

**EXHIBIT 1**  
**Requirements and Standards Applicable to**  
**The Pines Planned Unit Development District**

**A. APPLICABILITY**

Building or other permits shall not be issued for development permitted by this Planned Unit Development (“PUD”) District, nor can any changes be made to this property until the Final Development Plan has been approved in the manner provided herein.

All requirements of the Nixa City Code shall apply to the property subject to this PUD District, unless modified by the requirements and standards herein.

**B. INTENT**

The intent of this PUD District is to allow single family and duplex land uses in a multi-family development.

**C. DEFINITIONS**

The definitions contained in Section 101-2 of the Nixa City Code, or its successor provision, shall apply to this PUD District.

**D. USES PERMITTED**

The following uses shall be permitted in the PUD District:

- a) Accessory uses, as permitted by section 117-94, Accessory uses.
- b) Home occupation uses as permitted by Section 117-95, Home Occupations.
- c) Approved uses not requiring permits by Section 117-96, Approved uses not requiring permits.
- d) All uses permitted in an R-3 zone found in Section 117-99.
- e) Single family detached residences, multiple dwelling units per lot.
- f) Family duplex residences.
- g) A clubhouse and/or other common recreation facilities.

## **E. USE LIMITATIONS**

- a) All use limitations required by the zoning ordinance for R-3 zoned property, except for those limitations associated with single- and two-family residences.

## **F. INTENSITY OF DEVELOPMENT**

Development occurring within the PUD District shall adhere to the following standards:

1. The maximum residential dwelling units shall be limited to 57 dwelling units or 7.1 units per acre.

## **G. BULK, AREA, AND HEIGHT REQUIREMENTS**

The following bulk, area, and height requirements shall apply to the PUD District:

### *Maximum structure height:*

The maximum structure height shall be the structure height allowed in R-3 Zoning Districts.

### *Front yard setback:*

- a. 12' along Main Street.

### *Side yard:*

- a. 8' side yard along West, North and South property lines.

### *Spacing between buildings:*

- a. Minimum Spacing will be in accordance with the City's adopted building codes.
- b. Duplex lots shall have fire walls separating dwelling units as required by the City's adopted building codes.

## **H. OPEN SPACE, LANDSCAPING & SCREENING**

- a. Minimum open space: Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with Chapter 105, Article II of the Nixa City Code. Open space shall not include areas covered by buildings, structures, parking, loading, and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
- b. Maximum impervious surface: The combined area occupied by all main and accessory buildings or structures, parking, loading, and other paved areas, and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total area unless modified in accordance with the City of Nixa stormwater and flood control requirements.
- c. Landscaping and screening shall be in accordance with Exhibit 2 of this PUD District. The existing streets were constructed under approved construction plans in the past. Some of those streets extend into buffer areas and are considered approved in their current location.

## **I. ACCESS TO PUBLIC THOROUGHFARES**

Access to the public street system shown in Exhibit 2 shall be governed by the existing standards of the City of Nixa for the applicable street classification.

## **J. OFF-STREET PARKING**

Chapter 111, Article V of the Nixa Code of Ordinances in effect at the time of development shall apply except as modified herein.

## **K. REQUIRED IMPROVEMENTS**

1. Public improvements to serve this development have been constructed and are in place. Public and private improvements necessary to adequately accommodate the intensity of development proposed in this District shall be constructed prior to or concurrently with the development of the property. The development may be phased, and with each phase, the Planning and Development Department will make a determination as to the improvements that would be necessary to support the phase.

Prior to building permits being issued, the applicant or subsequent owners shall:

- a. construct the required improvements; or

- b. provide assurances satisfactory to the Director of Public Works guaranteeing that all required improvements will be constructed in accordance with Chapter 115, Article III. – Required Improvements and Design Standards.
2. Certificate of occupancy. No certificate of occupancy shall be issued for any structure within this District, or phase of the development, unless:
- a. the required improvements are completed prior to occupancy of the structures; or
  - b. the Director of Public Works has determined that:
    - (1) any incomplete required improvements have little or no effect on the occupancy of the facility; or
    - (2) conditions beyond the control of the contractor, *i.e.*, strikes, weather, etc., have delayed the completion of the improvements.

If one of these conditions occurs, the Director of Planning and Development may permit occupancy under conditions satisfactory to the Director of Public Works that the required improvements will be completed as required by this ordinance within a reasonable time.

3. Required improvements. The following improvements are required for full development of the subject property:
- a. Sanitary sewer facilities.  
  
Public sanitary sewer is currently extended onto this property to serve this project. Private sewers are currently extended from the public main to serve the buildings. If the property is subdivided, public sanitary sewer shall be extended to each lot in accordance with the City's Subdivision Regulations.
  - b. Stormwater management facilities.
    - (1) Private and public inlets and piping are currently installed on this property to serve this project.

(2) A detention basin is currently constructed to meet detention requirements. All stormwater infrastructure must meet the City of Nixa's stormwater regulations.

4. Improvement Standards. Improvements shall conform to the following standards.

- a. All utility services lines and utility connections shall be located underground, including, but not limited to, electrical and telephone cables, security and other telecommunication systems, and wires, unless utility easements providing for overhead service exist or are obtained in the future.

#### **L. MAINTENANCE OF COMMON AREAS AND FACILITIES**

The site has one owner and thereby does not have common area. All facilities shall be maintained by the owner in accordance with the Nixa City Code.

#### **M. PHASING**

Development will be phased with respect to building permits. Most of the infrastructure is already completed. The dwelling units will be constructed by individual permits at the discretion of the developer.

#### **N. FINAL DEVELOPMENT PLAN**

A final development plan, showing conformance with the requirements of this Exhibit and Exhibit 2, shall be submitted to the Planning and Development Department and approved in the manner described herein prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit. The final development plan may be submitted in the form of a preliminary plat, provided the plat is prepared in accordance with the requirements, standards, and intent of this Exhibit. Development of this District shall be in accordance with the approved final development plan.

1. The intent of Exhibit 2 is to show in sufficient detail how the subject property is going to develop, so that approval of the Final Development Plan may be given by the Planning and Development Department without returning to Planning and Zoning Commission or City Council for review. A final development plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined Chapter 117, Article VI – Planned Unit Development (PUD).
2. The final development plan shall be submitted to the Planning and Development Department for review. The Planning and Development Department is hereby

authorized, at its discretion, to approve minor adjustments and modifications. Such authority shall not, however, be construed to permit:

- a. Any uses within the District other than those specifically prescribed by the ordinance.
- b. Any increase in the intensity of use permitted within the District.