

City of Raymore, Missouri Unified Development Code

Planned Unit Development District

Section 415.060 PUD, Planned Unit Development District

A. General Purpose and Description

The PUD, Planned Unit Development District is a special purpose district that is intended to encourage the unified design of residential, commercial, office, professional services, retail and institutional uses and facilities or combinations thereof in accordance with an approved comprehensive development plan. This district provides for flexibility in the design of buildings, yards, courts and circulation in exchange for the provision of platted common open space, amenities and design excellence.

B. Review Procedure

The procedure for review of applications for planned unit developments will be as set forth in Section 470.050.

C. Allowable Uses

The Planned Unit Development District may be established exclusively for residential, commercial or industrial development or any combination of these uses. Each use category must be listed on the PUD plans and approved by the Planning and Zoning Commission and the City Council.

D. District-Specific Design Standards

1. Maintenance of Overall Density

The Planning and Zoning Commission and City Council may designate divisible geographic sections of the entire parcel to be developed as a unit, and may, in such a case, specify reasonable periods within which developments of such unit must be commenced. In the case of residential planned unit developments, the Planning and Zoning Commission may permit in each unit deviations from the number of dwelling units per acre established for the entire planned development, provided such deviation will be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not increased.

2. Adequate Circulation System

- a. The site must be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development, and the streets and driveways on the site of the proposed development must be adequate to serve the residents or occupants of the proposed development.
- b. A traffic study shall be submitted with the rezoning application in order to determine impacts of the proposed development and necessary improvements to the transportation system. The traffic study shall take into consideration the Transportation Plan of the City of Raymore. The Director of Public Works shall review the traffic study and make a recommendation to the Planning and Zoning Commission and City Council regarding necessary improvements to the transportation system.

3. Adequate Public Services

The development must not impose an undue burden upon public services and facilities, such as fire and police protection and public infrastructure. The development must make adequate provisions for resulting additional system demands imposed by the development upon roads and streets, water supply and storage, storm sewerage, sanitary sewerage and wastewater treatment. The developer must make arrangements and will furnish such performance bonds, escrow deposits or other guarantees as may be determined by the City to be reasonably required to assure consistency of the development with the City's Growth Management Plan and with this subsection.

4. Additional Buffering

When a commercial or industrial use within a Planned Unit Development district abuts a residential zoning district, a landscape buffer in compliance with Section 430.080C1 shall be provided. If the residential zoning district and the commercial or industrial use are separated by a street right-of-way, a 10 foot wide landscaped buffer containing trees, shrubs and evergreens must be provided along the residential side of the right-of-way line. The applicant must provide for perpetual maintenance of the landscape buffer containing trees, shrubs and evergreens.

E. Additional Requirements

1. Operational Performance Standards

All uses in the planned unit development district must comply with the operational performance standards in Section 440.020.

2. Outdoor Storage, Display and Work Areas

- a. All residential uses allowed in the PUD must comply with the requirements of Section 405.040E.
- b. All business, commercial or industrial uses allowed in the PUD must comply with the requirements of Section 410.040B.

3. Bulk and Dimensional Standards

Bulk and dimensional standards shall be established by the Planning and Zoning Commission and City Council as part of the zoning map amendment process.

Section 470.050 Planned Unit Development (PUD)

A. Purpose

The purpose of a Planned Unit Development (PUD) District is to encourage the unified design of residential, commercial, office, professional services, retail and institutional uses and facilities or combinations thereof in accordance with an approved comprehensive development plan. This district provides for greater flexibility in the design of buildings, yards, courts, and circulation that is provided by other districts.

B. Pre-Application Conference

Prior to filing of an application for a planned unit development, the applicant must attend a pre-application conference in accordance with Section 470.010B.

C. Preliminary Plan Applications

An application for a planned unit development may be obtained from the Development Services Director. The application must be completed in its entirety in accordance with Section 470.010C and filed with the Development Services Director so that a public hearing date can be established in accordance with Section 470.010E.

D. Memorandum of Understanding

A Memorandum of Understanding (MOU) shall be prepared for all Planned Unit Development applications. The MOU will be prepared by the City and included with the application when submitted to the Planning and Zoning Commission for consideration. The applicant shall sign the MOU prior to submittal of the application of the City Council.

E. Preliminary Plan Procedure (*Amendment 16 – Ordinance 2013-056 8.26.13*)

1. Planning and Zoning Commission Public Hearing

All proposed planned unit development applications must first be submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission will hold a public hearing on the application in accordance with Section 470.010E. The public hearing must be held at the next regular meeting of the Planning and Zoning Commission for which the application may be scheduled given public notice deadlines, unless the applicant has consented to an extension of this time period. The Development Services Director or other appointed official as designated by the Planning and Zoning Commission must prepare a written summary of the proceedings, and give notice of the hearing as provided in Section 470.010E.

2. Planning and Zoning Commission Recommendation

Upon conclusion of the public hearing, the Planning and Zoning Commission will submit a recommendation to the City Council to approve, approve with modifications or disapprove the proposed planned unit development preliminary plan. If a motion on an application fails, the Planning and Zoning Commission shall be required to propose and vote on a counter motion on the application. If a tie vote of the Commission, or if no majority vote of the full membership of the Commission can be obtained on a recommendation to be made, the application will be forwarded to the City Council with no recommendation. The Commission must submit its recommendation along with a record of the public hearing thereon, to the City Council. The Planning and Zoning Commission may include reasonable conditions as a part of its recommendation.

3. City Council Action

Upon receipt of the recommendations of the Planning and Zoning Commission, the City Council must within 60 days consider the application and recommendations of the Planning and Zoning Commission. The City Council may approve or modify the recommendations of the Planning and Zoning Commission and may approve, approve with modifications or disapprove the preliminary plan with or without conditions. In the event the application is not acted upon by the City Council within 120 days following receipt of the recommendations of the Planning and Zoning Commission, and unless the applicant has consented to an extension of time, the application will be deemed denied.

4. Protest

In the event that a protest petition against any application for a planned unit development is presented to the City Clerk prior to the date scheduled for the City

Council to take action and is properly signed and notarized by the deeded owners of 30 percent or more of the areas of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed, such amendment will not become effective except by the favorable vote of two-thirds of all the members of the City Council.

F. Findings of Fact

In its deliberation of a request, the Planning and Zoning Commission and City Council must make findings of fact taking into consideration the following:

1. the preliminary development plan's consistency with the Growth Management Plan and all other adopted plans and policies of the City;
2. the preliminary development plan's consistency with the PUD standards of Section 415.060, including the statement of purpose;
3. the nature and extent of common open space in the PUD;
4. the reliability of the proposals for maintenance and conservation of common open space;
5. the adequacy or inadequacy of the amount and function of common open space in terms of the densities and dwelling types proposed in the plan;
6. whether the preliminary development plan makes adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment;
7. whether the preliminary development plan will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area;
8. whether potential adverse impacts have been mitigated to the maximum practical extent;
9. whether the preliminary development plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional Unified Development Code; and
10. the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a period of years.

G. Effect of Preliminary Development Plan Approval

Approval of the Preliminary Development Plan constitutes approval of a preliminary plat. A preliminary plat review fee is not required.

H. Status of Preliminary Development Plan After Approval

1. The applicant and the applicant's agent will be given written notice of the action of the City Council.
2. Approval of a preliminary development plan does not qualify as a plat of the planned unit development for recording purposes.
3. An unexpired approved preliminary development plan, including one that has been approved subject to conditions provided that the landowner has not defaulted on or

violated any of the conditions, may not be modified or revoked by the City without the consent of the landowner.

4. Prior to final plat approval, a landowner may choose to abandon a plan that has been given preliminary approval provided that the Planning and Zoning Commission is notified in writing.
5. Major changes in the planned unit development may be made only if an application to amend the approved preliminary plan has been approved by the City. The application to amend an approved preliminary plan shall be submitted and reviewed in accordance with the provisions of Section 470.050. What constitutes a major change is determined by the Development Services Director, but would include changes to the land use, street layout, and substantial change in building location or design.

I. Expiration of Preliminary Plan Approval

1. In the event the landowner fails to file an application for final plat approval within one year after final approval of the Preliminary Development Plan has been granted then such approval will expire.
2. In the event the landowner fails to file a subsequent application for final plat approval in accordance with the approved phasing schedule then such approval will expire.
3. For good cause shown, the expiration date may be extended by the City Council. The request for extension may be made by letter to the Development Services Director and will be considered only if received before the expiration date of the approval. The Development Services Director will forward the request to the City Council for consideration at its next available meeting.
4. If the approval of the preliminary development plan for a phased development expires after the completion of one or more phases, the preliminary development plan will remain in full effect as to those portions of the development that are subject to final plats in which the developer has acquired vested rights, but the remaining portions of the preliminary development plan will expire.
5. No action by the City will be necessary to cause the approval to expire. Its expiration will be considered a condition of the original approval. After the expiration date or extended expiration date, no application for final plat or for other development activity on the site will be considered until a new preliminary development plan has been approved.
6. After expiration of a preliminary development plan or any portion thereof, the PUD will remain in effect for the affected property, but further development on the property will require the approval of a new preliminary development plan, in accordance with the procedures and standards in effect at the time of the new application. If a preliminary development plan has expired as to part of a phased development, consistency with the developed parts of the preliminary development plan will be an additional criterion for consideration of a new proposed preliminary development plan.
7. Approval of a preliminary development plan does not, in itself, vest any rights.

J. Final Plat Application

After approval of a preliminary plan and prior to the issuance of any building permit or zoning certificate, an application for a final plat may be obtained from the Development Services Director. The application must be completed in its entirety in accordance with

Section 470.010C and filed with the Development Services Director. The final plat may include the entire planned unit development or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application must include covenants, easements, conditions and form of performance bond as set forth in the approval of the preliminary plan and in accordance with the conditions established in this Code.

K. Contents of the Final Plan

The final plan must include all information required for final plats in accordance with Section 470.130.

L. Final Plan Procedure

Final Plans will be approved and recorded according to the final plat procedure of Section 470.130.

M. Effect of Approval

All final plans filed will:

1. be binding upon the applicants, their successors and assigns;
2. control the issuance and validity of all building permits; and
3. limit the construction, location, use and operation of all land, land improvements and structures to be located on the subject site.

N. Enforcement and Modification of Final Development Plans

To further the mutual interest of the residents and owners of the planned unit development and of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modifications, if any, in the plan will not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, will be subject to the following provisions:

1. Enforcement by the Municipality

The provisions of the plan relating to:

- a. the use of land and the use, bulk, and location of buildings and structures;
- b. the quality and location of common open space;
- c. the intensity of use or the density of residential units will run in favor of the municipality and will be enforceable in law or in equity by the municipality, without limitation on any powers or regulation otherwise granted the municipality by law; and
- d. the owner(s) will be responsible for the payment of attorney's fees, costs, and expenses incurred by the City in its' successful enforcement of the provisions of the plan.

2. Enforcement by the Residents and Owners

All provisions of the plan will run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, covenant, easement or otherwise may be enforced by the law or equity by said residents and owners, acting individually, jointly or through an

organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan will be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

3. Modification by the City

All those provisions of the plan authorized to be enforced by the City under paragraph (1) of this section may be modified, removed or released by the City (except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:

- a.** No such modification, removal or release of the provisions of the plan by the municipality will affect the rights of the residents and owners of the planned unit development to maintain and enforce those provisions, at law or equity, as provided in paragraph (2) of this section.
- b.** No modification, removal or release of the provision of the plan by the municipality will be permitted except upon a finding by the municipal authority, following a public hearing called and held in accordance with the provisions of this section; that the same is consistent with the efficient development and preservation of the entire planned unit development and does not adversely affect either the enjoyment of the land abutting upon or across a street from the planned unit development for the public interest; and is not granted solely to confer a special benefit upon any person.

4. Modification by the Residents

Residents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provision of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action will affect the right of the municipality to enforce the provisions of the plan in accordance with the provisions of paragraph (1) of this section.

O. Amendments

A planned unit development district ordinance or any approved preliminary development plan may be amended in the same manner prescribed in this chapter for approval of the initial preliminary plan. Application for amendment may be made by the subdivision developer, homeowner's association or 51 percent of the owners of property within the PUD.