 400.270, 400.280, 400.290, 400.420(B)(6), 400.600(H)(2), 400.800(F), 400.830(B), 400.1150, 400.1160(2), 400.1170(B), 400.1180(A), 400.1230(G)(3), 400.1450(A), 400.1490, 400.1500(E)(3)(a), AND 400.1510 OF THE MUNICIPAL CODE OF THE CITY OF WILLARD PERTAINING TO LAND DEVELOPMENT REGULATIONS.

WHEREAS, a public hearing was held on December 13, 2010;

WHEREAS, the Planning and Zoning Commission held a public hearing and vote on the Land Use code amendment to Sections 400.270, 400.280, 400.290, 400.420(B)(6), 400.600(H)(2), 400.800(F), 400.830(B), 400.1150, 400.1160(2), 400.1170(B), 400.1180(A), 400.1230(G)(3), 400.1450(A), 400.1490, 400.1500(E)(3)(a), and 400.1510 regarding Land Development Regulations, which resulted in _____;

NOW THEREFORE, BE IT HEREBY ORDAINED AND RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article III. Administration And Review, Part 4. Permits, Sections 400.270, 400.280, and 400.290 as follows:

SECTION 400.270: BUILDING PERMIT REQUIRED

It shall be unlawful to start the construction of a new building, structure or sign or the enlargement or structural alteration of an existing building, structure or sign without first applying for and receiving a zoning certificate and a building permit from the City. No building permit shall be issued unless the Building Inspector has reviewed the plot plan or site plan, if required, and has certified that such plans are in compliance with all applicable provisions of this Chapter. ~~[Under contract with the Greene County Commission, Greene County will issue building permits and provide building inspections with building permit fees to be paid to Greene County in conformance with the provisions of Article XVII, Section 400.1510.]~~

SECTION 400.280: ZONING CERTIFICATE

A. *Authority And Purpose.* The City Clerk or duly authorized representative shall have the authority to issue zoning certificates. It is the purpose of the zoning certificate to provide official certification of the zoning of a particular property on the date the zoning certificate is issued.

~~[B. *Application Procedure.*~~

~~1. Applications for zoning certificates shall be submitted in duplicate to the City Clerk. All applications shall be accompanied by a plot plan containing information in accordance with Article XIV; or if otherwise required by this Chapter, a site plan in accordance with Article XIV.~~

~~2. Upon review and approval of the plans, one (1) copy of the plans shall be returned to the applicant along with such zoning certificate as may be granted.~~

~~C. *Effect Of Issuance.* The issuance of a zoning certificate provides information necessary for the filing and processing of applications for any additional permits and approvals which may be required by the City including, but not limited to, building permit, certificate of occupancy, business license, home occupation or tower license.]~~

SECTION 400.290: CERTIFICATE OF OCCUPANCY

A. *Purpose.* Inspection of completed premises and issuance of a certificate of occupancy shall be required before commencement of use or occupancy to ensure that the premises are in compliance with all applicable provisions of this Chapter.

1. A certificate of occupancy shall be obtained prior to:

- a. The occupancy or use of any building or addition thereto that has been constructed, enlarged, structurally altered or relocated.
- b. The change of use of any land or structure.

~~[c. The establishment of a home occupation.]~~

B. ~~[*Application Procedure*]~~ ***Issuance of Certificate of Occupancy*** . ~~[Application for certificate of occupancy shall be submitted in duplicate to Greene County. All applications shall be accompanied by a plot plan containing information in accordance with Article XIV; or if otherwise required by this Chapter, a site plan in accordance with Article XIV. Following the submission of an application for certificate of occupancy, t]~~The inspector shall cause the building or structure to be inspected[, if necessary,] and shall certify to the City that one (1) of the following actions be taken:

1. If all work has been completed and the building, structure or premises is in compliance with all applicable provisions of this Chapter and the provisions of other applicable City codes, the certificate of occupancy shall be approved. The certificate of occupancy shall be issued by ~~[Greene County]~~ **the City Clerk of the City of Willard** within five (5) working days of receipt of report from the inspector.
2. If all work has not been completed or the structure, building or premises is not in compliance with the applicable provisions of this Chapter and other City codes, written notice shall be made to the applicant informing the reasons why the certificate of occupancy cannot be issued, citing either the City codes or other work that must be completed.

Section 2: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article V. Zoning District Regulations, Section 400.420(B)(6) as follows:

SECTION 400.420: "R-1" SINGLE-FAMILY RESIDENCE DISTRICT

B. *Conditional Uses.* The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

6. Family day care homes, provided that the following conditions are met:
 - a. Use as proposed on a site plan filed with the application does not conflict with this or any other ordinance of the City.
 - b. No inventory of merchandise is maintained for the purpose of wholesale or retail sale on said premises.
 - c. Existing building proposed to be converted to uses for family day care homes must meet all fire, health, building, housing, plumbing and electrical requirements of the City.
 - d. The health, safety and general welfare of the area are not adversely affected and the intent of this Chapter is upheld.
 - e. The use of all land or buildings arranged, designed or intended for play space, required parking for staff and patrons shall be located behind the lot front setback line.
 - f. Outdoor play activities shall be provided within a fenced area or accessible park and limited to the hours between [8:00] **6:00** A.M. and [8:00] **6:00** P.M.
 - g. The operation of the facility shall be restricted to reasonable operating hours as established by the Board of Aldermen.

Section 3: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article VI. Supplemental Use Regulations, Section 400.600(H)(2) as follows:

SECTION 400.600:

TELECOMMUNICATIONS FACILITIES

H. Abandonment Of Tower.

2. The City shall provide the tower owner three (3) months' notice and an opportunity to be heard before a hearing examiner appointed by the City [~~Manager~~] **Administrator** for the purpose, and agreeable to the tower owner if he/she may be located, before initiating such action. After such notice has been provided, the City shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the then fair market value, to approve the sale of the tower to a third (3rd) party or in the alternative order the demolition of the tower and all appurtenances.

Section 4: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article IX. Parking And Loading Area Requirements, Sections 400.800(F) and 400.830(B) as follows:

SECTION 400.800:**JOINT USE PARKING FACILITIES**

- F. *Registration Of Joint Use Parking Plan.* Upon approval of a joint use parking plan, a copy of such plan shall be **filed with the City Clerk and recorded at the Greene County Recorder of Deeds** [~~at the Greene County Registry~~] and shall thereafter be binding upon the applicants, their heirs, successors and assigns. Such recording shall limit and control the issuance and validity of building and occupancy permits. The applicant is responsible for the recording fee charged by the Greene County Recorder of Deeds.

SECTION 400.830:**LOADING AND UNLOADING AREAS**

B. *Off-Street Loading Design Standards*

1. *Location.* All required loading spaces shall be located on the same lot as the use served. Off-street loading areas may occupy all or part of any required yard space, other than a required front yard or a side yard adjoining a street or the required setback from the right-of-way centerline of a street. No loading space shall be located within fifty (50) feet of the nearest point of intersection of any two (2) streets or highways.
2. *Space allocation.* No area allocated to loading and unloading facilities may be used to satisfy the requirements for off-street parking, nor shall any portion of any off-street parking area be used to meet the requirements for loading and unloading.
3. *Access.* All off-street loading areas shall be accessed without requiring any backing onto or from a public street.
4. *Grading and surfacing.* All off-street loading areas shall be graded for proper drainage, provided with an appropriate base and surfaced with asphalt or Portland cement concrete **or an approved alternative.**
5. *Landscaping/screening.* All off-street loading areas that abut or are adjacent to a residence district shall comply with the landscaping and screening requirements of Article VIII.
6. *Repair and service.* No motor vehicle repair work or service of any kind shall be permitted in conjunction with any off-street loading area.

Section 5: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article XIV. Plans, Plats And Other Required Information, Sections 400.1150, 400.1160(2), 400.1170(B), 400.1180(A), and 400.1230(G)(3) as follows:

SECTION 400.1150:**PLOT PLAN**

Unless a site plan is required for any development pursuant to Article III, Section 400.340, all applications for building permits shall be accompanied by a plot plan in accordance with the specifications and requirements of [~~Greene County~~] the City of Willard.

SECTION 400.1160:**SITE PLAN**

2. *Major site plan.* [Twelve (12)] Fifteen (15) copies shall be submitted.

SECTION 400.1170:**SKETCH PLAN**

- B. The sketch plan shall be drawn to an approximate scale (one (1) inch equals one hundred (100) feet). [Fourteen (14)] Fifteen (15) copies of the sketch plan shall be submitted.

SECTION 400.1180:**PRELIMINARY PLAT**

- A. The preliminary plat application shall be accompanied by [twenty (20)] fifteen (15) black line or blue line print paper copies of the preliminary plat. The preliminary plat sheet size shall be twenty-four (24) inches by thirty-six (36) inches. The plat shall be drawn at a scale no greater than one hundred (100) feet to the inch and which is in increments of ten (10) feet.

SECTION 400.1230:**COMMON OPEN SPACE AND COMMON IMPROVEMENT REGULATIONS**

- G. *Maintenance Responsibility.*

3. The maintenance responsibilities of the developer listed in this Section shall be specifically indicated in a letter or agreement between the developer and the City. The developer shall submit said letter to the Planning and Zoning Commission and Director of Planning and Development at the time of final plat review. All principal access shall be from an arterial highway or street and no truck traffic shall be routed through any adjacent residential areas. Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any non-residential use in this district except on streets classified as expressways, arterials or collectors.

Section 6: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article XVI. Guarantees For Public Improvements, Section 400.1450(A) as follows:

SECTION 400.1450: PROTECTION AGAINST DEFECTS

- A. Before any final plat or development plan shall be recorded, the developer [shall] **may be required** to post a performance bond or other sufficient surety, acceptable to 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.

Section 7: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article XVII. Miscellaneous Regulations, Sections 400.1490, 400.1500(E)(3)(a), and 400.1510 as follows:

SECTION 400.1490: GENERALLY

This Article sets forth the requirements of regulations related to the development of land, construction of structures, facilities and improvements and provisions for determination of compliance with other codes and regulations of the City of Willard. Specifically, this Article sets forth regulations governing excavation within the City limits of Willard, procedures for inspection services provided by [~~Greene County~~] **the City of Willard** for compliance with the City's Building, Electrical, Plumbing and Mechanical Codes and the floodplain management regulations of the City.

SECTION 400.1500: EXCAVATION

- *****
- E. *Excavation Within Rights-of-Way*

3. *Performance bond required.*

- a. Prior to the issuance of a permit for excavation within the **right-of-way** limits of any street, alley or sidewalk, the applicant shall deposit with the City Clerk not less than one thousand dollars (\$1,000.00) cash as surety for performance.
- *****

SECTION 400.1510: CODE INSPECTION SERVICES

- A. *Permit Required.* It shall be unlawful for any person, individual, firm, partnership or corporation to

BILL NO. _____

ORDINANCE NO. _____

build, construct or fabricate any building or dwelling, whether business or residential or any addition thereto, within the City limits of the City of Willard without having first obtained a permit for said construction. In seeking said permit, the applicant shall first apply with the City Clerk for a zoning certificate to reflect that the property for which the construction permit is to apply is properly zoned for the construction anticipated. The applicant shall submit the zoning certificate to [~~Greene County~~] the City of Willard with the application for permit.

- B. *Fees.* Permit fees and inspection fees for building, electrical, plumbing and mechanical construction on all phases of construction, commercial and residential, within the City as set forth in the above named ordinances shall be equal to the permit fees and inspection fees as set forth in the applicable codes of [~~Greene County~~] the City of Willard.

Section 8: This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval of the Mayor.

READ TWO TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI ON THE ____ DAY OF _____, 2010.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

RICHARD SIMPSON

DOUG JOHNSON

PAT LLOYD

DAVID HEMPHILL

TIM MAGEE

BRYAN VINCENT

BILL NO. _____

ORDINANCE NO. _____

APPROVED BY:

JAMIE SCHOOLCRAFT, MAYOR

ATTEST:

DALE DUVALL, CITY CLERK

AN ORDINANCE

AN ORDINANCE APPROVING A MUNICIPAL CODE AMENDMENT TO SECTION 400.860 AND SECTION 400.870 OF THE MUNICIPAL CODE OF THE CITY OF WILLARD PERTAINING TO SIGNS.

WHEREAS, a public hearing was held on December 13, 2010;

WHEREAS, the Planning and Zoning Commission held a public hearing and vote on the Land Use code amendment to Section 400.860 and Section 400.870 regarding signs, which resulted in _____;

NOW THEREFORE, BE IT HEREBY ORDAINED AND RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article X. Signs, Section 400.860 as follows:

SECTION 400.860: EXEMPT SIGNS

The following signs shall not require a sign permit, but must be in conformance with all other applicable provisions of this Article.

Address numbers and name plates. Address numbers and unlighted name plates not exceeding one (1) square foot in area per dwelling unit or business. 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.

Banner signs. Signs, consisting of a flexible lightweight material, such as a banner, not exceeding twenty-four (24) square feet of area. [~~One (1) sign per business premises is permitted, posted for not more than thirty (30) business days per year.~~]

Construction site signs. Construction site identification signs, exceeding no more than one (1) sign per site, with such sign exceeding no more than thirty-two (32) square feet in area.

Directional signs. Signs directing and guiding traffic on private property that do not exceed one and one-half (1½) square feet each and that contain no advertising.

Flags. Flags, pennants or insignia of any government or non-profit organization when not displayed in connection with a commercial promotion.

Governmental signs. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and information signs, traffic and directional signs or regulatory signs.

Neighborhood identification signs. Neighborhood identification signs, such as a masonry

wall, landscaping or other similar materials that are combined to display neighborhood identification. The message of such signs shall display only the name of the neighborhood, tract or district.

Non-commercial signs. Signs proclaiming religious, political or other non-commercial messages that do not exceed [~~sixteen (16)~~] **thirty-two (32)** square feet in area and that are not internally illuminated.

Official signs. Official signs of a non-commercial nature erected by public utilities.

Portable signs. All portable signs located in any district in the City of Willard shall be allowed for a temporary use of up to six (6) months.

Real estate sale or lease signs. Detached or attached, non-illuminated, temporary on-premises signs pertaining to the sale or lease of the premises. Such signs shall not exceed twelve (12) square feet in area. For lots exceeding five (5) acres and having street frontage in excess of four hundred (400) feet, a second (2nd) sign may be erected with the area of such sign not to exceed thirty-two (32) square feet. Such signs shall be removed within fourteen (14) days of sale or lease of the premises.

Temporary special event signs. Temporary signs not exceeding thirty-two (32) square feet in area, erected to advertise a special event of a civic, educational, philanthropic, religious, political or similar nature. Such signs may be erected no sooner than two (2) weeks before the event and shall be removed no later than five (5) days after the event.

Vehicular signs. Signs painted on or permanently attached to vehicles. Vehicular signs may not contain flashing or blinking lights nor any animation.

Window signs. Any sign, symbol or picture designed to provide information about a business, activity, service or event that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Window signs shall not exceed fifty percent (50%) of the glass.

Section 2: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article X. Signs, Section 400.870 as follows:

SECTION 400.870: GENERAL PROVISIONS

The following provisions shall apply to all signs in the City:

1. *Prohibited signs.* The following signs are specifically prohibited.
 - a. Signs which advertise or promote unlawful activity.
 - b. Signs which may be confused with a traffic control signal, sign or device, the light

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of an emergency or road equipment vehicle or any other governmental agency sign.

- c. Signs which hide from view any traffic or street sign, signal or similar traffic control or directional sign.
 - d. Signs which use searchlights or strobe lights that attract the attention of the public.
 - e. Portable signs, except as specifically allowed as a temporary sign in Section 400.860. ~~[Unless otherwise allowed under the provisions of this Chapter, all portable signs located in any district in the City of Willard shall be removed within ninety (90) days of the effective date of this Chapter.]~~
2. *Sign illumination.* All illuminated signs shall be designed, constructed and located to eliminate or minimize glare. Such signs shall not increase the lighting intensity upon adjoining properties.
3. *Signs painted on building walls.* Signs painted on building walls are prohibited in all districts.
4. *Sign condition.* All signs, including supports, braces and anchors, shall be kept in good repair. Unsafe signs in danger of falling or breaking apart shall be removed or repaired by the sign owner. All signs shall be installed and maintained in accordance with the building codes of the City of Willard.

Section 3: This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval of the Mayor.

READ TWO TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI ON THE ____ DAY OF _____, 2010.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

RICHARD SIMPSON

DOUG JOHNSON

PAT LLOYD

BILL NO. _____

ORDINANCE NO. _____

DAVID HEMPHILL

TIM MAGEE

BRYAN VINCENT

APPROVED BY:

JAMIE SCHOOLCRAFT, MAYOR

ATTEST:

DALE DUVALL, CITY CLERK

AN ORDINANCE

AN ORDINANCE APPROVING A MUNICIPAL CODE AMENDMENT TO SECTION 400.1420 OF THE MUNICIPAL CODE OF THE CITY OF WILLARD PERTAINING TO PARK/RECREATIONAL DEVELOPMENT, DEDICATION OR FEE IN LIEU OF.

WHEREAS, a public hearing was held on December 13, 2010;

WHEREAS, the Planning and Zoning Commission held a public hearing and vote on the Land Use code amendment to Section 400.1420 regarding park/recreational development, dedication or fee in lieu of, which resulted
in _____;

NOW THEREFORE, BE IT HEREBY ORDAINED AND RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article XV. Required Public Improvements, Section 400.1420 as follows:

SECTION 400.1420: PARK/RECREATIONAL DEVELOPMENT, DEDICATION OR FEE IN LIEU OF

- A. In order to meet the recreational needs of the residents of Willard, all development within the City is required to contribute developed parkland/recreational areas on site or off site as part of the development process. As an alternative to park/recreation area construction/development park fees in lieu of development may be considered. Park fees in lieu of development are dedicated to assist in the purchase and/or development of parkland and/or park/recreation facilities.
- B. Parkland/recreation development review and assessment is performed during the sketch plan and preliminary plat review process as specified in the City of Willard planning and zoning regulations. The parkland/recreation area offering shall be reviewed by the Park Board, the Director of Parks and Recreation with a recommendation being presented to the Planning and Zoning Commission. The recommendation shall state whether the parkland offering should be accepted, accepted with conditions or if the offering should be declined and a payment of funds in lieu of parkland/recreation area development be accepted. The final plat must reflect the dedication of all parkland/recreation area development.
- C. Parkland/recreational area shall not be located in any of the following areas within a development:
1. Deep ravines.
 - ~~2. Densely wooded areas.~~
 - 2.~~[3]~~. Areas where the average slopes of the entire park/recreation area exceeds five percent

(5%).

3.~~[4.]~~ Detention basins designed on the basis of storm recurrence frequencies less than two percent (2%) or every fifty (50) years. Detention basins designed on the basis of storm recurrence frequencies less than two percent (2%) will be considered.

4.~~[5.]~~ Wetlands as determined by the U.S. Corps of Engineers.

5.~~[6.]~~ Floodways as determined by the regulations and guidelines of FEMA. However, land identified to be in a 100-year floodplain area will be considered on a case-by-case basis, dependent primarily upon the recurrence and frequency of standing water.

6.~~[7.]~~ Areas that are in close proximity to an existing community park, unless deemed appropriate by the Park Board, the Director of Parks and Recreation and the Planning and Zoning Commission of the City of Willard.

D. The parkland/recreation area or the in lieu of fee contribution is a one-time assessment based on the number of dwelling units within the development. Any expansion of an existing development or facility built prior to the enactment of the parkland/recreation area requirements shall be charged an amount based on the number of additional dwelling units. Expansion of any facility on which the parkland/recreation area standards have been applied will not be charged an additional fee unless additional land has been acquired for expansion purposes. Additional parkland/recreation areas will be determined on the standards in effect at the time of the building permit issuance.

E. The parkland/recreation area required to be dedicated shall be one (1) acre for every five hundred (500) persons expected to reside in the platted development. In order to determine the expected population of a population of a proposed development, the average household size of Willard, as determined by the most recent figures for the City from the U.S. Census Bureau, shall be used. The total amount for the parkland area, however, shall not be less than one-half (1/2) an acre in size.

1. *Residential.* In order to calculate the amount of parkland/recreational area needed, the number of dwelling units in the development shall be multiplied by the average household size in Willard. The resulting number shall then be divided by five hundred (500). The resulting number shall be the amount of acres required to be dedicated as parkland/recreational area. The fee in lieu of developed parkland/recreation area shall be two hundred dollars (\$200.00) per dwelling unit.

~~2. *Commercial.* Three cents (\$.03) per square foot of land area within the development.~~

~~3. *Industrial.* Two cents (\$.02) per square foot of land area within the development.~~

Section 2: This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval of the Mayor.

BILL NO. _____

ORDINANCE NO. _____

READ TWO TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF
THE CITY OF WILLARD, MISSOURI ON THE ____ DAY OF _____, 2010.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

RICHARD SIMPSON

DOUG JOHNSON

PAT LLOYD

DAVID HEMPHILL

TIM MAGEE

BRYAN VINCENT

APPROVED BY:

JAMIE SCHOOLCRAFT, MAYOR

ATTEST:

DALE DUVALL, CITY CLERK

AN ORDINANCE

AN ORDINANCE APPROVING A MUNICIPAL CODE AMENDMENT TO SECTION 400.1410, SECTION 400.1520(B)(1), AND SECTION 400.1520(D)(1)(c) OF THE MUNICIPAL CODE OF THE CITY OF WILLARD PERTAINING TO FLOODPLAIN MANAGEMENT.

WHEREAS, a public hearing was held on December 13, 2010;

WHEREAS, the Planning and Zoning Commission held a public hearing and vote on the Land Use code amendment to Section 400.1410, Section 400.1520(B)(1), and Section 400.1520(D)(1)(c) regarding Floodplain Management, which resulted in _____;

NOW THEREFORE, BE IT HEREBY ORDAINED AND RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article XV. Required Public Improvements, Section 400.1410 as follows:

SECTION 400.1410: FLOODPLAIN MANAGEMENT

All development located within the jurisdiction of the City of Willard identified as unnumbered A Zones on the Flood Insurance Rate Map (FIRM) [~~or Flood Hazard Boundary Map (FHBM) dated November 5, 1976~~] for Greene County dated December 17, 2010 on map panel numbers 29077C0180E, 29077C0185E, 29077C0187E, 29077C0191E, 29077C0192E, 29077C0193E, 29077C0194E, and 29077C0306E, as amended, and any future revisions thereto shall be in compliance with the requirements of the floodplain management regulations as specified in Article XVII, Section 400.1520.

Section 2: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article XVII. Miscellaneous Regulations, Section 400.1520(B)(1) as follows:

SECTION 400.1520: FLOODPLAIN MANAGEMENT

.....

B. General Provisions.

1. *Lands to which Section applies.* This Section shall apply to all lands within the jurisdiction of the City of Willard identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Map (FIRM) for Greene County dated December 17, 2010 on map panel numbers 29077C0180E, 29077C0185E, 29077C0187E, 29077C0191E, 29077C0192E, 29077C0193E, 29077C0194E, and 29077C0306E, and Flood Boundary and Floodway Map (FBFM) dated August 4, 2004,

as amended, and any future revisions thereto. In all areas covered by this Section, no development shall be permitted except through the issuance of a floodplain development permit granted by the City of Willard or its duly designated representative under such safeguards and restriction as the City of Willard or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and as specifically noted in Subsection (D).

Section 3: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article XVII. Miscellaneous Regulations, Section 400.1520(D)(1)(c) as follows:

SECTION 400.1520: FLOODPLAIN MANAGEMENT

D. Provisions For Flood Hazard Reduction

1. *General standards.*

- c. Until a floodway is designated, no new construction, substantial improvements or other development, including fill, shall be permitted within any numbered A Zone or AE Zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot ~~ant~~ **at** any point within the community.

Section 4: This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval of the Mayor.

READ TWO TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI ON THE ____ DAY OF _____, 2010.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

RICHARD SIMPSON

BILL NO. _____

ORDINANCE NO. _____

DOUG JOHNSON

PAT LLOYD

DAVID HEMPHILL

TIM MAGEE

BRYAN VINCENT

APPROVED BY:

JAMIE SCHOOLCRAFT, MAYOR

ATTEST:

DALE DUVALL, CITY CLERK

BILL NO. _____

ORDINANCE NO. 121228D

AN ORDINANCE

AN ORDINANCE APPROVING A MUNICIPAL CODE AMENDMENT TO SECTION 400.420(A) AND SECTION 400.420(B) OF THE MUNICIPAL CODE OF THE CITY OF WILLARD PERTAINING TO R-1 SINGLE-FAMILY RESIDENCE DISTRICT.

WHEREAS, a public hearing was held on _____, 2010;

WHEREAS, the Planning and Zoning Commission held a public hearing and vote on the Land Use code amendment to Section 400.420(A) and Section 400.420(B) regarding R-1 Single-Family Residence District Permitted Uses and Conditional Uses, which resulted in _____;

NOW THEREFORE, BE IT HEREBY ORDAINED AND RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article V. Zoning District Regulations, Section 400.420(A) and Section 400.420(B) as follows:

SECTION 400.420: "R-1" SINGLE-FAMILY RESIDENCE DISTRICT

A. *Permitted Uses.* The "R-1" Single-Family Residence District is intended primarily for single-family detached dwellings at maximum densities of two and one-half (2.5) dwelling units per acre. Other uses necessary to meet educational, governmental, religious, recreation and other neighborhood needs are permitted or allowed as conditional uses subject to restrictions intended to preserve the residential character of the district. The following uses are permitted in the "R-1" District:

1. Single-family detached dwellings, one (1) dwelling per lot.
2. Single-family detached modular dwellings, one (1) dwelling per lot.
3. **Family day care homes that meet the following requirements:**
 - a. **Use as proposed on a site plan filed with the application does not conflict with this or any other ordinance of the City.**
 - b. **No inventory of merchandise is maintained for the purpose of wholesale or retail sale on said premises.**
 - c. **Existing building and land proposed to be converted to uses for family day care homes must meet all fire, health, building, housing, plumbing and electrical requirements of the City, may be subject to inspection at any time, and must meet all City requirements and City codes prior to issuance of a business license.**

d. The health, safety and general welfare of the area are not adversely affected and the intent of this Chapter is upheld.

e. The use of all land or buildings arranged, designed or intended for play space, required parking for staff and patrons shall be located behind the lot front setback line.

f. The operation of the facility shall be restricted to the hours between 6:00 A.M. and 6:00 P.M.

4.13.1 *Residential group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.

5.14.1 Schools, elementary and secondary, or development centers for elementary and secondary school-age children with developmental disabilities or handicaps on a minimum of five (5) acres of land.

6.15.1 Churches and other places of worship, including parish houses and Sunday schools, but excluding temporary revivals, rescue missions and overnight shelters, that meet the following requirements:

- a. Frontage on and primary access to an arterial or higher classification street;
- b. Located not less than fifty (50) feet from any other lot in any other residential district; and
- c. Located on a minimum of two (2) acres of land to provide sufficient space for off-street parking and site design to minimize impact on adjacent residential uses. Churches and other places of worship on less than two (2) acres of land at the time this Chapter is adopted shall be considered conforming uses.

7.16.1 Publicly owned or operated parks, playgrounds, recreation facilities, golf courses and community buildings, all of a non-commercial nature.

8.17.1 Home occupations as permitted pursuant to Article VI, Section 400.540.

9.18.1 Government buildings of a cultural, service or administrative type, not including repair garages or yards, storage yards or warehouses, provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any residential district.

10.19.1 Public utilities and buildings, transportation, pipeline and utility easements and rights-of-way, except for office buildings, garages and shops, loading yards and warehouses.

11.110.1 Truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale sale is conducted on the premises.

~~12.11.1~~ Nurseries and greenhouses, agricultural uses, but not including commercial poultry farms, hog farms, feedlots or other confined animal feeding operation or kennels; provided that any greenhouse or any building in which farm animals are kept shall be a distance not less than two hundred (200) feet from any dwelling other than a farm dwelling and from any lot in any residential district. See Article VI, Section 400.570 for more information on animals.

~~13.12.1~~ Accessory uses in accordance with Article VI, Section 400.520.

~~14.13.1~~ Temporary uses as permitted in Article VI, Section 400.530.

~~15.14.1~~ Type I and II wireless facilities in accordance with the provisions of Article VI, Section 400.600.

B. *Conditional Uses.* The following uses may be permitted as conditional uses subject to the provisions of this Chapter and approval by the Board of Aldermen.

1. Museums, public art galleries and libraries on a minimum two (2) acres of land.
2. Churches and other places of worship, including parish houses and Sunday schools, but excluding rescue missions. Such uses shall be located on a minimum of two (2) acres of land to provide sufficient area for off-street parking, buffer yards and proper site design to lessen impact on adjacent residential areas. Churches and other places of worship on less than two (2) acres of land at the time of adoption of this Chapter shall be considered conforming uses.
3. Non-commercial, not-for-profit neighborhood facilities, including indoor and outdoor recreation facilities, operated by a neighborhood or community organization or a property owners' association.
4. Cemeteries on a minimum of ten (10) acres of land.
5. Country clubs, golf courses and other private non-commercial recreation areas and facilities, but excluding miniature golf courses or driving ranges. Any principal building or accessory use shall be located not less than one hundred (100) feet from any other lot in any residential district.

~~16. Family day care homes, provided that the following conditions are met:~~

- ~~a. Use as proposed on a site plan filed with the application does not conflict with this or any other ordinance of the City.~~
- ~~b. No inventory of merchandise is maintained for the purpose of wholesale or retail sale on said premises.~~
- ~~c. Existing building proposed to be converted to uses for family day care homes must meet all fire, health, building, housing, plumbing and electrical requirements of the City.~~

BILL NO. _____

ORDINANCE NO. _____

- d. ~~The health, safety and general welfare of the area are not adversely affected and the intent of this Chapter is upheld.~~
- e. ~~The use of all land or buildings arranged, designed or intended for play space, required parking for staff and patrons shall be located behind the lot front setback line.~~
- f. ~~Outdoor play activities shall be provided within a fenced area or accessible park and limited to the hours between 8:00 A.M. and 8:00 P.M.~~
- g. ~~The operation of the facility shall be restricted to reasonable operating hours as established by the Board of Aldermen.]~~

6.~~[7.]~~ Bed and breakfast.

7.~~[8.]~~ Type III, IV and V wireless telecommunication towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with Article VI, Section 400.600(C).

Section 2: This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval of the Mayor.

READ TWO TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI ON THE ____ DAY OF _____, 2010.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

RICHARD SIMPSON

DOUG JOHNSON

PAT LLOYD

BILL NO. _____

ORDINANCE NO. _____

DAVID HEMPHILL

TIM MAGEE

BRYAN VINCENT

APPROVED BY:

JAMIE SCHOOLCRAFT, MAYOR

ATTEST:

DALE DUVALL, CITY CLERK

AN ORDINANCE

AN ORDINANCE APPROVING A MUNICIPAL CODE AMENDMENT TO SECTION 400.350 OF THE MUNICIPAL CODE OF THE CITY OF WILLARD PERTAINING TO AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS.

WHEREAS, a public hearing was held on December 13, 2010;

WHEREAS, the Planning and Zoning Commission held a public hearing and vote on the Land Use code amendment to Section 400.350 regarding amendments to the Land Development Regulations, which resulted
in _____;

NOW THEREFORE, BE IT HEREBY ORDAINED AND RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article III. Administration And Review, Part 6. Amendments, Section 400.350 as follows:

PART 6. AMENDMENTS

SECTION 400.350:

AMENDMENTS

- A. *Amendments Authorized.* The Board of Aldermen may from time to time by ordinance amend, supplement, change, modify or repeal the boundaries of the zoning districts or the regulations herein or subsequently established. The Board of Aldermen must receive the recommendation and report of the Commission before it may take any such action.
- B. *Initiation Of Amendment.* Amendments may be proposed by the Board of Aldermen, the Planning and Zoning Commission or by any person owning or having an interest in property in the City of Willard. If the Board of Aldermen initiates an amendment, the Board's proposal shall be transmitted to the Commission for the Commission's report and recommendation.
- C. *Application For Amendment.* An application for an amendment, along with pertinent data and information as may be required by the Commission, shall be submitted to the Commission at least thirty (30) working days prior to the public hearing to be held by the Commission on the application. Applications for amendments initiated by the Commission or the Board of Aldermen shall be accompanied by a motion of such body pertaining to the proposed amendment. The application shall be submitted on forms provided by the City Clerk and shall contain the following information, dependent on the type of amendment requested:
- I. For changes in the zoning district classification (rezoning).
 - a. Applicant's name, address, phone number and interest in the property.
 - b. Owner's name, address and phone number and, if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act on the owner's behalf.

- c. The street address of such property and if there is no street address, a sufficient description of the location of said property to enable the ordinary person to determine its location.
- d. Legal description of the property proposed for rezoning.
- e. The current zoning classification of the property and current use of the property.
- f. The amendment or zoning classification requested.
- g. The names and addresses of all property owners within one hundred eighty-five (185) feet of the subject property. The list of property owners shall be compiled from the property ownership records of the Greene County Assessor's office or by a title company authorized to issue title policies in the State of Missouri.
- h. Such additional information that the Commission may, by rule, require.
- i. **Application fee in the amount of \$50.00.**

2. For text amendments.

- a. The name, address and phone number of the applicant.
- b. The Section of the text of the ordinance proposed to be amended.
- c. The wording of the proposed amendment.
- d. An identification of any property owned, controlled or occupied by the applicant that would be benefited by the proposed amendment.
- e. An explanation of the extent to which other properties in the City that are subject to the regulations proposed to be amended would be affected by the proposed amendment.
- f. **Application fee in the amount of \$50.00.**

D. *Public Hearing Before Commission.* The Commission shall hold a public hearing on all proposed amendments in zoning district classifications or the text of this Chapter. Notice of public hearing shall be provided in accordance with the requirements of Section 400.360. The applicant or his/her agent shall present evidence to the Commission in regard to the applicant's request for the amendment.

E. *Commission Recommendations.* Within thirty (30) days after the public hearing, except when the applicant requests the amendment be tabled, the Commission shall make one (1) of the following recommendations in connection with the proposed amendment in zoning district classification or the text of this Chapter:

- 1. Recommend against the proposed change in zoning district classification or the text of the ordinance;
- 2. Recommend a change in the zoning district classification or the text of this Chapter;

3. Recommend a change in the zoning district classification or the text of this Chapter together with recommendations that, in the judgment of the Commission, will protect adjacent or other affected property and ensure that the proposed amendment is consistent with the intent of this Chapter and the Willard Comprehensive Plan.

F. *Report Of Commission Action Taken.* The Commission shall make written findings of fact on the proposed amendment and shall submit same together with its recommendations to the Board of Aldermen. The Commission shall not, however, forward its recommendations to the Board of Aldermen when at the meeting before the Commission the applicant or his/her agent did not appear and present evidence in regard to the applicant's request for the amendment.

G. *Public Hearing Before Board Of Aldermen.* A public hearing shall be held before the Board of Aldermen before adopting any proposed amendment, change, supplement or repeal to this Chapter. Notice of public hearing shall be made in accordance with the requirements of Section 400.360.

H. *Evidentiary Matters Before Board Of Aldermen.*

1. No person shall present testimony to the Board of Aldermen which is substantially different from that presented to the Commission at its hearing on the matter and no exhibit will be accepted by the Board of Aldermen that has not been presented to the Commission at its hearing on the matter. However, this Subsection is not intended to prevent the introduction of new testimony, new exhibits or other new evidence when there is a clear showing, as determined by a majority of the Board of Aldermen, that the introduction of such evidence before the Commission was not in good faith, reasonably possible.
2. Should a person present testimony that is substantially or materially different from that presented to the Commission at its hearing on the matter or should an exhibit be offered that has not been presented to the Commission at its hearing on the matter, subject to the exception contained in Subsection (H)(1), any person on the opposing side of the matter before the Board of Aldermen may claim prejudice from such presentation or offering and the Board of Aldermen shall upon such a claim have sole discretion to determine whether the person claiming prejudice has in fact been prejudiced from such presentation or offering. Upon a determination that a prejudice exists, the Board of Aldermen shall refer the matter back to the Commission for a new notice and public hearing.

I. *Actions Of Board Of Aldermen.*

1. When the Commission has recommended a change in zoning district classification or the text of this Chapter together with recommendations for additional requirements pursuant to Subsection (E)(3), the Board of Aldermen shall have the discretion to accept, reject or make other or additional requirements. Any such requirements shall become a part of the ordinance changing the zoning classification of such property or the text of this Chapter. Such requirements regarding a change in zoning district classification shall be considered as an amendment to this Chapter insofar as it is applicable to such property. Such requirements shall be considered as conditions precedent to the granting of a certificate of occupancy and there shall be compliance with such requirements before a certificate of occupancy will be issued by the City Clerk for the use or occupancy of the building, land or structure on such property.
2. The Board of Aldermen shall not consider any zoning classification for a property in cases

which involve a change from an existing zoning classification to another other than the zoning classification requested in the amendment application or the zoning classification expressly stated as considered by the motion of the Commission in its written report to the Board of Aldermen. If the applicant files a written request with the City Clerk prior to the final action of the Board of Aldermen stating that the applicant will pay the fees set forth for a zoning amendment application, then the Board of Aldermen may consider such different zoning classification only after referring the written request to the Commission for new public hearing and after receipt of the Commission's written report and decision and after new notice and public hearing before the Board of Aldermen.

J. *Limitations On Rezoning Applications.* No application for rezoning of any tract, lot or parcel of land shall be allowed prior to the expiration of six (6) months from the time the Board of Aldermen shall have finally acted on any application for rezoning of all or any part of the same lot, tract or parcel, unless the application previously acted upon was initiated by the Commission or the Board of Aldermen or unless the applicant can demonstrate substantial change in condition that should warrant consideration of a new application.

K. *Two-Thirds ($\frac{2}{3}$) Majority Necessary When Protest.* In case of a protest against a rezoning amendment duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet from the boundaries of the district proposed to be changed, then the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the Board of Aldermen shall be required for the amendment to be enacted.

Section 2: This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval of the Mayor.

READ TWO TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI ON THE ____ DAY OF _____, 2010.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

RICHARD SIMPSON

DOUG JOHNSON

PAT LLOYD

BILL NO. _____

ORDINANCE NO. _____

DAVID HEMPHILL

TIM MAGEE

BRYAN VINCENT

APPROVED BY:

JAMIE SCHOOLCRAFT, MAYOR

ATTEST:

DALE DUVALL, CITY CLERK

AN ORDINANCE

AN ORDINANCE APPROVING A MUNICIPAL CODE AMENDMENT TO SECTION 400.120 AND SECTION 400.570 OF THE MUNICIPAL CODE OF THE CITY OF WILLARD PERTAINING TO ANIMALS.

WHEREAS, a public hearing was held on December 13, 2010;

WHEREAS, the Planning and Zoning Commission held a public hearing and vote on the Land Use code amendment to Section 400.120 and Section 400.570 regarding animals, which resulted in _____;

NOW THEREFORE, BE IT HEREBY ORDAINED AND RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article II. Definitions and Interpretations, Section 400.120 to add an additional definition as follows:

SECTION 400.120: DEFINITIONS

ANIMAL, FOWL: Any domesticated chickens, guineas, geese, ducks, turkeys or other domesticated bird.

Section 2: The City does hereby amend Title IV. Land Use, Chapter 400: Land Development Regulations, Article VI. Supplemental Use Regulations, Section 400.570 as follows:

SECTION 400.570: ANIMALS

A. *Household Pets.* Animals which are normally and customarily kept as household pets, as defined in Article II, are allowed in any zoning district. Provided however, that no retail or wholesale business will be conducted in conjunction with the keeping of such household pets in any district higher than the "C-2" Commercial District.

B. *Farm Animals.* Farm animals may be kept in the "A-1" Agricultural District, "AP" Airport Zone and the "R-1" Residence District in conformance with the following requirements:

1. Farm animals may be kept in fenced pasture on unplatted land in the "AP" and "R-1" Districts, provided that such pasture shall have at least two (2) acres per animal and provided that this pasture area requirement shall not apply to suckling offspring of a cow or mare.
2. Any covered enclosure erected or enlarged to feed or keep farm animals shall be located no less than two hundred (200) feet from the lot lines of any existing residences on adjacent properties or any adjacent platted subdivision.

3. In any "R-1" District, farm animals shall not be permitted on any tract, parcel or lot less than ten (10) acres, excluding fowl and chickens as further set forth in this Chapter.
4. In determining the number of farm animals permitted on any tract or lot, the area containing a residence, any accessory structures to the residence used by the occupants and any required yard shall not be included in the calculation of pasture area required.
5. Nothing in this Subsection shall be construed to permit the location of a confined animal feeding facility or feedlot within the City.

C. Fowl and chickens. Fowl and chickens may be kept in any Zoning District in conformance with the following requirements:

1. **Keeping of fowl and more than six chickens.**
 - a. **No person shall keep chickens or other domestic fowl in any pen having an area of less than 144 square feet or the exterior boundary of which is less than 50 feet at the nearest point from the dwelling of another, a church, a school or a place of business of another. If more than 12 chickens or other fowl are kept in a pen, the pen shall have an area equal to 12 square feet for each chicken or other fowl kept in such pen.**
 - b. **No person shall keep 25 or more chickens, chicks or other domestic fowl in a battery located in a building or structure unless the battery is located more than 50 feet at the nearest point from any dwelling of another, church, school or place of business of another. Not more than 24 chickens, chicks, or other domestic fowl may be kept in a battery located inside a building or structure if the battery is more than 25 feet from the dwelling of another, a church, a school or a place of business of another. This subsection shall not apply to any lawfully operated hatchery.**
2. **Keeping of six or less chickens.**
 - a. **The maximum number of chickens allowed is six per tract of land regardless of how many dwelling units are on the tract.**
 - b. **Only female chickens shall be allowed. There shall be no restriction on chicken breeds.**
 - c. **It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.**
 - d. **Slaughter may occur for personal use provided that it is conducted in a sanitary manner, does not generate noise that creates a nuisance, and is not visible from adjacent properties or any public area or right-of-way.**

- e. Chickens shall be kept in a secured enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.
- f. Enclosures shall be kept in a clean, dry, odor-free, neat, and sanitary condition at all times.
- g. Henhouses, chicken tractors and chicken pens shall provide adequate ventilation and adequate sun and shade and shall be impermeable to rodents, wild birds, and predators, including dogs and cats.
- h. Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
 - (1) A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked at night. Openings, windows, and vents shall be covered with predator and bird proof wire of less than one-inch openings.
 - (2) Henhouses, chicken tractors, and chicken pens shall only be located to the defined rear of the property as required by the zoning code.
 - (3) Henhouses, chicken tractors, and chicken pens shall meet zoning setback requirements for accessory structures and be located at least 25 feet from any adjacent residential dwelling, church, school, or place of business.
- i. Any enclosed chicken pen shall consist of sturdy wire or wooden fencing. The pen shall be covered with wire, aviary netting, or solid roofing.
- j. Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries.
- k. All uses shall operate in accordance with the noise standards contained in section 400.1530 of the land development regulations.
- l. The chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an animal control officer.

- m. The chicken owner shall provide chickens access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds, and predators.
- n. The chicken owner shall provide for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, chicken pen, and surrounding area shall be kept free from trash and accumulated droppings.
- o. No dog or cat which kills a chicken shall, for that reason alone, be considered a dangerous or aggressive animal.
- p. It shall be unlawful for any person to keep chickens in violation of any provision of this article.
- q. It shall be unlawful for any owner, renter, or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this article.
- r. Any violation of this Section that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under Chapter 215.
- s. Each day that a violation of this article continues is a separate offense.
- t. All other applicable city codes shall apply.

D. [C.] Other Animals. Any animal~~[-or fowl]~~, other than what may be considered a household pet as defined in Article II and other than what may be considered a fowl as defined in Article II, shall be regulated to the district in which such use is generally or specifically allowed.

E. Offensive or noxious odors from keeping of animals or fowl. No person shall keep or allow or permit to be kept on any premises occupied by him, or under his charge or control, any animal or fowl in a pen or other enclosure under such conditions that an offensive or noxious smell or odor shall arise therefrom, to the injury, annoyance or inconvenience of any inhabitant of the neighborhood.

Section 3: This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval of the Mayor.

BILL NO. _____

ORDINANCE NO. _____

READ TWO TIMES AND PASSED AT A MEETING OF THE BOARD OF ALDERMEN OF
THE CITY OF WILLARD, MISSOURI ON THE ____ DAY OF _____, 2010.

MEMBERS OF THE BOARD OF ALDERMEN:

YES

NO

RICHARD SIMPSON

DOUG JOHNSON

PAT LLOYD

DAVID HEMPHILL

TIM MAGEE

BRYAN VINCENT

APPROVED BY:

JAMIE SCHOOLCRAFT, MAYOR

ATTEST:

DALE DUVALL, CITY CLERK