

CHAPTER TWELVE

IMPROVEMENTS, INSTALLATION, PHASING, AND MAINTENANCE

Section 12-10 Required Improvements - Required improvements include, to the extent they are used to comply with any absolute policy or used to score any relative policy, the following:

1. Temporary and permanent, structural and nonstructural soil conservation measures and revegetation plants;
2. Sewage collection and treatment facilities;
3. Temporary and permanent, structural and nonstructural stormwater runoff control measures;
4. Measures intended to mitigate potential off-site nuisances;
5. Structural screening or landscaped buffers;
6. All utilities, including water service;
7. Roads and road improvements, including culverts and bridges, and school bus loading or turn-around facilities;
8. Sidewalks and trails, including bicycle trails or lanes, and bicycle racks.
9. Parking and loading areas; and
10. Recreational facilities.
11. All other conditions and permit requirements.

Section 12-15 Installation - The installation of all required improvements shall be at the developer's expense.

Section 12-20 Phasing - If a development is constructed in phases or stages in accordance with this section, then, the provisions of Section 12-25 - Financing shall apply to each phase as if it were the entire development. As a prerequisite, the developer shall submit plans that clearly show the various phases or stages of the proposed development and that the requirements of these Codes will be satisfied with respect to each phase or stage. If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit.

Section 12-25 Public Improvements Installation of required public improvements in a development or any phase of a development shall be required or guaranteed by any one of the following methods:

- A. The developer must install all of the required improvements prior to the recording of a final plat or to any use or land sales in the development.
- B. The planning and zoning commission shall require that all public improvements be installed and dedicated prior to the designate official authorizing the recording of the final plat.
- C. **Security for Public Improvements** - In cases when, because of weather conditions or other factors beyond the control of the permit recipient (exclusive of financial hardship), the Planning and Zoning Commission determines it would be unreasonable to require the permit recipient to comply with all of the requirements of these Codes with respect to the installation and dedication of all public improvements before the filing of the final plat to commence, intended use of the property or occupying any buildings or selling lots in the development, the permit recipient must establish a Letter of Credit from a qualified lending institution to guarantee the cost for the completion of the required public improvements. The amount of the Letter of Credit shall be established by either of the following methods:
 - 1. If the permit recipient submits detail plans and drawings of the developments with an itemized cost estimate for public improvements (see Table 12-10 for standard cost estimate form), the amount of the Letter of Credit to guarantee the completion of the required public improvements shall be established by the Designated Official after consultation with the County designated engineer, in an amount sufficient to pay the estimated cost of the required public improvements plus ten percent (10%).
 - 2. In the event the permit recipient does not submit detailed plans and drawings of the public improvements in the development, they must submit two (2) estimates from contractors of the anticipated costs of the development's public improvements, utilizing the County's itemized cost estimate form in Table 12-10. The amount of the Letter of Credit shall be established by the Designated Official, after consultation with the County's designated engineer, in an amount sufficient to pay the estimated cost for the development's public improvements, plus forty percent (40%).
- D. A Security Agreement (Table 12-10 attached hereto for standard agreement) constituting a Letter of Credit executed by a State or Federal chartered bank or savings and loan submitted by a permit recipient to guarantee the estimated cost of the required public improvements shall:
 - 1. Run or be made payable to the County.
 - 2. Be an amount determined by the designated Official, based upon the recommendation of the County's designated engineer, to be sufficient to complete the installation of the public improvements in compliance with these regulations.
 - 3. Specify the time required on public improvements to be completed and installed according to the plans submitted. Such time shall be satisfactory to the County,

provided all required improvements shall be completed within 12 months. The County shall require an engineer's certification or other inspections necessary to satisfy the County that the improvements have been constructed in accordance with the plans and the County's design specifications. In the event that all improvements have not been completed within the time specified, the County will call the Letter of Credit to complete the required improvements. The Designated Official shall take action within one (1) week to cash in a Letter of Credit prior to expiration of said Security Agreement without notice to the applicant.

4. The initial deadline for the completion of all public improvements may be extended by the Designated Official or the Planning and Zoning Commission upon a showing of sufficient cause, but no additional phase of the development shall be permitted to begin during such extension. Should the applicant request to renew a letter of credit and the extension be approved by the Designated Official, the applicant shall submit two (2) new estimates with a new Letter of Credit, in a form approved by the Designated Official, for any increased cost of the infrastructure. At no time will the Designated Official accept a Letter of Credit reduced from the original amount.

Section 12-30 Maintenance - The recipient of any permit, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities required by these Codes, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, stormwater detention basins and drainage easements, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed. If common open space, common improvements, stormwater detention basins, drainage easements, or any streets or roads are not dedicated to and accepted for public use by the County Commission, they shall be protected by legal arrangements, such as restrictive covenants recorded in the Christian County Recorder of Deeds Office, in the form acceptable to the Planning and Zoning Commission and County Counselor sufficient to assure their maintenance and preservation by a homeowner's association for whatever purpose they are intended. Covenants or other legal arrangements shall specify ownership of the common space and common improvements shall be in a homeowner's association, the method of maintenance, responsibility for maintenance; maintenance assessment, taxes and insurance, guarantees that any association formed to own and maintain common open space and common improvements will not be dissolved without the prior consent of the County, and any other specifications deemed necessary by the Planning and Zoning Commission and County Counselor.

Table 12-10-Page 1
Standard Security Agreement (To be completed by Project Engineer)

Itemized Cost Estimate for Public Improvements

Subdivision Name _____

Final Plat File Code _____

| ITEM | QUANTITY | UNITS | AMOUNT |
|---|----------|-------|--------|
| Temporary gravel const. Entrance and upkeep | | EA | |
| Straw / hay bale dike | | LF | |
| Sediment basin | | LS | |
| (List other initial sediment controls) | | | |
| Detention basin grading | | LS | |
| Detention basin outlet structure | | LS | |
| Detention basin trickle channel | | LF | |
| Seed & mulch sediment/detention basin berms | | AC | |
| Rough grade streets | | LF | |
| Rough grade lots | | LS | |
| Rough grade drainage channel, (Line A, 1,etc) | | LF | |
| Sanitary sewer mains, off- site | | LF | |
| Sanitary sewer mains, on- site | | LF | |
| Sanitary sewer laterals | | EA | |

| | | | |
|-------------------------------|--|----|--|
| Water mains, off-site | | LF | |
| Water mains, on-site | | LF | |
| Water line service laterals | | EA | |
| Gas main, off-site | | LF | |
| Gas main, on-site | | LF | |
| Gas line service laterals | | EA | |
| Electric facilities, off-site | | | |
| Electric facilities, on-site | | | |
| | | | |
| Storm sewer Line A | | | |
| 15" RCP | | LF | |
| Etc, pipe size & type | | LF | |
| Junction Box | | EA | |
| SS-6 inlet | | EA | |
| DI-1 inlet | | EA | |
| XX" Flared end section | | EA | |
| Grouted riprap | | SF | |
| Etc for each storm sewer line | | | |
| Fine grade subgrade | | LF | |
| Curb & gutter | | LF | |
| Aggregate base course | | LF | |
| Asphalt base course | | LF | |
| Asphalt surface course | | LF | |
| Concrete pavement | | LF | |
| Sidewalks | | LF | |
| Backfill curbs | | | |
| Seed & mulch right-of-way | | LF | |
| Seed & mulch lots | | LS | |
| | | | |
| Remove temporary | | LS | |

| | | | |
|---|--|----|--|
| sediment controls | | | |
| Clean out sediment from storm sewers & detention basins | | LS | |
| Re-seeding / erosion repair | | LS | |
| Street Signs | | | |
| Street stripping | | | |
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| TOTAL | | | |
| | | | |

* Table 12-10 is subject to revisions

** Line items may need to be added to fully define the needed improvements for this format.

Figure 12-10

Security Agreement

THIS AGREEMENT made and entered into this ____ day of _____, 20____, by and between _____, (hereinafter "Developer"); Christian County, Missouri (hereinafter "County"); and _____, hereinafter called "Lender".

WITNESSETH:

WHEREAS, Developer has submitted a proposed plat of a subdivision within Christian County, Missouri, named _____ and said Development as required by the Subdivision Regulations and Unified Development Codes ("UDC") of the County, to wit: either to make certain improvements in said subdivisions or to guarantee that said improvements will be made within a period of ____ months from the date of filling of the plat of said subdivision, which said requirements must be met prior to acceptance of the subdivision by the County; and

WHEREAS, Lender is an accredited financial institution authorized to lend money in the State of Missouri and has made a loan to Developer of _____ for the development of said subdivision which includes an amount sufficient to pay the estimated cost of the required improvements described in this Agreement; which monies will be disbursed by lender as improvements are constructed.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and the mutual benefits to be derived there from it is hereby agreed and understood by and between the parties hereto as follows:

- 1. Lender has made a loan in the amount of \$_____ to Developer which shall include as _____ one of the purposes the improvements required by the County pursuant to the Christian County Subdivision Regulations and UDC and hereby acknowledges the obligation of developer to County to construct the following improvements as shown on the approved drawings listed below, which estimated costs is itemized in attached Table 12-10.

Streets & Stormwater Improvements: Plan No. _____ on file in the office of the Christian County Planning and Zoning Department.

Sanitary Sewers: Plan No. _____ on file in the office of the City of _____ Department of Public works (for Subdivision on city Sewer).

Water and gas lines: Plan No. _____ on file at _____ Electric for subdivision served by said utility provider.

Lender hereby consents and Developer hereby conditionally sells, assigns, transfers, and grants a security interest to the County in the loan by assigning to County such portion of the loan as needed to equal the total estimated costs of the required improvements as set forth herein. In the event Developer fails to complete the improvements as set forth in Paragraph 3, the assignment shall stand perfected and the Lender agrees to make such funds, available to the County for the purpose of making said improvements pursuant to paragraph 3 of this Agreement. In the event the Developer completes the improvements described herein and said improvements are accepted by the County, this assignment shall be null and void.

2. As Developer proceeds with the construction of the improvements, the County will from time to time inspect the progress of the work, and provide Lender and Developer with any reports which note the items in attached Table 12-10 which have been completed.
3. In the event Developer fails to complete any of the required improvements set forth in Paragraph 1 hereof within the period stated above from the recording of said subdivision plat and Developer fails to notify County and Lender of Developer's inability to complete the required improvements within said time period, then Lender is hereby expressly authorized to disburse to County such portion of the amounts set forth in Paragraph 1 hereof as shall be required to complete the required improvements. In such event, County may construct such improvements at its actual cost, including a reasonable charge for engineering and inspection or the County may contract with one or more responsible contractors, in which case, the costs shall be based on the contract amount calculated at a prevailing wage rate for all labor. Upon written notice from the Developer of his inability complete the improvements within the prescribed time period, the County may, at its discretion, allow additional time to complete improvements if the delay in completing the improvements is due to factors beyond the Developer's control. Such extension of time shall be granted in writing.
4. By execution of these results and for valuable consideration paid to it by Developer, the Lender agrees to meet the obligations implied upon hereby.
5. The parties agree that the venue for any litigation arising out of the Agreement shall be in the Circuit Court of Christian County, Missouri, and expressly waive any rights to any other venue.
6. In the event Developer fails to make the required public improvements within the period stated above, the parties hereby agree that, at the discretion of the County, no further lots may be sold by Developer and/or no building permits shall be issued in the subdivision until such time that the improvements have been completed and approved by the County.

7. When all required improvements shall have been made, approved, and accepted by the County, then, on the expiration of the statutory lien filing time the Agreement shall terminate. If any mechanics lien shall be filed with the statutory period, therefore, Development shall be responsible for satisfying and defending any claim and, in the event a judgment is rendered, Developer and Lender, to the extent of any loan proceeds remaining, shall promptly satisfy them.

IN WITNESS WHEREOF, the parties have executed this agreement on the date first above mentioned.

By:

Developer (Please Print)

Developer's Signature

Lender (Please Print)

Lender's Signature

CHRISTIAN COUNTY, MISSOURI

Print Name:
Planning and Zoning Administrator

Print Name:
Christian County Engineer

Section 12-35 Open Space and Mini-parks - Every residential development that includes more than twenty-five (25) units is encouraged to be developed so that at least 5 percent of the total area of the development remains permanently as usable open space and / or mini-parks (See Section 11-50, A - Usable Open Space).

- A. **Open Space Criteria** - For purposes of this section, usable open space means an area that:
1. Is not encumbered with a substantial structure,
 2. Is not devoted to use as a roadway, parking area, or sidewalk,
 3. Is left (as of the date development began) in its natural or undisturbed state if wooded, except for the cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ball fields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective set forth in this section,
 4. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation, and
 5. Is legally and practicably accessible to the residents of the development out of which the required open space is taken or to the public if dedication of the open space is required.
- B. **Mini-park Criteria** - The purpose of the mini-park is to provide adequate active recreational facilities to serve the residents of the immediately surrounding neighborhood within the development.
1. The total acreage of mini-parks (as required by this Section) shall be divided into mini-parks of not less than 2,000 square feet or more than 30,000 square feet.
 2. Mini-parks shall be attractively landscaped and shall be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences.
 3. Each mini-park shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve.
 4. Each mini-park shall be constructed on land that is relatively flat, dry, and capable of serving the purposes intended by this article.
 5. The following are illustrative of the types of facilities that shall be deemed to serve active recreational needs and therefore count toward satisfaction of the mini-park requirements: tennis courts, racquetball courts, swimming pools, sauna and exercise rooms, meeting or activity rooms within clubhouses, basketball courts, swings, slides, and play apparatus.
- C. **Deviations from Standards** - The requirements set forth in this Section concerning the amount, size, location, and nature of recreational facilities and open space to be provided in connection with developments are established as standards that presumably will result in the provision of that amount of recreational facilities and open space that is consistent with the Comprehensive Plan. The Planning and Zoning Commission recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for

installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit-issuing body is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

- D. **Record of Deviations Allowed** - Whenever the permit authorizes some deviation from the standards set forth in this section pursuant to Subsection C, the official record shall contain statement of the reasons for allowing the deviation.

Section 12-40 Central Wastewater treatment systems will not be allowed as of Dec 15, 2001.

Section 12-45 Storm Water Control - All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

- A. **Impediment of Flow** - No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to higher adjacent properties; and
- B. **Increased Flow** - No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volume or velocities as to cause substantial damage to lower adjacent properties

Section 12-50 Buffering And Screening - Landscape buffering and screening separates one land use from another. To be effective, it should reduce or eliminate objectionable sights, sounds, or nuisances from one land use reaching to another. Screening can lessen the visual pollution that may otherwise occur within an urbanized area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use. Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening. A landscape buffer adds to the food for birds and some small animals. The provisions of this part are necessary to safeguard the public health, safety and welfare.

- A. **General Screening Standard** - Every development should provide sufficient buffering and screening so that neighboring properties are shielded from any adverse external effects of that development and the development is shielded from the negative impacts of adjacent uses such as streets or railroads.

B. Compliance With Screening Standard

1. **Determining Compliance** - The table set forth in Section 12-1, in conjunction with the explanations in Section 12-52 concerning the types of screens, establishes screening requirements that presumptively satisfy the general standards established in Section 12-50 A. However, this table is only intended to establish a presumption and should be flexibly administered in accordance with Section 12-54.
 2. **Table Designations** - The numerical designations contained in the Table of Screening Requirements - Table 12-1 are keyed to the Table of Permissible Uses - Table 20-1, and the letter designations refer to types of screening as described in Section 12-52. This table indicates the type of screening that is presumptively required between two uses. Where such screening is required, only one of the two adjoining uses is responsible for installing the screening. The use assigned this responsibility is referred to as the burdened use in Table 12-1, and the other use is the benefited use.
 3. **Land use** which is receiving the land use, construction, or other permit shall be considered the burdened use.
 4. **Type** - To determine the type of screening a proposed new development must install, begin under the burdened column with the use classification number of the proposed use and follow that line across the page to its intersection with the use classification number of each use that adjoins the property to be developed. The burdened use should install the level of screening indicated.
- C. Existing Uses** - If, when the analysis described in Subsection B, 1 is performed, the burdened use is an existing use but the required screening is not in place, then this lack of screening shall constitute a nonconforming situation, subject to all provisions of Chapter Fourteen - Nonconforming Situations.
- D. Multifamily Uses** - Notwithstanding any other provision of this article, a multifamily development shall be expected, at the time of construction, to install any screening that is encouraged between it and adjacent existing uses according to the table set forth in Section 12-1, regardless of whether, in relation to such other uses, the multifamily development is the benefited or burdened use.
- E. Other Residential Uses** - When two designations are shown for a residential use (use classifications 1.000) the first designation is used for developments of less than five dwelling units, while the second is used for developments of five or more dwelling units.
- F. Combination Uses** - Screening requirements for combination uses (16.000 Classifications) will be determined by the principal use involved that requires the most buffering to protect neighboring land uses. This is indicated in the Table of Screening Requirements, Section 12-1 by the designation "Prin*".

Section 12-52 Descriptions of Screens - The following basic types of screens are hereby established and are used as the basis for the Table of Screening Requirements set forth in Table 12-1.

- A. **Opaque Screen** - A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. The portion of intermittent visual obstructions may contain deciduous plants.

- B. **Semi-Opaque Screen** - A screen that is opaque from the ground to a height of at least three feet, with intermittent visual obstructions from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. The zone of intermittent visual obstructions may contain deciduous plants.

- C. **Broken Screen** - A screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of the separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants.

- D. **Decorative Shrubs** - A screen composed of intermittent visual obstructions from the ground to a height of at least 3 feet. The broken screen is intended to create the impression of the separation of spaces without eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants.

Table 12-1; Page 2

| Burdened Use | Benefitted Use | | | | | | | | | | | | | | | | PUBLIC STREETS | PARKS OPEN SPACE | | | | | | | | |
|--------------------|----------------|-------|-------|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------------|------------------|--------|--------|--------|--------|--------|-------|--------|--------|
| | 9,000 | 9,100 | 9,200 | 9,300 | 10,000 | 10,100 | 10,200 | 10,300 | 11,000 | 11,100 | 12,000 | 12,100 | 12,200 | 13,000 | 13,100 | 14,000 | | | 14,xxx | 15,000 | 15,xxx | 16,000 | 16,000 | AGRI. | 16,000 | 16,000 |
| 1,000 | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| 1,400 | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| 1,600 | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| 1,700 | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| 2,000 | B | C/B | B | A | A | B | A | A | A | B | C/B | A | A | B | C/B | B | C/B | B/A | A | A | Prin* | B | Prin* | B | Prin* | B |
| 2,100 | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| 2,200 | D | D | D | D | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| 2,300 | D | D | D | C | C | C | C | C | C | C | C | B | B | C | C | C | C | C | C | C | Prin* | C | Prin* | C | Prin* | C |
| 2,400 | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| 3,000 | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| 3,100 | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| 3,200 | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| 4,000 | C | C | C | C | * | * | * | * | * | D | C | B | B | * | * | * | * | * | * | * | Prin* | C | Prin* | C | Prin* | C |
| 4,100 | C | C | C | C | * | * | * | * | * | D | C | B | B | * | * | * | * | * | * | * | Prin* | C | Prin* | C | Prin* | C |
| 4,300 | B | B | B | B | C | C | C | C | C | D | C | B | B | * | * | * | * | * | * | * | Prin* | B | Prin* | B | Prin* | B |
| 4,400 | B | B | B | B | C | C | C | C | C | D | C | B | B | * | * | * | * | * | * | * | Prin* | B | Prin* | B | Prin* | B |
| 5,000 | * | * | * | * | * | * | * | * | * | B | A | A | A | * | * | * | * | * | * | * | Prin* | * | Prin* | * | Prin* | * |
| 5,xxx | * | * | * | * | * | * | * | * | * | B | A | A | A | * | * | * | * | * | * | * | Prin* | * | Prin* | * | Prin* | * |
| 6,000 | * | * | * | * | * | * | * | * | * | B | A | A | A | * | * | * | * | * | * | * | Prin* | * | Prin* | * | Prin* | * |
| 6,100 | * | * | * | * | * | * | * | * | * | B | A | A | A | * | * | * | * | * | * | * | Prin* | * | Prin* | * | Prin* | * |
| 6,200 | C | C | C | C | * | * | * | * | * | C | B | B | B | * | * | * | * | * | * | * | Prin* | D | Prin* | D | Prin* | D |
| 6,300 | B | B | B | B | C | C | C | C | C | C | B | B | B | * | * | * | * | * | * | * | Prin* | B | Prin* | B | Prin* | B |
| 6,400 | B | B | B | B | C | C | C | C | C | C | B | B | B | * | * | * | * | * | * | * | Prin* | B | Prin* | B | Prin* | B |
| 7,000 | C | C | C | C | * | * | * | * | * | A | A | A | A | * | * | * | * | * | * | * | Prin* | C | Prin* | C | Prin* | C |
| 7,xxx | C | C | C | C | * | * | * | * | * | A | A | A | A | * | * | * | * | * | * | * | Prin* | C | Prin* | C | Prin* | C |
| 8,000 | * | * | * | * | * | * | * | * | * | C | B | B | B | * | * | * | * | * | * | * | Prin* | * | Prin* | * | Prin* | * |
| 8,100 | * | * | * | * | * | * | * | * | * | C | B | B | B | * | * | * | * | * | * | * | Prin* | * | Prin* | * | Prin* | * |
| 8,200 | B | B | B | B | B | B | B | B | B | * | * | * | * | * | * | * | * | * | * | * | Prin* | B | Prin* | B | Prin* | B |
| 8,300 | C | C | C | C | C | C | C | C | C | * | * | * | * | * | * | * | * | * | * | * | Prin* | C | Prin* | C | Prin* | C |
| 8,400 | C | C | C | C | C | C | C | C | C | * | * | * | * | * | * | * | * | * | * | * | Prin* | C | Prin* | C | Prin* | C |
| 9,000 | * | * | * | * | * | * | * | * | * | D | D | D | D | * | * | * | * | * | * | * | Prin* | D | Prin* | D | Prin* | D |
| 9,100 | * | * | * | * | * | * | * | * | * | D | D | D | D | * | * | * | * | * | * | * | Prin* | D | Prin* | D | Prin* | D |
| 9,200 | * | * | * | * | * | * | * | * | * | D | D | D | D | * | * | * | * | * | * | * | Prin* | D | Prin* | D | Prin* | D |
| 9,300 | * | * | * | * | * | * | * | * | * | C | C | C | C | * | * | * | * | * | * | * | Prin* | B | Prin* | B | Prin* | B |
| 10,000 | D | D | D | D | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | Prin* | C | Prin* | C | Prin* | C |
| 10,100 | D | D | D | D | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | Prin* | C | Prin* | C | Prin* | C |
| 10,200 | C | C | C | C | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | Prin* | C | Prin* | C | Prin* | C |
| 10,300 | C | C | C | C | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | Prin* | C | Prin* | C | Prin* | C |
| 11,000 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | Prin* | A | Prin* | A | Prin* | A |
| 12,000 | D | D | D | D | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | Prin* | A | Prin* | A | Prin* | A |
| 12,100 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | Prin* | A | Prin* | A | Prin* | A |
| 12,200 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | Prin* | A | Prin* | A | Prin* | A |
| 13,000 | D | D | D | D | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | Prin* | D | Prin* | D | Prin* | D |
| 14,000 | C | C | C | C | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | Prin* | * | Prin* | * | Prin* | * |
| 14,xxx | C | C | C | C | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | Prin* | * | Prin* | * | Prin* | * |
| 15,000 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | Prin* | A | Prin* | A | Prin* | A |
| 15,xxx | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | Prin* | A | Prin* | A | Prin* | A |
| 16,000 | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* |
| 16,000 | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* | Prin* |
| PUBLIC STREETS | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| PARKS & OPEN SPACE | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |

Section 12-54 Flexibility in Administration Required

- A. The Planning & Zoning Commission recognizes that because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Flexibility and deviations are especially common when the buffering is affected by existing vegetation, unusual topography, or distance from uses to property lines and other uses. Therefore, as provided in Section 12-50 B, the permit-issuing authority may permit deviations from the presumptive requirements of Table 12-1 and may either require more intensive or allow less intensive screening whenever it finds such deviations are more likely to satisfy the standard set forth in Section 12-50 A without imposing unnecessary costs on the developer.
- B. Without limiting the generality of Subsection A, the permit-issuing authority may modify the presumptive requirements for:
 - 1. Commercial developments located adjacent to residential uses,
 - 2. Commercial uses located adjacent to other commercial uses,
- C. Whenever the permit-issuing authority allows or requires a deviation from the presumptive requirements set forth in Table 12-1, it shall enter on the face of the permit the screening requirement that it imposes to meet the standard set forth in Section 12-50 A and the reasons for allowing or requiring the deviation.

Section 12-56 Combination Uses

- A. In determining the screening requirements that apply between a combination use and another use, the permit-issuing authority shall proceed as if the principal uses that comprise the combination use were not combined and reach its determination accordingly, relying on the table set forth in Table 12-1 - interpreted in the light of Section 12-54.
- B. When two or more principal uses are combined to create a combination use, screening shall not be required between the component principal uses unless they are clearly separated physically and screening is determined to be necessary to satisfy the standard set forth in Section 12-50 A.

Section 12-58 Subdivisions - When undeveloped land is subdivided and undeveloped lots only are sold, the subdivider shall not be required to install any screening. Screening shall be required, if at all, only when the lots are developed, and the responsibility for installing such screening shall be determined in accordance with the other requirements of this article.

Section 12-60 Guide for Protecting Existing Trees - This section provides for the retention and protection of large trees when land is developed. To better ensure the survival of existing trees, the developer should heed the following guidelines:

1. Protect trees with fencing and armoring during the entire construction period. The fence should enclose an area 10 feet square with the tree at the center.
2. Avoid compaction of the soil around existing trees due to heavy equipment. Do not pile dirt or other materials beneath the crown of the tree.
3. Keep fires or other sources of extreme heat well clear of existing trees.
4. Repair damaged roots and branches immediately. Exposed roots should be covered with topsoil. Severed limbs and roots should be painted. Whenever roots are destroyed, a proportional amount of branches must be pruned so the tree does not transpire more water than it takes in. Injured trees must be thoroughly watered during the ensuing growing year.
5. Prune all existing trees that will be surrounded by paving to prevent dehydration.

Section 12-62 Planting Guide

A. **Trees** - All trees require a certain degree of care, especially during and immediately after planting. To protect an investment in new trees, the developer should ensure that the following guidelines are followed when planting:

1. The best times for planting are early spring and early fall. Trees planted in the summer run the risk of dehydration.
2. Dig the tree pit at least one foot wider than the root ball and at least six inches deeper than the ball's vertical dimension.
3. Especially in areas where construction activity has compact the soil, the bottom of the pit should be scarified or loosened with a pick ax or shovel.
4. Where poor drainage exists, the tree pit should be dug at least an additional 12 inches and the bottom should be filled with coarse gravel.
5. Backfill should include a proper mix of soil, peat moss, and nutrients. All roots must be completely covered. Backfill should be thoroughly watered as it is placed around the roots.
6. Immediately after it is planted, the tree should be supported with stakes and guy wires to hold it firmly in place as its root system begins to develop. Staked trees will become stronger more quickly. Remove stakes and ties after one year.
7. Spread at least three inches of mulch over the entire excavation in order to retain moisture and keep down weeds.
8. The lower trunks of new trees should be wrapped with burlap or paper to prevent evaporation and sun scald. The wrapping should remain on the tree for at least one year.

B. **Shrubs** - Shrubs planted for screening purposes should be given a proper culture and sufficient room in which to grow. Many of the guidelines for tree planting listed in Subsection A apply to shrubs. However, because specific requirements vary considerably between shrub types, this appendix does not attempt to generalize the needs of all shrubs.

PARKING AND LOADING AREAS

Section 12-70 Parking and Loading requirements:

- A. **On-Site Parking and Loading** - These on-site parking performance standards are intended to promote and protect the public health, welfare, and safety by providing for adequate on-site parking and loading areas, thereby lessening the overall traffic circulation capacities. These standards also provide that parking areas be properly constructed for safety purposes and eliminate or mitigate any potential nuisances they might create for neighboring land uses.
- B. **Minimum Parking Space Requirements** - All developments shall provide and maintain the minimum number of parking spaces and the loading areas required in Table 12-2 - On-Site Parking Performance Standards, except for changes of occupancy, and reconstructed or redeveloped uses on sites where parking or loading areas have not been provided in the past. In some cases, available on-street parking may be used to reduce the number of spaces required. It must be demonstrated that a reduction of the on-site requirement will not create parking conflicts with neighboring properties or a traffic hazard.
- C. **Joint Parking Facilities** - Developments may utilize joint parking or loading areas if those joint areas are of adequate size according to the standards of Table 12-3 - Off-Street Parking. Joint parking areas shall be within six hundred (600) feet of all uses served. Developments with differing peak activity periods may utilize joint parking areas with a consequent reduction in parking space requirements.

Example: A church with one hundred (100) sanctuary seats would be required to provide twenty-five (25) parking spaces. A day care center with six (6) employees and serving thirty (30) children would be required to provide six (6) spaces. If the day care center, operating five (5) days a week, were housed within the church, operating mostly on Sundays, twenty-five (25) parking spaces could serve both uses.

- D. **Parking Area Design** - Minimum dimensions for parking spaces in different configurations are found in Table 12-3- Off-Street Parking. Parallel or perpendicular parking is preferred over angled parking. Parking spaces in commercial, industrial, institutional, and public parking lots should be clearly marked with painted lines or dividers. Parking areas accommodating over ten (10) vehicles should have continuous (as opposed to dead-end) circulation patterns. Parking area surfaces shall be dust-and mud-free with adequate drainage; a minimum slope of one percent (1%) and a maximum slope of five percent (5%). Parking areas should have safe access to public streets and be adequately lighted for night use. Recreational vehicle or storage parking areas should have security fencing and lighting.

- E. **Parking Area Buffers** - Commercial, industrial, institutional, public, recreational vehicle, and storage parking areas should be buffered from adjoining residential uses by landscaping, walls, berms, or similar treatments.

- F **Handicapped Parking** - Commercial, institutional, and public parking areas shall provide clearly marked and appropriately situated parking spaces for the handicapped, one (1) such space being provided for each twenty-five (25) spaces in each parking area.

- G **Maintenance Required** - Parking areas shall be subject to perpetual maintenance assurances where they are required (as in condominium developments) and to the other performance standards set forth in this appendix.

- H. **Existing Parking or Loading Space** - No new development may decrease existing parking or loading areas below the required minimum without providing adequate replacements.

Section 12-75 Parking and Loading Area Design - Loading areas shall be clearly marked to exclude parking, have safe access to public street or alleys, and be designed with adequate clearances, curb radii, lane widths, maneuvering room, and lighting to accommodate their anticipated use.

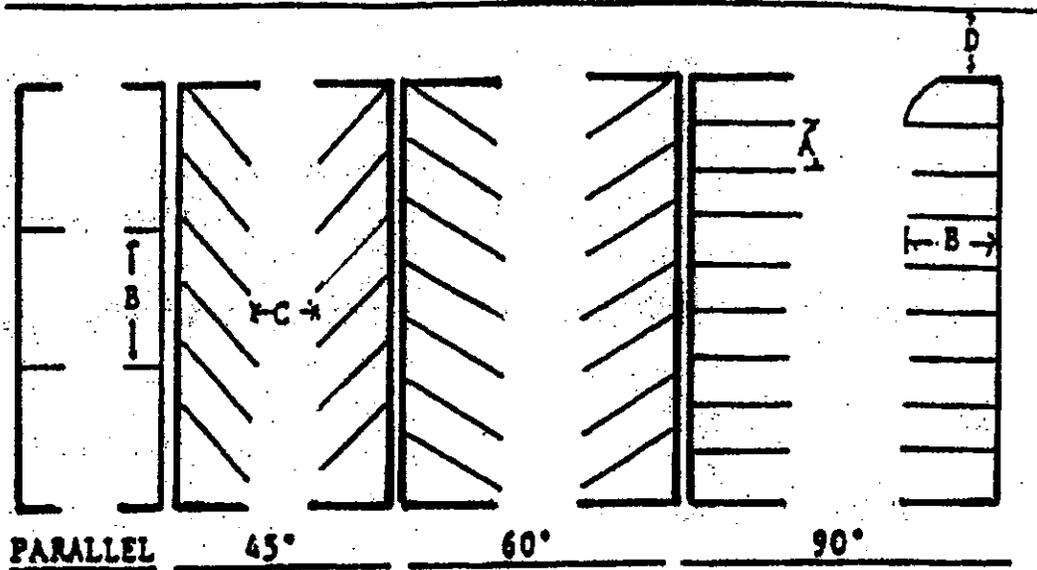
Table 12-2; Page 1
ON-SITE PARKING PERFORMANCE STANDARDS

| Proposed Land Use | STANDARDS |
|---|---|
| Single-family dwellings | 2 spaces per dwelling |
| Duplexes | 3 spaces each |
| High density residential uses | 1.5 spaces per dwelling unit; adequate RV parking may be required for larger projects. |
| Mobile home parks | 2 spaces per mobile home unit; adequate RV parking may be required for larger projects; 1 additional space guest parking per 2 mobile home units. |
| Residential subdivisions | Must covenant for 2 spaces per dwelling; larger projects may be required to provide RV or off-street guest parking. |
| Nursing or rest homes, similar resident care facilities | 1 space for every 5 residents; an additional space for each detached residential unit; an additional space for every 2 resident employees. |
| Day care centers | 1 space for every 2 employees plus 1 additional space for every 10 children served. |
| Schools | 2 spaces for every classroom plus 1 additional space for every 8 secondary students; adequate off-street bus loading and unloading areas. |
| Libraries | 1 space for every 5 reading or study room seats. |
| Sports arenas, theaters, auditoriums, churches | 1 space for every 4 seats and/or 30 sq. ft. of assembly area without fixed seating (secondary schools are exempted from this requirement). |

TABLES 12-2; Page 2
ON-SITE PARKING PERFORMANCE STANDARDS (Continued)

| Proposed Land Use | STANDARDS |
|--|---|
| Restaurants, bars, clubs, and similar uses; bowling alleys | 1 space for every 3 fixed seats and/or 30 ft. ² of floor area used for assembly, dancing, recreations, etc.; 1 space for every 2 employees on the largest shift; 5 spaces per lane for bowling alleys (no use in this category shall provide less than 10 spaces). |
| Banks, similar financial institutions; real estate, insurance; business and professional offices; auto sales and service centers | 1 space for every 300 ft. ² |
| Clinics, medical offices | 1 space for every 100 ft. ² |
| Major appliance, furniture stores, general merchandise "discount" stores | 1 space for every 400 ft. ² ; adequate loading areas. |
| Other commercial uses | 1 space for every 200 ft. ² ; adequate loading areas. |
| Outdoor sales areas (boats, autos, RV's implements, mobile homes.) | 1 space for every 1000 ft. ² up to 10 spaces; an additional space for each additional 5000 ft. ² ; adequate loading areas. |
| Industrial uses | 1 space for every employee; space for all company owned vehicles; adequate space for salesmen, visitors, etc.; adequate loading areas and holding areas for vehicles awaiting loading or unloading. |

Table 12-3
OFF STREET PARKING



| OFF-STREET PARKING DIMENSIONS | | | | |
|-------------------------------|-----|-------|-----|----------|
| | 45° | 60° | 90° | Parallel |
| A. Width of Parking Space | 12' | 10' | 9' | 9' |
| B. Length of Parking Space | 19' | 19' | 19' | 23' |
| C. Width of Driveway Aisle | 13' | 17'6" | 25' | 12' |
| D. Width of Access Driveway | 17' | 14' | 14' | 14' |