



CITY OF WILLARD

PLANNING AND ZONING REGULAR MEETING

May 20, 2025 at 6:00 PM

Willard City Hall, 224 W. Jackson St., Willard, MO

AGENDA

Update Posted on May 19, 2025, at 12:00 p.m.

The tentative agenda of this meeting includes:

PLEDGE OF ALLEGIANCE

CALL THE MEETING TO ORDER

ROLL CALL

AGENDA AMENDMENTS/APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Meeting Minutes for May 6, 2025

CITIZEN INPUT

PUBLIC HEARING

2. An Ordinance Revising and Replacing Section 400.1520 of the City Code.

DISCUSSION

3. An Ordinance Revising and Replacing Section 400.1520 of the City Code.
4. An Ordinance Adding Section 400.515 of the City Code.

NEW BUSINESS

UNFINISHED BUSINESS

ADJOURN MEETING

If you have special needs which require accommodation, please notify personnel at the City Hall. Representatives of the news media may obtain copies of this notice by contacting the City Clerk at 417-742-5302.

Rebecca Hansen, City Clerk



CITY OF WILLARD

PLANNING AND ZONING REGULAR MEETING

May 06, 2025 at 6:00 PM

Willard City Hall, 224 W. Jackson St., Willard, MO

MINUTES

Staff Present: Planning and Zoning Director Mike Ruesch, Planning Assistant Tammy Nephew, City Clerk Rebecca Hansen, Attorney Anna Yendes

Board of Aldermen Present: Mayor Troy Smith, Casey Biellier, Jeremy Hill, David Keene, Joyce Lancaster, Rachel Mathison

PLEDGE OF ALLEGIANCE

David Keene led the Pledge of Allegiance

CALL THE MEETING TO ORDER

David Keene called the meeting to order at 6:02.

ROLL CALL

Roll call conducted by City Clerk Rebecca Hansen

Present: David Keene, Valorie Simpson, Sam Baird, Josh Breeze, Marianne Hill, Jeff LaMontia, Gary Walker. Not present: Burnis Coleman, David Kinsman, Steve Cobb

AGENDA AMENDMENTS/APPROVAL OF AGENDA

Agenda amended to vote for officers prior to Public Hearing

Motion made by Sam Baird to approve the agenda, seconded by Marianne Hill. Voting aye: David Keene, Valorie Simpson, Josh Breeze, Sam Baird, Marianne Hill, Jeff LaMontia, Gary Walker. Motion carried 7-0

APPROVAL OF MINUTES

1. Minutes from April 15, 2025

Motion made by Sam Baird to approve the agenda, seconded by Gary Walker. Voting aye: David Keene, Valorie Simpson, Josh Breeze, Sam Baird, Marianne Hill, Jeff LaMontia, Gary Walker. Motion carried 7-0

The motion was made to recess for a short time.

Motion made by Sam Baird to recess the meeting, seconded by Jeff LaMontia. Voting aye: David Keene, Valorie Simpson, Josh Breeze, Sam Baird, Marianne Hill, Jeff LaMontia, Gary Walker. Motion carried 7-0

The motion was made to resume the meeting.

Motion made by Valorie Simpson to resume the meeting, seconded by Josh Breeze. Voting aye: David Keene, Valorie Simpson, Josh Breeze, Sam Baird, Marianne Hill, Jeff LaMontia, Gary Walker. Motion carried 7-0

CITIZEN INPUT

VOTING OF OFFICERS:

APPOINTING NEW CHAIRPERSON

David Keene opened the floor to nominations. There was some discussion about the duties of the Chairman and about nominations. Marianne Hill was nominated and accepted. A motion was made by Valorie Simpson that Marianne Hill act as the new Chairman. It was seconded by Jeff LaMontia. Voting aye: David Keene, Valorie Simpson, Josh Breeze, Sam Baird, Marianne Hill, Jeff LaMontia, Gary Walker. Motion carried 7-0

APPOINTING NEW VICE-CHAIR

David Keene opened the floor to nominations. There was some discussion about the duties of the Vice-Chair. Jeff LaMontia was nominated and accepted. A motion was made by Marianne Hill that Jeff LaMontia act as the new Vice-Chair. It was seconded by Valorie Simpson. Voting aye: David Keene, Valorie Simpson, Josh Breeze, Sam Baird, Marianne Hill, Jeff LaMontia, Gary Walker. Motion carried 7-0

APPOINTING NEW SECRETARY

David Keene opened the floor to nominations. Valorie Simpson was nominated and accepted. A motion was made by David Keene that Valorie Simpson act as the new Secretary. It was seconded by Sam Baird. Voting aye: David Keene, Valorie Simpson, Josh Breeze, Sam Baird, Marianne Hill, Jeff LaMontia, Gary Walker. Motion carried 7-0

PUBLIC HEARING

DISCUSSION

2. An Ordinance Revising and Replacing Section 400.510 of the City Code.

Planning Director Mike Ruesch set forth why a revision of Section 400.510 will increase flexibility in future development, especially in regards to Mixed-Use Development. The City Zoning Plan mentions mixed-use, but the City had no mixed-use code. Mixed-use zoning overlays streamline the approval process; developers will submit development plans along with a request for zone change. These development plans will be detailed with 3-D views. The Approval Process will begin with the Director of

Planning and Zoning, move on to the Planning Commission, and then be passed to the Board of Aldermen. There was some discussion about how this will be a slight change, in that plans will not go back to the Planning Commission for finalization. There will be a 24-month limit on a mixed-use zone change. There will also be a 24-month time limit in between phases. Developers will be encouraged to work with the City's Master Transportation Plan and put in trails for connectivity, open spaces, etc. Residential-only developments will not qualify for any of the mixed-use encouragements or requirements.

NEW BUSINESS**UNFINISHED BUSINESS****ADJOURN MEETING**

Motion made by Valorie Simpson to adjourn the meeting, seconded by Gary Walker. Voting aye: David Keene, Valorie Simpson, Josh Breeze, Sam Baird, Marianne Hill, Jeff LaMontia, Gary Walker. Motion carried 7-0

Meeting was adjourned at 7:55 pm.

If you have special needs which require accommodation, please notify personnel at the City Hall. Representatives of the news media may obtain copies of this notice by contacting the City Clerk at 417-742-5302.

Rebecca Hansen, City Clerk

MODEL FLOODPLAIN MANAGEMENT ORDINANCE

60.3(d)

FEMA has provided a FIRM with base flood elevations and designated floodway

The following model ordinance pertains only to the Special Flood Hazard Areas (SFHAs) in a community that participates in the Regular Program Phase of the National Flood Insurance Program (rather than the Emergency Program Phase). It has been designed to meet minimum Federal requirements as published in Missouri Executive Order 98-03.

Not all sections in this model ordinance may be applicable to a community that wishes to adopt a floodplain management ordinance. **Before adoption, this model ordinance should be thoroughly studied by community officials, planning commissions, and the community's attorney, as to its adequacy and suitability to the community's needs.** This will ensure that the community's specific floodplain management issues are governed in a reasonable manner without inflicting unnecessary hardships on people living in flood-prone areas.

This model does not prohibit development in the special flood hazard areas. It does set forth minimum performance standards for new construction or substantially improved structures. Communities may apply stricter regulations than the minimum requirements. For assistance in tailoring this ordinance to meet your community's specific needs, a Floodplain Management specialist at the Missouri State Emergency Management Agency (MoSEMA) may be contacted at the following address:

Missouri State Emergency Management Agency
Floodplain Management Section
2302 Militia Drive
Jefferson City, Missouri 65101

FLOODPLAIN MANAGEMENT ORDINANCE
Pursuant to 44 CFR § 60.3(d)

First Reading:
Bill No:

Second Reading
Ordinance No:

AN ORDINANCE REVISING AND REPLACING SECTION 400.1520 OF THE CITY CODE.

WHEREAS, the legislature of the State of Missouri has in Chapter 89.020, RSMo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety and general welfare and,

WHEREAS, FEMA is adopting the updated FIRM maps and

WHEREAS, an amendment to our existing code is needed.

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

SECTION 1. REPEAL SECTION 400.1520

Section 400.1520 is hereby repealed in its entirety

SECTION 2. REPLACEMENT OF SECTION 400.1520

Read two times and passed at a meeting of the Board of Aldermen of the City of Willard, Missouri on the

Approved as to Form: _____
Nate Dally, City Attorney

Approved By: _____
Troy Smith, Mayor

Attested By: _____
Rebecca Hansen, City Clerk

ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Missouri has in RSMo 79.110 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare of the public. Therefore, the Board of Aldermen of the City of Willard, Missouri, ordains as follows:

SECTION B. FINDINGS OF FACT

1. *Flood Losses Resulting from Periodic Inundation*

The special flood hazard areas of the City of Willard, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

2. *General Causes of the Flood Losses*

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

3. *Methods Used To Analyze Flood Hazards*

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.

- a. Selection of a base flood that is based upon engineering calculations, which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. The base flood is the flood that is estimated to have a one percent chance of being equaled or exceeded in any given year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for Greene County, dated September 19, 2025, as amended, and any future revisions thereto.
- b. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

4. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
5. Delineation of floodway encroachment lines within which no development is permitted that would cause **any** increase in flood height.
6. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare of the public; to minimize those losses described in Article 1, Section B (1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) § 59.22(a) (3); and to meet the requirements of 44 CFR § 60.3(d) by applying the provisions of this ordinance to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

ARTICLE 2 GENERAL PROVISIONS

SECTION A. LANDS TO WHICH ORDINANCE APPLIES

This ordinance shall apply to all lands within the jurisdiction of the City of Willard, Missouri, identified as numbered and unnumbered A zones and AE zones, on the Flood Insurance Rate Map (FIRM) panel numbers 29077C0180F, 29077C0185F, 29077C0187F, 29077C191F, 29077C0192F, 29077C0193F, 29077C0194F, and 29077C0306F dated September 19, 2025, as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen 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 Article 4.

SECTION B. COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION C. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

SECTION D. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by Missouri statutes.

SECTION E. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions, or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of the City of Willard, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance, or any administrative decision lawfully made thereunder.

SECTION F. SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

ARTICLE 3 ADMINISTRATION

SECTION A. FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

SECTION B. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Planning and Development Director is hereby appointed to administer and implement the provisions of this ordinance.

SECTION C. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the floodplain administrator shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;
5. Notify adjacent communities and the Missouri State Emergency Management Agency (MoSEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
9. When floodproofing techniques are utilized for a particular non-residential structure, the floodplain administrator shall require certification from a Missouri registered professional engineer or architect.

SECTION D. APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Indicate the fair market value of the structure and the fair market value of the improvement;
5. Specify whether development is located in designated flood fringe or floodway;
6. Identify the existing base flood elevation and the elevation of the proposed development;
7. Give such other information as reasonably may be required by the floodplain administrator;
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones and AE zones, unless the conditions of this section are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the one percent annual chance (aka 100-year) flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zones or AE zones on the community's 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 foot at any point within the community.
4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:

- a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Construction with materials resistant to flood damage;
- c. Utilization of methods and practices that minimize flood damages;
- d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
- f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage;
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - (4) All proposals for development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is lesser, include within such proposals base flood elevation data.

5. *Storage, material, and equipment*

- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

6. *Accessory Structures*

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; the accessory structure meets the following floodplain management requirements; and a floodplain development permit has been issued. Wet-floodproofing is only allowed for small low-cost structures.

7. *Agricultural Structures*

Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; the structure meets the following floodplain management requirements; and a floodplain development permit has been issued.

8. *Cumulative Improvement*

A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last ten (10) calendar years does not exceed fifty (50) percent of the structure's current market value. If the cumulative value of the improvement exceeds fifty (50) percent of the structure's current market value, the structure must be brought into compliance with Article 4, Section B(1) which requires elevation of residential structures to one (1) foot above the base flood elevation or the elevation/floodproofing of non-residential structures to one (1) foot above the base flood elevation.

9. *Nonconforming Use*

A structure, or the use of a structure or premises that was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

- a. If such structure, use, or utility service is discontinued for six (6) consecutive months, any future use of the building shall conform to this ordinance.
- b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

SECTION B. SPECIFIC STANDARDS

1. In all areas identified as numbered and unnumbered A zones and AE zones, where **base flood elevation** data have been provided, as set forth in Article 4, Section A (2), the following provisions are required:

a. *Residential Construction*

New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation. The elevation of the lowest floor shall be certified by a Missouri licensed land surveyor, engineer, or architect.

b. *Non-Residential Construction*

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Missouri registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in Article 3, Section C (7), (8), (9).

c. *Enclosures Below Lowest Floor*

Require, for all new construction and substantial improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
- (2) The bottom of all opening shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

SECTION C. MANUFACTURED HOMES

1. All manufactured homes to be placed within all unnumbered and numbered A zones and AE zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones and AE zones, on the community's FIRM on sites:
 - a. Outside of manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;

- c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a Missouri licensed land surveyor, engineer, or architect.
3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C (2) of this ordinance, be elevated so that either:
- a. the lowest floor of the manufactured home is at one (1) foot above the base flood level; or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

SECTION D. FLOODWAY

Located within areas of special flood hazard established in Article 2, Section A are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

- 1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
- 2. The community shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in **any** increase in flood levels within the community during the occurrence of the base flood discharge.
- 3. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and Floodway revision, fulfills the requirements of such revisions as established under the provisions of 44 CFR § 65.12, and receives the approval of FEMA.
- 4. If Article 4, Section D (2) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.
- 5. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article 4, Section A (2).

SECTION E. RECREATIONAL VEHICLES

1. Require that recreational vehicles placed on sites within all unnumbered and numbered A zones, and AE zones on the community's FIRM either:
 - a. Be on the site for fewer than 180 consecutive days,
 - b. Be fully licensed and ready for highway use*; **or**
 - c. Meet the permitting, elevation, and anchoring requirements for manufactured homes of this ordinance.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

SECTION A. ESTABLISHMENT OF APPEAL BOARD

The Board of Adjustments as established by the City of Willard shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

SECTION B. RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the floodplain administrator, the applicant may apply for such floodplain development permit or variance directly to the appeal board, as defined in Article 5, Section A.

The appeal board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this ordinance.

SECTION C. FURTHER APPEALS

Any person aggrieved by the decision of the appeal board, or any taxpayer may appeal such decision to the Greene County Circuit Court as provided in RSMo 89.110.

SECTION D. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the appeal board shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

1. Danger to life and property due to flood damage;

2. Danger that materials may be swept onto other lands to the injury of others;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations, not subject to flood damage, for the proposed use;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

SECTION E. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon: (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood

heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

6. A community shall notify the applicant in writing over the signature of a community official that (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
7. A community shall maintain a record of all variance actions, including justification for their issuance.
8. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of items 1 through 5 of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 6 PENALTIES FOR VIOLATION

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person, firm, corporation, or other entity that violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
2. A structure or other development without a floodplain development permit or other evidence of compliance is presumed to be in violation until such documentation is provided.
3. The imposition of such fines or penalties for any violation for non-compliance with this ordinance shall not excuse the violation or noncompliance or allow it to continue. All such violations or noncompliant actions shall be remedied within an established and reasonable time.
4. Nothing herein contained shall prevent the City of Willard or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 7 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Willard. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this ordinance are in compliance with the National Flood Insurance Program (NFIP) regulations.

ARTICLE 8 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

"100-year Flood" *see "base flood."*

"Accessory Structure" means the same as *"appurtenant structure."*

"Actuarial Rates" *see "risk premium rates."*

"Administrator" means the Federal Insurance Administrator.

"Agency" means the Federal Emergency Management Agency (FEMA).

"Agricultural Commodities" means agricultural products and livestock.

"Agricultural Structure" means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

"Appeal" means a request for review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

"Appurtenant Structure" means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation" means the elevation of the surface of the water during a one percent annual chance flood event.

"Basement" means any area of the structure having its floor subgrade (below ground level) on all sides.

"Building" *see "structure."*

"Chief Executive Officer" or "Chief Elected Official" means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

"Community" means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Elevated Building" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Eligible Community" or "Participating Community" means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

"Existing Construction" means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"Existing construction"* may also be referred to as *"existing structures."*

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

"Flood Hazard Map" means the document adopted by the governing body showing the limits of: (1) the floodplain; (2) the floodway; (3) streets; (4) stream channel; and (5) other geographic features.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards.

"Flood Fringe" means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

"Flood Hazard Boundary Map (FHB)" means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (*see "flooding"*).

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Encroachment Lines" means the lines marking the limits of floodways on Federal, State and local floodplain maps.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *"Freeboard"* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are

necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* **does not include** a *"recreational vehicle."*

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

"Market Value" or "Fair Market Value" means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

"New Construction" means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the *"start of construction"*

commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

"(NFIP)" means the National Flood Insurance Program (NFIP).

"Numbered A Zone" means a special flood hazard area where the Flood Insurance Rate Map shows the Base Flood Elevation.

"One Percent Annual Chance Flood" *see "base flood."*

"Participating Community" also known as an *"eligible community,"* means a community in which the Administrator has authorized the sale of flood insurance.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

"Permit" means a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

"Reasonably Safe From Flooding" means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy A Violation" means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

"Repetitive Loss" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

"Risk Premium Rates" means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.

"Special Flood Hazard Area" *see "area of special flood hazard."*

"Special Hazard Area" means an area having special flood hazards and shown on an FHBM, FIRM or BFBM as zones (unnumbered or numbered) A and AE.

"Start of Construction" includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The ***actual start*** means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the ***actual start of construction*** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

"Substantial-Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition).

For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

"Substantial Improvement" means any combination of reconstruction, alteration, or improvement to a building, taking place for a 10-year period, in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred “repetitive loss” or “substantial damage”, regardless of the actual repair work done.

The term does not apply to:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

"Substantially Improved Existing Manufactured Home Parks Or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Unnumbered A Zone" means a special flood hazard area shown on either a flood hazard boundary map or flood insurance rate map where the base flood elevation is not determined.

"Variance" means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

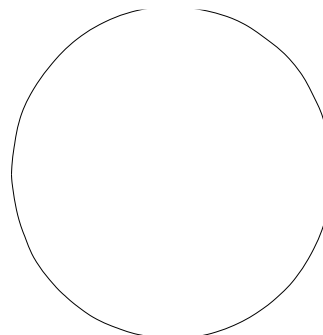
ARTICLE 9 CERTIFICATE OF ADOPTION

This Floodplain Management Ordinance for the community of Willard, Missouri.

ADOPTED AND APPROVED by the Governing Body of Willard, Missouri.

This _____ of _____, _____.
 Day Month Year

Place seal here.



 Chief Executive Officer/Chief Elected Official (Signature)

 Name Title

Chief Executive Officer/Chief Elected Official (Typed/printed)

ATTEST:

 Signature of Recording Clerk

 Name Title

Recording Clerk (Typed/printed)

First Reading:

Second Reading

Bill No:

Ordinance No:

AN ORDINANCE ADDING SECTION 400.515 OF THE CITY CODE.

WHEREAS, the city would like attainable housing, and

WHEREAS, diversity of lot sizes and buildings is unobtainable in regular zoning, and

WHEREAS, the planned development district allows for unconventional, or innovative arrangements of land uses and public facilities that, but for the provisions of these regulations, would otherwise be difficult to develop under the conventional land use and development regulations of the City.

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

SECTION 1 ADD SECTION 400.515

Section 400.515 is hereby defined by the following:

400.515 A development plan for a Planned Development District may be approved in any district in the City of Willard, subject to the procedures and standards in this Article.

A. Purpose And Intent

The purpose of the Planned Development District regulations is to allow for unconventional, or innovative arrangements of land uses and public facilities that, but for the provisions of these regulations, would otherwise be difficult to develop under the conventional land use and development regulations of the City.

B. Applicability

1. **Eligibility To Submit An Application For A Planned Development.** An application for a Planned Development shall be submitted by the legal owner(s) of the real property subject to the application, or by a duly authorized representative of such owner, or by an individual or organization with a legitimate contractual interest in the purchase of the subject real property.

- C. Eligibility Requirements For Planned Developments** A proposal for a Planned Development shall demonstrate substantial congruence with each of the following conditions in order to be considered eligible for approval.

1. The Planned Development District should not have an adverse impact on the property value of adjacent land, nor should it hinder the implementation of the Willard Comprehensive Plan & other plans.
2. The proposed development plan shall involve a diverse mixture or variation of densities.
3. The proposed development plan shall involve the provision of all infrastructure deemed necessary to adequately serve the potential development.
4. No Planned Development District should impose an undue burden on public services, facilities and infrastructure.
5. The proposed development plan shall involve design elements shown to lessen congestion in the streets; increase active transportation, support trails, interconnectivity, addition of parks and other recreation areas within the development.
6. A Planned Development District may be developed in phases, provided that no phase or unit of development shall be constructed without proportional development of recreation space and amenities.
7. The applicant shall provide and record easements and covenants and furnish other guarantees deemed necessary by the Board of Aldermen to assure performance in accordance with the final development plan and to protect the public interest in the event of abandonment before the development's completion.

Planned Development District Zoning			
	Overlay	Rezone	Annexation
PDD-R	Yes	No	Yes
PDD-C	Yes	No	Yes
PDD-M	Yes	No	Yes
MU	No	Yes	Yes

PDD-R, Planned Development District- Residential

1. **Intent.** The intent of the PDD-R district is to support private residential development by providing incentives encouraging the use of innovative design techniques in order to achieve high-quality residential development.

2. **Size.** There is no minimum lot size for the PDD-R district; however, it must be large enough to enable its development as a complete identifiable unit and through the flexibility allowed by the PDD process provide a bona-fide benefit to the residents and users of the PDD. Minimum lot size for a detached single-family residential lot is **6,600 square feet** with the provision that the development demonstrates vision in the use of common & open spaces, use of trails, parks, and recreation areas to promote an active interconnected project.
 3. **Permitted uses.** For the PDD-R, the following uses shall be permitted, subject to meeting the adopted review criteria:
 4. All uses in the R-1, R-2, and R-3 zoning districts may be allowed for use in a Planned Development District
- D. The starting total number of dwelling units in a Planned Development District-R shall be defined by the underlying zoning district. The density of dwelling units in a Planned Development District shall also conform with the lot and bulk regulations of this Chapter. A development plan may include design and infrastructure elements to accommodate greater densities in localized areas of the development using these guidelines:
1. Any reduction in minimum lot size shall be compensated by common, open, or recreation space and highlighted in the development plan.
 2. The Commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in a particular location.
 3. The total ground area occupied by buildings and structures shall not exceed thirty-five percent (35%) of the total ground area of the planned development. If previous development in the neighborhood exceeds coverage of thirty-five percent (35%), the coverage area of the Planned Development District may be increased to correspond with that of the neighborhood as a whole as approved by the Board of Aldermen.
- E. All single family residential lots in a Planned Development District shall meet the following minimum lot requirements:
- Minimum twenty-five-foot front yard setback.
 - Minimum twenty-five-foot rear yard setback.
 - Minimum ten-foot side yard setbacks.
 - A minimum lot width of eighty (80) feet.

F. PDD-C Planned Development District Commercial:

1. **Intent.** The intent of the PDD-C district is to promote the architectural grouping of commercial and professional consumer oriented activities creating a harmonious relationship between people, structures and motor vehicles through the use of a well planned circulation, parking, pedestrian ways, courtyards, and landscaped open space areas.
2. **Size.** There is no minimum lot size for the PDD-C district, provided the proposed development is functional.
3. **Permitted uses.** For the PDD-C, the following uses shall be permitted, subject to meeting the adopted review criteria: all nonresidential uses in the **C-1** (Neighborhood Business District), **C-2** (General Business District), and **O** (Office District) zone. Business Districts within the 160 Parkway Corridor shall comply with **Section 400.500**

G. Procedure

Planned Development District shall proceed toward the planned improvements, subdivision, and/or marketing according to the following process:

- H. Procedure For Rezoning.** The applicant shall apply to have an overlay zoned to the property in accordance with the hearing process set forth in **Section 400.360** of the Willard Municipal Code. In addition to the legal description of the property. The development plan shall be submitted with the zoning request and shall be subject to review, modification and approval by the Planning and Zoning Commission and Council as allowed in this Chapter.
- I. Development Plan Review.** Upon application for a overlay zone to Planned Development District, the Planning Department shall arrange a meeting for the review of the development plan submitted in accordance with the requirements and provisions of **Section 400.530 (C,P)** The Planning Department staff and local utility providers shall communicate, in writing, any known deficiencies relative to the requirements contained herein as well as a determination of eligibility. Upon the satisfactory completion of that review, the Community Development Department shall arrange for all necessary legal notices and forward the application and development plan to the Planning and Zoning Commission for hearing and consideration. A fee, as provided for in the fee schedule found in **Section 500.110** shall be paid to the City at the time of submittal, to defray the cost of review.
- J. Planning And Zoning Commission Consideration.** The City's Planning and Zoning Commission will hold a public hearing concerning the application to rezone and the development plan, such hearing having been properly publicized as required for zoning amendments. The purpose of the hearing is for the Commission to find certain facts pertaining to the development plans conformity to the requirements of this Article as well the adopted plans of the City. Upon the closing of the public hearing, the Commission shall render their findings and vote to make a recommendation to the City Council concerning

the approval of the proposed Planned Development District rezone and the approval of the development plan.

- K. Board of Aldermen Consideration.** The Board of Aldermen shall receive the findings of facts and recommendation of the Planning and Zoning Commission and will consider whether to approve the proposed Planned Development District rezone by ordinance.
- L. Rezoning And Development Plan Approval.** Upon approval of the rezoning to Planned Development District, the development plan submitted with the rezoning request shall become the general guiding document for the uses to be established in the Planned Development District. The final plat shall be in substantial conformance with the development plan.
- M. Infrastructure Design And Construction.** Approved Planned Developments shall be allowed to proceed toward the design and engineering of all necessary public improvements in accordance with the adopted standards and specifications of the City of Willard.
1. All designs shall be reviewed and approved by the Community Development Department and Public Works Department prior to permitting and construction.
 2. No construction shall commence except upon the issuance of a permit for the work to be performed.
- N. Platting.** Upon the acceptance of the construction of all permitted infrastructure, the Planned Development District may be subdivided by the approval and recording of a final plat pursuant to the requirements and procedures of Chapter **400** of the City of Willard Municipal Code.
- O. Building Permits.** Upon the approval and recording of a final plat or else upon the securing of all necessary public infrastructure by an appropriate financial surety, permits may be issued for the construction of buildings within the Planned Development District, provided that conditions pertaining to protection of life and safety sufficiently present as determined by the various code officials of the City, including the Building Code and Fire Code officials.
- P. Development Plans**

Minimum Requirements. Development plans accompanying an application for a new Planned Development District will be reviewed by City staff to verify satisfaction of the following minimum requirements to being forwarded to the Planning and Zoning Commission for consideration:

1. **Identification Of Permitted Land Uses.** All land uses to be permitted within the Planned Development defined in **Section 400.530 C** shall be identified in sufficient detail with regard to density, intensity and location of the use. In this context, "sufficient detail" means a description of the permitted land use so as to explicitly limit the use of land in a way that is meaningful for the purposes of making determinations as to whether the particular land in question may be used for a specific purpose. Overly vague or

ambiguous land use descriptions that evade predictability and certainty as to what sorts of land uses may be permitted shall not be allowed.

2. **Traffic Analysis:** The proposed development shall provide a traffic analysis and street study shall be done showing 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 note 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. The proposed development plan shall articulate a plan for the circulation of vehicle and pedestrian traffic throughout the development according to the report.
3. **Identification Of Utility Sources.** The proposed development plan shall accurately identify the location of proposed sources and any necessary extension or expansion of utilities to serve the identified land uses. The intent of this provision is merely to ensure that the necessary services are available and of adequate capacity, either presently or as a result of planned expansion, to serve the proposed development.
4. **Identification Of Transitional Elements.** The proposed development plan shall identify the general location and type of transitional elements between dissimilar or normally incompatible land uses. These transitional elements may include screens, buffer-yards, or other architectural and landscaping features that serve to lessen the visual, auditory, and olfactory impacts of land uses having significant differences in intensity.
5. **Identification Of Other Amenities.** The proposed development plan shall define and identify the general location and type of planned amenities, pocket parks, trails, park connectors, parks, and recreation areas that bolster a sense of community, and support the purpose of this Article.
- Q. Evaluation Criteria.** The development plans proposed for any Planned Development District shall be evaluated by the City staff, the Planning and Zoning Commission, and the Board of Aldermen with regard to the following criteria:
 1. Satisfaction of the purpose and intent of this Article.
 2. Conformity with the adopted Comprehensive Plan and other adopted plans of the City of Willard
 3. The ability of the available or planned infrastructure to provide adequate service to the proposed development.
 4. The estimated impact of the proposed development on surrounding properties based on facts found pertaining to the purpose and intent in section
 5. A reliable and valid estimate of the costs and benefits of the proposed development upon the community.
 6. The duly authorized partnership of the public and private sectors for mutual benefit

- R. Rights/Privileges Conferred Upon Development Plan Approval.** The approval of a Planned Development District by ordinance of the Board of Aldermen of the City of Willard shall confer upon the applicant and any successive owners of the real property the conditional right to develop the land in accordance with the approved development plan.

Infrastructure Design And Construction

- S. Procedure.** The design, review and permitting of the construction of the infrastructure planned for the development shall proceed according to the provisions of Section **405** of the City of Willard Municipal Code.
- T. Evaluation Criteria.** Permits for land disturbance or construction of any improvements to the real property shall not be issued except upon a determination by the Community Development Department that the designs are in substantial conformity to the approved development plan. Substantial conformity shall be determined according to the following criteria:
1. Conformity to the arrangement and type of land uses articulated by the approved development plan.
 2. Conformity to the traffic study articulated by the approved development plan.
 3. Conformity to the Standards and Specifications for Public Improvements.
 4. Conformity to the transitional elements articulated by the approved development plan.
 5. Conformity to the applicable minimum requirements of the City of Willard Municipal Code and other adopted codes or laws of the City, State, or Federal governments.
 6. Conformity to amenities, open space, trails, parks and other design elements that foster a more interconnected and active development as articulated by the approved development plan.
 7. If the Planning Department determines the design of the development to not be in substantial conformity, the Planning & Development Director and/or their designee shall transmit such findings, in writing, to the applicant along with a statement of the specific areas found to be in non-conformity. A determination of non-conformity may be appealed to the Board of Adjustment pursuant to the provisions of Section 400.170 of the City of Willard Municipal Code.
- U. Amendments To The Plan.** Minor amendments to the development plan shall be submitted for staff review and approval. If staff determine that the changes are a substantial change to the development plan then the matter may be referred to the Planning Commission & Board of Aldermen to approve, amend or deny the proposed changes.
- V. Platting**
1. **Tentative Plat Approval.** The development plan reviewed by the Planning and Zoning Commission and approved by the Board of Aldermen may serve as a preliminary plat. If a more specific and detailed preliminary plat is required by either the Planning & Development Director or the applicant, such preliminary plat shall conform to the

requirements of Article **XIV** of Chapter **400** and shall be reviewed by the Planning and Zoning Commission and approved by the Board of Aldermen

2. If phased construction is not planned the construction and final platting shall be completed within four (4) years of the date of approval of the development plan.
3. If phased construction is planned the construction and final platting of the first phase shall be completed within two (2) years of the date of approval of the development plan. If the first phase has been constructed and a final plat issued, subsequent phases may be submitted covering portions of the approved development plan; provided, however, that all phases of the development plan and final platting must be completed within eight (8) years of the date of approval of the development plan.
4. If the development plan and final platting have not been completed within the timeline set in this Section, then the development plan shall be resubmitted to the City for extension. Extension of the development plan shall be forwarded and reviewed by the Planning Commission and Board of Aldermen according to the same procedure for original adoption. One extension may be granted by the Board. If granted an extension will be for a maximum 1 year. If an extension and approval is not granted, the original development plan approval shall be null and void. It shall not be the responsibility of the City to notify the applicant of an expired development plan.

W. Final Plat Approval. Upon the satisfactory completion of the construction of all required infrastructure and other site elements or amenities, or else by the security of the same by an appropriate financial surety, the applicant may submit a final plat document in accordance with the provisions of Chapter **400.1190** of the City of Willard Municipal Code.