

Planning and Zoning Commission Workshop

April 28, 2026 - 6 p.m.

New Haven Public Works Facility

205 Industrial Drive

New Haven, MO

Agenda

1. Call to Order
2. Roll Call
3. Code Review
 - a. Zoning District Dimensional Requirements, Chapter 405, Article V and Article VI
 - b. Planned Unit Development – Chapter 405, Article XII
4. Adjourn

Chapter 405. Zoning Regulations

Chapter 405. Zoning Regulations

Article V. Use Regulations By Zoning District

Section 405.140. Zoning District "R-1A" Single-Family Residential.

[Ord. No. 918 §2, 5-1-2008; Ord. No. 1051 §1, 3-11-2013]

A. Intent And Purpose. The purpose of the R-1A District is to protect and preserve areas of low-density residential development and to allow for the construction of new single-family detached dwellings within subdivisions of lot sizes seven thousand five hundred (7,500) square feet or larger. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Chapter, are the regulations in the R-1A Single-Family Residence District.

B. Permitted Uses. All buildings and land within a "R-1A" zoning district shall be limited to the following uses:

1. Single-family dwellings.
2. Accessory buildings customary, incidental and subordinate to the use of the main building. Accessory buildings would include, but not necessarily be limited to, garages, carports, swimming pools, pergolas, patios and fireplaces.
3. Churches.
4. Public parks and playgrounds.
5. Public buildings, facilities and utilities.
6. Group home. No group home shall be located within one-half (½) mile 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.

Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.

~~1. Home occupations.~~

2. Modular housing.

Special Use Permit Required.

1. Mortuaries.

2. Single-user office in residential structure located on an arterial road or major collector road.

a. No modifications shall be made to the residential appearance of said structure without approval of the Planning and Zoning Commission.

3. Communication tower.

4. Bed and breakfast homes, vacation homes and rooming houses.

[Ord. No. 1393, 2-14-2022]

~~B. Coverage. Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area.~~

C. Water Supply And Sewage System. Each lot within a "R-1A" zoning district shall be served by a public water supply and a public sewer system.

D. Parking Regulations. Off-street parking space shall be provided in accordance with the requirements set forth in Article X of this Chapter.

1. Upon the effective date of this Subsection (March 11, 2013), all new construction of residential units in "R-1A" Districts shall include an attached garage or attached covered carport area. Such garage or carport shall accommodate parking of at least one (1) passenger vehicle.

Exception: A detached garage may be permitted provided that the garage is located behind the front building line and is in conformance with all applicable minimum dimensional requirements. In no event shall a detached carport be permitted.

E. Dimensional Requirements. Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Article VI of this Chapter.

~~F. Floor Area. Every single-family detached dwelling hereafter erected shall contain a floor area, exclusive of garage space and area over open porches, of a minimum of twelve hundred (1,200) square feet of livable floor space completely above grade.~~

Section 405.150. Zoning District "R-1B" Single-Family Residential.

[Ord. No. 918 §2, 5-1-2008]

A. Intent And Purpose. The purpose of the R-1B District is to protect and preserve areas of low-density residential development and to allow for the construction of new single-family detached dwellings within subdivisions of lot sizes six thousand (6,000) square feet or larger. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Chapter, are the regulations in the R-1B Single-Family Residence District.

B. Permitted Uses. All buildings and land within a "R-1B" zoning district shall be limited to the following uses:

1. All uses permitted within a "R-1A" Single-Family Residential District.

Uses Permitted Upon Review And Approval By The Planning and Zoning Commission.

1. ~~Home occupations.~~

2. Modular housing.

Special Use Permit Required.

1. Mortuaries.

2. Single-user office in residential structure located on an arterial road or major collector road.

a. No modifications shall be made to the residential appearance of said structure without approval of the Planning and Zoning Commission.

3. Communication tower.

4. Bed and breakfast homes, vacation homes and rooming houses.

[Ord. No. 1393, 2-14-2022]

~~B. Coverage. Main and accessory buildings shall not cover more than forty percent (40%) of the lot area.~~

C. Water Supply And Sewage System. Each lot within a "R-1B" zoning district shall be served by a public water supply and a public sewer system.

D. Parking And Regulations. Off-street parking space shall be provided in accordance with the requirements set forth in Article X of this Chapter.

E. Dimensional Requirements. Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Article VI of this Chapter.

~~F. Floor Area. Every single-family detached dwelling hereafter erected shall contain a floor area, exclusive of garage space and area over open porches, of a minimum of eight hundred (800) square feet of livable floor space completely above grade.~~

Section 405.160. Zoning District "R-1C" Single-Family Residential.

[Ord. No. 918 §2, 5-1-2008; Ord. No. 961 §1, 3-8-2010]

A. Intent And Purpose. The purpose of the R-1C District is to protect and preserve areas of medium-density residential development and to allow for the construction of new single-family attached dwellings, commonly referred to as duplexes, at densities that provide for affordable housing having lot sizes three thousand five hundred (3,500) square feet or larger. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Chapter, are the regulations in the R-1C Single-Family Residence District.

B. Permitted Uses. All buildings and land within a "R-1C" zoning district shall be limited to the following uses:

1. All uses permitted within "R-1A" and "R-1B" Single-Family Residential Districts.

Uses Permitted Upon Review And Approval By The Planning and Zoning Commission.

1. ~~Home occupations.~~

2. Modular housing.

Special Use Permit Required.

1. Mortuaries.

2. Single-user office in residential structure located on an arterial road or major collector road.

- a. No modifications shall be made to the residential appearance of said structure without approval of the Planning and Zoning Commission.

3. Communication tower.

4. Bed and breakfast homes, vacation homes and rooming houses.

[Ord. No. 1393, 2-14-2022]

~~B. Coverage. Main and accessory buildings shall not cover more than ninety percent (90%) of the lot area.~~

C. Water Supply And Sewage System. Each lot within a "R-1C" zoning district shall be served by a public water supply and public sewer system.

D. Parking And Regulations. Off-street parking space shall be provided in accordance with the requirements set forth in Article X of this Chapter.

E. Dimensional Requirements. Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Article VI of this Chapter.

~~F. Units. All dwelling units shall be a minimum of eight hundred (800) square feet in floor area.~~

Section 405.165. Zoning District "R-1D" Single-Family Residential

A. Intent And Purpose. The purpose of the R-1D District is to protect and preserve areas of medium-density residential development and to allow for the construction of new single-family attached dwellings, commonly referred to as townhouses, at densities that provide for affordable housing having lot sizes two thousand five hundred (2,500) square feet or larger. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Chapter, are the regulations in the R-1D Single-Family Residence District.

B. Permitted Uses. All buildings and land within a "R-1D" zoning district shall be limited to the following uses:

1. All uses permitted within "R-1A", R-1B" and "R-1C" Single-Family Residential Districts.

Uses Permitted Upon Review And Approval By The Planning and Zoning Commission.

1. Modular housing.

Special Use Permit Required.

1. Mortuaries.

2. Single-user office in residential structure located on an arterial road or major collector road.

a. No modifications shall be made to the residential appearance of said structure without approval of the Planning and Zoning Commission.

3. Communication tower.

4. Bed and breakfast homes, vacation homes and rooming houses.

C. Water Supply And Sewage System. Each lot within a "R-1D" zoning district shall be served by a public water supply and public sewer system.

D. Parking And Regulations. Off-street parking space shall be provided in accordance with the requirements set forth in Article X of this Chapter.

E. Dimensional Requirements. Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Article VI of this Chapter.

Section 405.170. Zoning District "R-2" Two-Family Residential.

[Ord. No. 918 §2, 5-1-2008; Ord. No. 961 §§2 — 3, 3-8-2010]

A. Intent And Purpose. The purpose of the R-2 District is to protect and preserve areas of low, medium, and higher density residential development and to allow for the construction of new two-family dwelling units as in-fill within existing areas of town at densities that provide for affordable housing having lot sizes seven thousand (7,000) square feet or larger. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Chapter, are the regulations in the R-2 Two-Family Residence District.

B. Permitted Uses. All buildings and land within a "R-2" zoning district shall be limited to the following uses:

1. All uses permitted within a "R-1A", "R-1B", "R-1C", or "R-1D" Single-Family Residential District.
2. Two-family dwellings or single-family dwellings with accompanying garage apartments.

~~Uses Permitted Upon Review And Approval By The Planning and Zoning Commission:~~

~~1. Home occupations:~~

Special Use Permit Required.

1. Mortuaries.
2. Single-user office in residential structure located on an arterial road or major collector road.
 - a. No modifications shall be made to the residential appearance of said structure without approval of the Planning and Zoning Commission.
3. Communication tower.

4. Bed and breakfast homes, vacation homes and rooming houses.

[Ord. No. 1393, 2-14-2022]

~~B. Coverage. Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area.~~

C. Water Supply And Sewage System. Each lot within a "R-2" zoning district shall be served by a public water supply and a public sewer system.

1. Each dwelling unit, whether detached or attached, shall be served by a separate water and sewer service.

D. Parking Regulations. Off-street parking space shall be provided in accordance with the requirements set forth in Article X of this Chapter.

E. Dimensional Requirements. Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Article VI of this Chapter.

~~F. Units. All dwelling units shall be a minimum of one thousand (1,000) square feet of floor area.~~

~~1. Exception. In "R-2" Districts that border or are immediately adjacent to an "R-1B" District, "R-1C" or "R-3" District, all dwelling units shall be a minimum of eight hundred (800) square feet of floor area.~~

Section 405.180. Zoning District "R-3" Multi-Family Residential.

[Ord. No. 918 §2, 5-1-2008; Ord. No. 961 §4, 3-8-2010]

A. Intent And Purpose. The purpose of the R-3 District is to protect and preserve areas of higher density residential development and to allow for the construction of new residential developments, commonly referred to as apartment homes, that provide affordable housing having lot sizes ten thousand (10,000) square feet or larger. The regulations set forth in this Section or set forth elsewhere in this Chapter, when referred to in this Chapter, are the regulations in the R-3 Multiple-Family Residence District.

B. Permitted Uses. All buildings and land within a "R-3" zoning district shall be limited to the following uses:

1. All uses permitted within a "R-1A", "R-1B", "R-1C", R-1D, or "R-2" District.
2. Multi-family residential dwellings.
3. Clubs, lodges and meeting places for other organizations.

4. Rooming and boarding houses but not hotels and motels.
5. Nursing homes and homes for the aged.
6. Parking lots.

Uses Permitted Upon Review And Approval By The Planning and Zoning Commission.

1. Funeral home and mortuaries.

~~2. Home occupations.~~

3. Offices.

Special Use Permit Required.

1. Communication tower.

~~B. Coverage. Main and accessory buildings shall not cover more than forty percent (40%) of the lot area.~~

C. Water Supply And Sewer System. Each lot within a "R-3" zoning district shall be served by a public water supply and a public sewer system.

1. Each detached or attached dwelling unit, including, but not limited to, duplexes, villas and town homes, shall be served by a separate water and sewer service. This requirement shall not apply to dwelling units in apartment buildings.

D. Parking Regulations. Off-street parking space shall be provided in accordance with the requirements set forth in Article X of this Chapter.

E. Dimensional Requirements. Minimum width, depth and minimum lot size shall be provided in accordance with the requirements set forth in Article VI of this Chapter.

~~F. Units. All units on plats shall be a minimum of eight hundred fifty (850) square feet in area for apartments and one thousand (1,000) square feet for condominiums and town houses.~~

Article VI. Zoning District Dimensional Requirements

Section 405.270. Minimum Dimensional Requirements.

[Ord. No. 918 §2, 5-1-2008; Ord. No. 956 §3, 1-11-2010; Ord. No. 994 §1, 2-14-2011; Ord. No. 1429, 3-13-2023]

The minimum required lot areas, lot width and yard dimensions in each district shall be in accordance with the following tabulation:

	Minimum Depth of Front Yard in Feet	Minimum Width of Side Yard in Feet	Minimum Depth of Rear Yard in Feet	Minimum Lot Area per Family in Square Feet	Minimum Lot Width in Feet	Minimum Lot Size in Square Feet
Minimum Dimensional Requirements of Each Zoning District						
General Agricultural	35	20	35	1 acre	150	1 acre
Single-Family Residence R-1A	25	6	25	~~10,000~~ 7,500	~~70~~ 50	~~10,000~~ 7,500
Single-Family Residence R-1B	25	6	20	6,000	50	6,000
Single-Family Residence R-1C	20	6(4)	20	3,500	~~35~~ 25	3,500
Single-Family Residence R-1D	20	None	20	2,500	20	2,500
Two-Family R-2	25	6	20	~~5,000~~ 3,500	~~60~~ 50	~~8,000~~ 7,000
Multi-Family R-3	25	20(1)	25	2,500	60(2)	10,000
General Commercial	25	None(3)	30(3)	N/A	None	None

Planned Shopping Center	35	None(3)	35(3)	N/A	None	4 acres
Central Business	None	None	None	N/A	None	None
Light Industrial	35	20(3)	35(3)	N/A	100	1 acre
Heavy Industrial	35	20(3)	35(3)	N/A	100	1 acre

All lots in Single-Family Residential Districts must have their minimum lot width frontage on at least a forty (40) foot wide public right-of-way.

The minimum dimensional requirements for the "M" Mobile Home District shall be in accordance with the design standards set forth in Article V of this Chapter.

Number in parentheses refers to the following additions or modifications to the aforementioned dimensional requirements.

(1) Lots located within a "R-3" Multi-Family Residential District shall have minimum side yards of twenty (20) feet each where the dwellings located thereon do not exceed two (2) stories. An additional three (3) feet per side yard will be required with each additional story.

(2) Lots located within a "R-3" Multi-Family Residential District shall have a minimum width of sixty (60) feet, however, the width shall be increased by ten (10) feet for each additional dwelling exceeding three (3).

(3) Whenever any new commercial or industrial building or parking lot is established so as to abut the side or rear line of a lot in a residential district, an opaque fence, wall or rear line of a hedge not less than six (6) feet and not more than eight (8) feet high shall be constructed and maintained in good condition.

(4) The minimum side yard width is zero (0) for the side of an attached unit sharing a common partition wall with another unit. On the side of a unit that is unattached, minimum side yard is six (6) feet.



Title VII CITIES, TOWNS AND VILLAGES

Chapter 71



Effective - 28 Aug 2022



71.990. Home-based business, use of residential dwelling — limitations on restrictions by political subdivisions — reasonable regulations permitted. — 1. As used in this section, the following terms mean:

(1) **"Goods"**, any merchandise, equipment, products, supplies, or materials;

(2) **"Home-based business"**, any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

2. Any person who resides in a residential dwelling may use the residential dwelling for a home-based business unless such use is restricted by:

(1) Any deed restriction, covenant, or agreement restricting the use of land; or

(2) Any master deed, bylaw, or other document applicable to a common-interest ownership community.

3. Except as prescribed under subsection 4 of this section, a political subdivision shall not prohibit the operation of a no-impact, home-based business or otherwise require a person to apply for, register for, or obtain any permit, license, variance, or other type of prior approval from the political subdivision to operate a no-impact, home-based business. For the purposes of this section, a home-based business qualifies as a no impact, home-based business if:

(1) The total number of employees and clients onsite at one time does not exceed the occupancy limit for the residential dwelling; and

(2) The activities of the business:

(a) Are limited to the sale of lawful goods and services;

(b) May involve having more than one client on the property at one time;

(c) Do not cause a substantial increase in traffic through the residential area;

(d) Do not violate any parking regulations established by the political subdivision;

(e) Occur inside the residential dwelling or in the yard of the residential dwelling;

(f) Are not visible from the street; and

(g) Do not violate any narrowly tailored regulation established under subsection 4 of this section.

4. A political subdivision may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for the purpose of:

(1) Protecting the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control; or

(2) Ensuring that the business activity is compliant with state and federal law and paying applicable taxes.

5. No political subdivision shall require a person, as a condition of operating a home-based business, to:

(1) Rezone the property for commercial use;

(2) Obtain a home-based business license; or

(3) Install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with no more than two dwelling units.

6. Whether a regulation complies with this section is a judicial question.

(L. 2022 H.B. 1662)

---- end of effective 28 Aug 2022 ----
use this link to bookmark section 71.990

Click here for the **Reorganization Act of 1974 - or - Concurrent Resolutions Having Force & Effect of Law**

In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website on the effective date of such enacted statutory section.



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Missouri Senate



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Missouri House

Chapter 405. Zoning Regulations

Article XII. Planned Unit Development

Section 405.830. "PUD" Planned Unit Development.

[Ord. No. 918 §2, 5-1-2008]

- A. *Purpose.* The provisions of this Section are designed to deal with larger-scale development and facilitate better site planning and community planning through modification of certain district regulations as they apply to such development.
- B. It is hereby recognized that for larger-scale development, the regulations of districts in the Zoning Code, either individually or collectively, might impose unnecessary or undesirable rigidities on the site plan and thereby prevent achievement of the best possible plan. Therefore, this Article has the following intents:
 - 1. To permit flexibility in site design.
 - 2. To achieve more efficient use of land, within the framework and intent of the zoning ordinance, which can result from large-scale or multiple-use developments.
 - 3. To encourage and permit provision of open space.
 - 4. To protect and preserve scenic assets and natural features and to incorporate these into the development.
 - 5. To foster a more stable community by providing a variety and balance of housing types and living environments.
 - 6. To encourage and permit variety in the location of buildings, roads, parking lots and other facilities and activities.
 - 7. To increase the safety of pedestrian and vehicular traffic by reducing the number of traffic conflict points within a development.
 - 8. To reduce land cost per dwelling unit in residential developments.
- C. This Article is intended to achieve these objectives while promoting and protecting the public health safety and welfare of the City and while safeguarding the present or future use and development of areas surrounding a proposed "PUD".
- D. The "PUD" designation is intended to be attached to use districts set forth in this Chapter and is not a separate use district. The "PUD" designation may be attached to a parcel of land at the time its zoning classification is amended or it may be attached to a parcel of land under the zoning district classification(s) existing at the date of application of "PUD" designation. It is further intended that a "PUD" designation may be applied to a residential, non-residential or a combined residential/non-residential development.

Processing Procedures for Planned Unit Developments			
Step 1			
Area Plan Approval			
Application and Area Plan Submitted to Administrative Officer	Staff Review	Planning and Zoning Commission Public Hearing and Review	Board of Aldermen Public Hearing and Review
Step 2			
Final Plan Approval			
Application and Final Plan Submitted to Administrative Officer	Staff Review	Planning and Zoning Commission Review	Information Sent to Board of Aldermen
Record Plat Submittal	Building Permit	Project Construction	

Section 405.835. Authority.

[Ord. No. 918 §2, 5-1-2008]

The Board of Aldermen of the City of New Haven shall have the authority to approve area and final planned unit development (PUD) plans. Such plans may be considered by the Board of Aldermen only after the Planning and Zoning Commission has reviewed the plans and submitted its recommendations to the Board.

Section 405.840. Minimum Lot Area.

[Ord. No. 918 §2, 5-1-2008]

The minimum area to be developed under the regulations of this Article shall be five (5) acres, provided however, that the minimum lot area may be waived by the Planning and Zoning Commission if the parcel in question has certain unique characteristics such as, but not limited to, significant topographic change, significant trees or wooded areas; wetlands, floodplain or poor soil conditions on portions of the property; water courses or utility easements crossing the parcel; unusual shape or proportions; and isolation from other undeveloped or developable lands. In such case, the applicant shall submit information to the Commission to support the request for a waiver of the minimum tract size requirement. The Commission shall consider the request and act thereon, record said action in the minutes of the meeting and inform the applicant of the action in writing. The request for waiver and the Commission's action shall be made prior to the applicant's submittal of an application for a planned unit development designation. If the Commission accepts the request for waiver of minimum tract size, the Commission shall indicate its decision and the reasons therefore in its report to the Board of Aldermen as required herein.

Section 405.845. Application Procedure.

[Ord. No. 918 §2, 5-1-2008]

- A. The owner(s) of record or any person(s) acting on behalf of the owner(s) of record of any tract five (5) acres or larger in area may apply for a "PUD" designation. The application for a "PUD" designation shall be for review and approval of an area plan for development of the entire tract. The application may accompany a zoning amendment application for the lot in question. Following review by the Planning and Zoning Commission and approval of the area plan and designation of the lot as a "PUD" by the Board of Aldermen, a second (2nd) application shall be made for approval of a final plan for the entire tract or portion thereof, if development is to occur in phases. A separate application for final plan approval shall be required for each phase. No construction or other site

improvements may commence and no permit shall be issued therefore on a tract with a multiple stage "PUD" designation until a final plan for said tract or part thereof has been approved in accordance with this Article.

- B. Each application shall be filed with the City of New Haven who shall transmit the area plan to the Planning and Zoning Commission. The application must be filed at least thirty (30) days prior to the Commission meeting at which it is to be first considered.
- C. The applicant may appear before the Planning and Zoning Commission, prior to application for a PUD designation, to discuss the proposed development.

Section 405.850. Information Required — Area Plan.

[Ord. No. 918 §2, 5-1-2008]

A. *Application.* The application for area plan approval shall include the following information:

1. The name of the proposed "PUD".
2. Names, addresses and phone numbers of the owner(s) of record, engineer, surveyor or designer responsible for the planning, engineering survey and design.
3. Acreage in the preliminary plan/plat.
4. Legal description of the entire "PUD".
5. Proposed deed restrictions, protective covenants and homeowner's association articles of incorporation and bylaws.
6. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the requested information.
7. Receipt from the City Clerk showing paid application fee.
8. Any additional information deemed necessary by the Administrative Officer.

B. *Area Plan.* The application shall be accompanied by thirty-two (32) copies of the proposed area plan drawn at appropriate scale showing:

1. Name of the proposed "PUD" project.
2. Scale, date and north arrow.
3. A key map showing the "PUD" in relation to the surrounding area.
4. Within two hundred (200) feet of the proposed development, names of adjacent subdivisions, layout of streets (with names), rights-of-way widths, connections with adjoining platted streets, widths and locations of alleys, easements and public sidewalk adjacent to or connecting with the tract location and size of all existing sanitary sewer, storm sewer and supply facilities.
5. Existing conditions in the area plan showing all utilities, bridges, streets, drives or alleys and existing structures.
6. Existing topography (at least five (5) foot contour intervals). All topographic data shall directly relate to U.S.G.S. data.
7. The zoning status of the "PUD" and of all adjacent properties shall be identified on the plan. If the project contains more than one (1) zoning district category, the zoning district boundary lines shall be clearly indicated.
8. Boundary lines of school districts, fire districts, water districts and municipal limits shall be identified on the plan where applicable.

9. The general plan layout of the entire "PUD" showing proposed land uses, streets, parking areas, open space areas and sidewalks with significant dimensions indicated where appropriate to clarify the plan.
 10. All planned use areas shall be clearly labeled as to the proposed use and all parcels of lands to be dedicated or reserved for public use or for use in common by property owners in the "PUD" shall be indicated.
 11. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of land, buildings and structures, including proposed easements or grants for public utilities.
 12. Proposed stages of development.
 13. Site plan data shall be indicated on the area plan and shall include the items below:
 - a. Total gross area of the "PUD" area plan in acres.
 - b. Breakdown of total gross area by land use type such as town houses, single-family retail commercial, open space, church, school, etc.
 - c. *Residential data.*
 - (1) Estimated total residential units.
 - (2) Average square feet of residential land per each type of residential unit.
 - (3) Breakdown of non-residential land by type of use.
 - (4) Total parking by land use type and parking ratio per dwelling unit.
 - d. *Commercial and industrial data.*
 - (1) Estimated total building square footage by land use type.
 - (2) Percent building coverage by land use type for business and industrial "PUDs".
 - (3) Total parking by land use type and parking ratio per floor area.
 14. Any additional information deemed necessary by the Administrative Officer to adequately illustrate the proposed development.
 15. Elevations of structures to be built within the subdivision are to be provided as a part of submittal. In the case of custom built homes, a plot plan for a "typical" structure must be provided.
 16. A preliminary copy of trust indentures/covenants/deed restrictions must be provided. These must be provided in accordance with the subdivision regulations.
- C. *"PUD" Plan Replaces District Plan Requirement.* The area plan and final site plan required in this Article shall replace (for a "PUD" project only) the site plan required in Article VII herein.

Section 405.855. Procedure For Area Plan Review.

[Ord. No. 918 §2, 5-1-2008]

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

- B. The Planning and Zoning Commission shall, at the next meeting after which it receives the area plan from the City, establish a public hearing on the area plan, said hearing to be held within thirty-one (31) days of the filing date or at the regular Commission meeting closest to that date. At least fifteen (15) days' notice of the hearing shall be published in a newspaper of general circulation along with hearing notice for a zoning amendment for the tract in question, if such amendment is applied for. The public hearing may be held jointly with a public hearing on any zoning change for the tract in question.
- C. The Planning and Zoning Commission shall prepare a report on the area plan and shall submit this report to the Board of Aldermen. This report shall contain the Commission's analysis of the area plan and its recommendations thereon to the Board. If a zoning amendment application is made for the subject lot, the Commission shall report to the Board its review and recommendations concerning said amendment simultaneously with its reports on an area plan.
- D. The Board of Aldermen shall review the area plan and the report of the Planning and Zoning Commission thereon and shall approve or deny the area plan. If a zoning amendment application has been made for the subject tract to permit the development proposed in the area plan, the Board shall take action on such amendment before taking action on the area plan.
- E. If the area plan is approved by the Board of Aldermen, the applicant shall review the area plan in its approved form. The applicant and the owner(s) of record shall then sign a statement that the approved area plan shall be binding upon the applicant and the owner(s) of record and upon their heirs, successors and assigns. The area plan shall not be officially approved nor may the applicant submit a final plan for the lot or any part thereof, until said statements has been signed as required herein. The foregoing approval and signing shall constitute official approval of the "PUD" designation for the subject tract. Rezoning may be made contingent upon the "PUD" statement being properly signed.
- F. Within five (5) working days of the official approval of an area plan, the Mayor shall accurately note, and the City Clerk attest, the "PUD" designation for the lot in question on the official Zoning District Map.

Section 405.860. Standards For Area Plan Approval.

[Ord. No. 918 §2, 5-1-2008]

- A. The Planning and Zoning Commission shall determine and shall provide evidence of same in its report to the Board of Aldermen and the Board shall determine, based upon its review of the Commission's report and its own findings, that the proposed area plan meets the intent of this Chapter and meets the following standards.
 - 1. The use of land shall be in conformance with the permitted uses of the district in which the proposed development is to be located and conforms to the adopted Comprehensive Plan or any part thereof or represents land use policy which, in the Commission's opinion, is a logical and acceptable change in the adopted Comprehensive Plan.
 - 2. The average density of development within the "PUD" shall remain the same as would be permitted if the area were to be developed conventionally. Average density is to be calculated as total land area excluding public right-of-way, land to be used as detention basins and common ground. Common ground may be used in the calculations if it is developed with acceptable amenities. However, the development (buildings) so permitted may be clustered and located irrespective of yard setback requirements or lot lines in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents.
 - 3. The proposed development shall be adequately served by public facilities and services such as: highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies responsible for the proposed

development shall be able to provide, in a manner acceptable to the Board, any such facilities and services.

4. Each phase of the proposed development shall not be dependent upon completion of subsequent phases of the same development for the facilities and services identified in Subsection (3) above.
5. The common open space, any other common properties, individual properties and all other elements of the "PUD" are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site and the surrounding land. All common spaces shall be permanently secured as such to the satisfaction of the Board.
6. The location of the proposed uses, layout of the site and its relation to streets giving access to it shall be such that traffic to, from and within the tract and concentration of persons in connection therewith will not be hazardous or inconvenient to the project or the neighborhood. In applying this standard, the Commission and Board shall consider, among other things, convenient routes for pedestrian traffic, particularly of children; relationship of the proposed project to main thoroughfares and streets intersections; and the general character and intensity of the existing and potential development of the neighborhood.
7. Where applicable, the Commission and Board shall determine that noise, odor, light or other external effects from any source whatsoever, which are connected with the proposed use, will not adversely affect adjacent and neighboring areas and uses.
8. Yard requirements along the perimeter of the "PUD" shall be at least equal to those required in district(s) in which the "PUD" is located.

Section 405.865. Effect of Area Plan Approval.

[Ord. No. 918 §2, 5-1-2008]

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

1. Approval shall assure the applicant that the area plan is acceptable to the Board for a three (3) year period provided construction is diligently pursued and authorizes the applicant to file a final plan for the entire tract or portion thereof if the "PUD" is developed in phases.
2. Official approval of the area plan shall confer "PUD" status to the subject tract and permit modifications of lot area, lot width, yard requirements and spacing among buildings and structures within the lot, except on the perimeter thereof; all as set forth in the approved area plan.
3. No deviations from the area plan approved by the Board of Aldermen shall be permitted except as provided in this Article.
4. Approval of the area plan of a "PUD" shall expire and be of no effect one (1) year after the date of approval unless a final plan has been approved by the Planning and Zoning Commission.

Section 405.870. Information Required For Final Plan.

[Ord. No. 918 §2, 5-1-2008]

A. Every final plan submitted to the Planning and Zoning Commission shall be in accordance with the requirements of this Section.

1. The final plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet and of such accuracy that the Commission can readily interpret the plan and shall include more than one (1) drawing where required for clarity.
2. The property shall be identified by lot lines and location, including dimensions, angles and size, correlated with the legal description of said property. The plan shall be designed and prepared by a qualified land planner, registered professional architect, engineer or land surveyor. It shall further include the name and address of the property owner(s), developer(s) and designer(s).
3. It shall show the scale, north point, boundary dimensions, natural features such as woodlots, streams, rivers, lakes, drains and topography (at least five (5) foot contour intervals); when terrain is irregular or drainage critical, contour intervals shall be two (2) foot and similar features.
4. It shall show existing manmade features such as buildings, structures, easements, high-tension towers, power lines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts and drains and shall identify adjacent properties within one hundred (100) yards and their existing uses.
5. It shall show the location, proposed finished floor and grade line elevations, size of proposed main and accessory building, their relation one to another and to any existing structure to remain on the site and the height of all buildings and structures, as well as building elevations for the buildings proposed.
6. It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, service parking and loading zones.
7. It shall show the proposed location, use and size of open spaces and the location of any landscaping, fences or walls on this site. Any proposed alterations to the topography and other natural features shall be indicated.
8. It shall show the location and size of all existing utilities (public and private) serving the property as well as the location and size of all proposed utilities to serve the property. It shall be stated that all necessary utilities (public and private) will be available, functioning and usable at the time any stage of the project or the total project is ready for occupancy.
9. A landscaping plan.
10. Any other information deemed necessary by the Planning and Zoning Commission.
11. Twenty-one (21) copies are to be submitted at the time of application.

Section 405.875. Procedure For Final Plan Review.

[Ord. No. 918 §2, 5-1-2008]

- A. The Planning and Zoning Commission shall, upon receipt of a final plan, study same and approve or deny the final plan. The Commission shall advise the applicant of its action in writing.
- B. The Planning and Zoning Commission shall transmit the approved final plan to the Board of Aldermen for its information.
- C. The applicant and owner(s) of record shall review the approved final plan and sign a statement that the approved final plan shall be binding upon the applicant and the owner(s) and their heirs, successors and assigns.
- D. Building permits may be issued after the applicant has signed the required statement.

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

Section 405.880. Standards For Final Plan Approval.

[Ord. No. 918 §2, 5-1-2008]

- A. The Planning and Zoning Commission, in granting final plan approval, shall determine that the following standards have been met.
1. The final plan shall conform to the approved area plan, except that minor variations in layout may be permitted at the discretion of the Commission and without amendment of the approved area plan. Minor variations include, among others, a change in residential floor area, an increase in non-residential floor area of five percent (5%) or less and a change in layout, provided that in the case of a change in layout, the applicant shall provide the Board of Aldermen and the Commission each a revised area plan which incorporates such layouts. The revised plans shall each be signed by the applicant and owner(s) of record. Modifications, such as, but not limited to, a change in use, type of street, increase in density or intensity of development, type of dwelling unit or an increase in non-residential floor area of over five percent (5%), shall be considered major changes and shall require amendment of the approved area plan. The Commission shall determine whether a change is minor or major in accordance with this Section.
 2. All dedications shall have been effectuated or, in lieu thereof, proper agreements shall be made for such dedication in the future with the Board.
 3. If the lot is to be developed in phases, each phase shall not depend on subsequent phases for adequate access, utilities or public facilities.

Section 405.885. Effect of Final Plan Approval.

[Ord. No. 918 §2, 5-1-2008]

- A. Once a developer has received final plan approval, it shall be the developer's responsibility to maintain the following at their sales office:
1. Description of the developer's subdivision trustees responsibilities for common ground within the subdivision.
 2. A copy of the approved final plan indicating the nature of all adjacent zoning as of the date of approval.
 3. A copy of all indentures, restrictions and covenants.
 4. Developers shall be required to post notice, at the sales office, that these items are available for review.

Section 405.890. Preservation and Maintenance of Open Space.

[Ord. No. 918 §2, 5-1-2008]

All open spaces identified in the approved area plan and which are to remain in private ownership shall permanently remain as open space and shall be properly maintained.

Section 405.895. Amendment of A "PUD" Project.

[Ord. No. 918 §2, 5-1-2008]

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

Section 405.900. Expiration of Approvals.

[Ord. No. 918 §2, 5-1-2008]

- A. If a tract has been designated as a "PUD" by the Board, said tract shall not be developed or used except in accordance with the approved area plan and final plan unless and until such designation is removed by formal action of the Board.
- B. A final plan for the entire area designated as a "PUD", excepting all final plans for subsequent phases thereof up to a period not to exceed two (2) additional years, shall have received approval of the Commission within one (1) year of the date of Board approval of the area plan. Failure to obtain approval of final plans as herein provided shall authorize the Board to revoke, at its discretion, the right to develop under the approved area plan and to require that a new area plan be filed and reviewed in accordance with the provisions of this Article.
- C. Approval of the final plan of a "PUD" shall expire and be of no effect one hundred eighty (180) days after the date of approval unless and until all appropriate fees have been paid and the City shall have issued a building permit for the development authorized by said approved plan. Approval of the final plan in a "PUD" shall expire and be of no effect one (1) year after the date of approval unless construction is begun and is diligently pursued in accordance with the approved plan. Expiration of the approved plan shall authorize the Board to require filing and review of a new final plan in accordance with the provision of this Article.
- D. Development under an approved "PUD" shall be completed within two (2) years of the date of approval of the final plan. If said development is not so completed, the Commission shall not review or approve plans for any subsequent phases of the "PUD" unless good cause can be shown for not completing same.

Section 405.905. Extensions of Time Limits.

[Ord. No. 918 §2, 5-1-2008]

The approved area plan and/or final plan shall have the full force of the Zoning Code. Any violation of either the approved area plan or approved final plan shall be grounds for the Administrative Officer to issue a stop work order and to withhold building permits or certificates of occupancy.

Section 405.910. (Reserved)