



**Issue:** **AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE BOONE PROPERTY PLANNED UNIT DEVELOPMENT BY ALLOWING A TWENTY-FIVE FEET FRONT-YARD SETBACK FOR LOT 16 OF THE KELBY CREEK PHASE 6 SUBDIVISION.**

**Date:** November 8, 2021

**Submitted By:** Garrett Tyson, Director of Planning and Development

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## **Background**

The Boone Property Planned Unit Development (PUD) was approved by the Nixa City Council in 2007 (Ordinance No. 1486). The PUD regulations provide for a variety of building setbacks that are specific to defined areas of the development site. These various setbacks are provided for within the document on Exhibit F "Setback Map". According to Exhibit F, front yard setbacks for residential dwellings vary between 25 and 35 feet.

The subdivision within the Boone Property PUD known as Kelby Creek Subdivision Phase 6 is located within the development site in an area designated by Exhibit F for 35 feet front-yard setbacks.

The applicant owns Lot 16 of the Kelby Creek Subdivision Phase 6 and has applied to amend the Boone Property PUD to allow for a 25 feet setback instead of the required 35 feet setback provided for in the aforementioned Exhibit F.

## **Analysis**

Planned Unit Developments (PUDs) provide a lawful means for zoning regulations that vary from the conventional zoning scheme of the City yet are still determined by the City Council to be in the public interest. In this way, PUDs can become a sort of unique zoning scheme that is particular to a single development. The regulations contained in an approved PUD thereafter carry the force of law when they are approved by ordinance.

In the case of the Boone Property PUD, the developer proposed varied setbacks that are larger/deeper than what would be required by the City's convention zoning regime in any case. The PUD itself provides no rationale for this increased setback requirement in these specific locations. The City's conventional single-family residential front-yard setback requirement is 25 feet from the property line.

An important question is whether and to what extent the public interest is served by having an increased setback requirement at this specific location and, further, whether and to what extent the public interest is affected by changing it to 25 feet. In the assessment of City staff, there is nothing particular about this location that warrants a larger/deeper setback that enhances the public good. This is not to say that there is anything wrong, per se, with having houses setback



further than 25 feet from a property line, only that there is nothing, at the same time, that is marginally better from a regulatory perspective.

Under the conventional zoning regime, such a change would only be possible as a variance. However, because this property is within a PUD, there is opportunity to amend the PUD without violating the overall zoning scheme or requiring a variance to be granted by the Board of Adjustment. Furthermore, in the view of City staff, such a request would not be a good candidate for a variance.

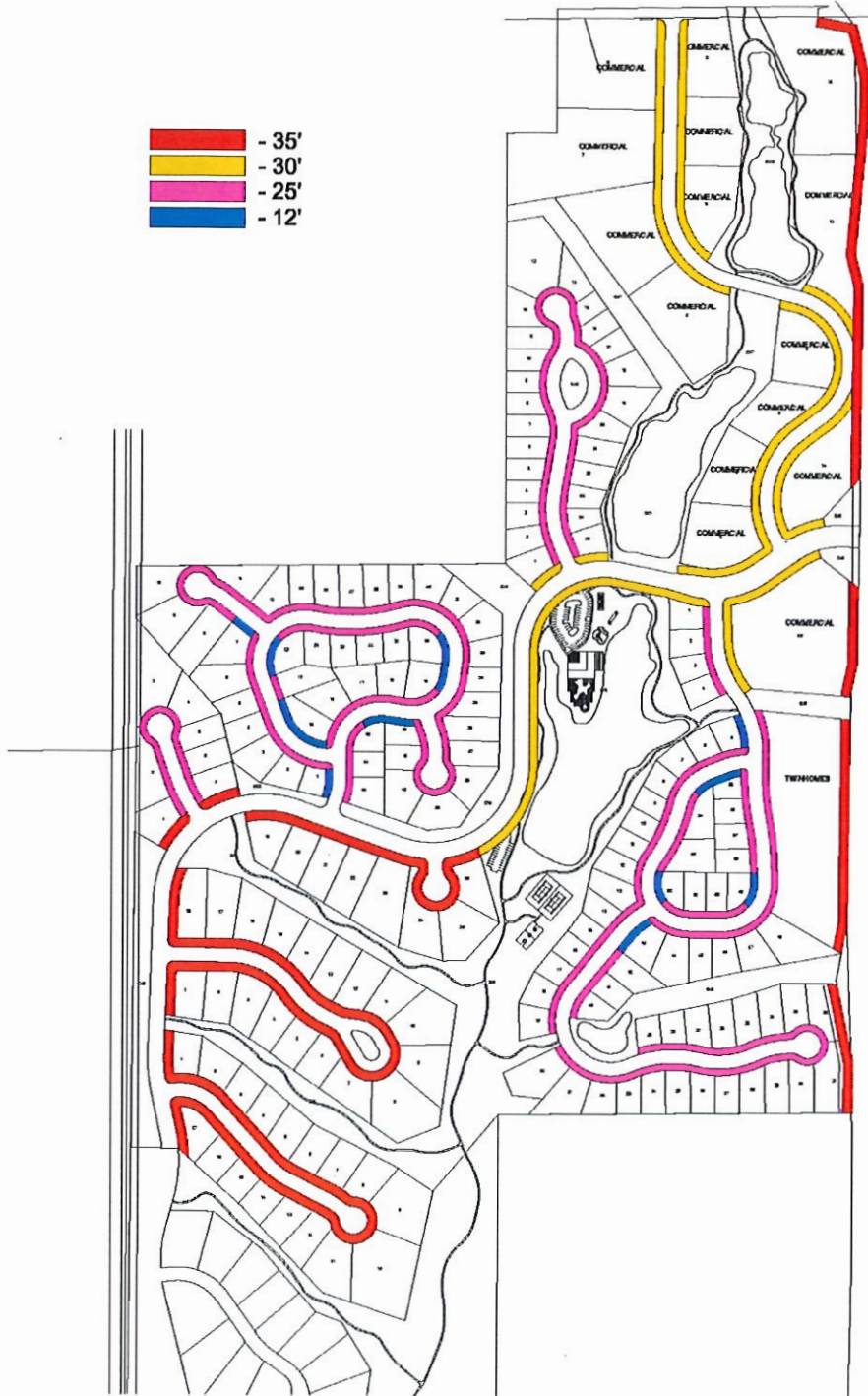
All things considered, the impact of this amendment is assessed to be negligible under consideration of the general purposes of planning and zoning regulations.

### **Recommendation**

Staff recommends the approval of this bill.

# ORIGINAL VERSION

-  - 35'
-  - 30'
-  - 25'
-  - 12'



SETBACK MAP

EXHIBIT  
**F**

## BOONE PROPERTY



DATE: MARCH 5 2007

YUNG DESIGN GROUP, INC. - 110 West Adams, Ste 102 - Branson, MO 65616

417-335-8235 - Fax 417-335-8286 bill@yungdesign.com

**AN ORDINANCE OF THE BOARD OF ALDERMEN  
OF THE CITY OF NIXA, MISSOURI  
ANNEXING 189.848 ACRES LOCATED SOUTH OF  
ROSEDALE ROAD AND WEST OF HIGHWAY 160  
OWNED BY BRAD BOONE INTO THE CORPORATE LIMITS OF THE  
CITY OF NIXA, MISSOURI**

WHEREAS, a verified petition signed by all the owners of the real estate hereinafter described requesting annexation of said territory into the City of Nixa, Missouri, was filed with the city clerk, and

WHEREAS, said real estate as hereinafter described is adjacent and contiguous to the present corporate limits of the City of Nixa, Missouri; and

WHEREAS, a public hearing concerning said matter was held at the City Hall in Nixa, Missouri, at the hour of 7:00 p.m. on May 14<sup>th</sup>, 2007; and

WHEREAS, at said Public Hearing, all interested persons, corporations or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

WHEREAS, no written objection to the proposed annexation was filed with the Board of Aldermen of the City of Nixa, Missouri within fourteen days after the public hearing; and

WHEREAS, the Board of Aldermen of the City of Nixa, Missouri, does find and determine that said annexation is reasonable and necessary to the proper development of the city; and

THEREFORE, be it ordained by the Board of Aldermen of the City of Nixa, Missouri as follows:

SECTION I: The following described real estate is hereby approved for annexation into the corporate boundaries of the City of Nixa with a zoning of PUD-MU as described below:

SECTION II: The boundaries of the City of Nixa, Missouri, upon such time as the state statutes allows, will be altered to encompass the above described tract of land:



**EXHIBIT "A"**

PROPERTY DESCRIPTION

SOURCE OF DESCRIPTION: TITLE COMMITMENT NUMBER 20053281, EFFECTIVE DATE 02-03-2006, ISSUED BY GREAT AMERICAN TITLE CO.,; SURVEYS BY ALTAIR SURVEYING, L.L.C., DATED 06-02-03, 06-12-03, 07-12-03, AND 07-09-03.)

THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 26 AND A PART OF NORTHEAST QUARTER (NE1/4) OF SECTION 35, ALL IN TOWNSHIP 27 NORTH, RANGE 22 WEST, CHRISTIAN COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

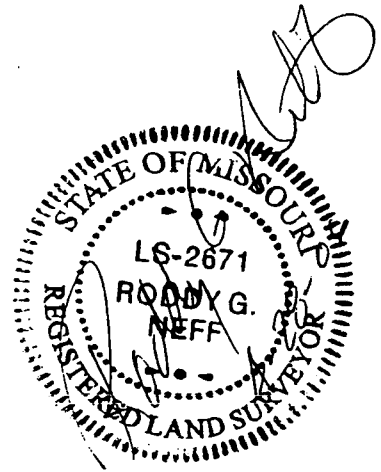
BEGINNING AT AN EXISTING IRON PIN AT THE NORTHWEST CORNER OF THE WEST ONE-HALF (W1/2) OF THE NE1/4 OF SAID SECTION 35; THENCE N00°02'15"E (N01°52'11"E DEED), ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE SE1/4 OF SAID SECTION 26 ALSO BEING THE EAST LINE OF AUTUMN RIDGE ESTATES, A SUBDIVISION IN CHRISTIAN COUNTY, MISSOURI, A DISTANCE OF 671.50 FEET (653.16' DEED) TO AN EXISTING IRON PIN AT THE NORTHWEST CORNER OF THE SOUTH ONE-HALF (S1/2) OF SAID SW1/4 OF THE SE1/4 SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 127 AT PAGE 95 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE N89°15'38"E (S89°16'47"E DEED), ALONG THE NORTH LINE OF SAID S1/2 OF THE SW1/4 OF THE SE1/4 ALSO BEING THE SOUTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 127 AT PAGE 95, A DISTANCE OF 1340.92 FEET (1341.59' DEED) TO AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF SAID S1/2 OF THE SW1/4 OF THE SE1/4 SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID TRACT OF LAND; THENCE N00°02'10"W (N01°48'45"E DEED), ALONG THE WEST LINE OF THE NE1/4 OF THE SE1/4 AND THE NORTH ONE-HALF (N1/2) OF THE SW1/4 OF THE SE1/4 ALSO BEING THE EAST LINE OF SAID TRACT OF LAND AND THE EAST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 290 AT PAGE 1247 IN SAID CHRISTIAN COUNTY RECORDER'S OFFICE, A DISTANCE OF 1571.84 FEET (1577.63' DEED) TO AN EXISTING IRON PIN AT THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 115 AT PAGE 367 IN SAID CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE N89°00'03"E (S89°15'51"E DEED), ALONG THE SOUTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 115 AT PAGE 367, A DISTANCE OF 183.00 FEET (183.03' DEED) TO AN EXISTING IRON PIN AT THE SOUTHEAST CORNER OF TRACT OF LAND; THENCE N00°02'10"W, ALONG THE EAST LINE OF SAID TRACT OF LAND, A DISTANCE OF 450.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND SAID POINT BEING ON THE NORTH LINE OF SAID NE1/4 OF THE SE1/4; THENCE N89°00'03"E, ALONG THE NORTH LINE OF SAID NE1/4 OF THE SE1/4, A DISTANCE OF 984.38 FEET TO AN EXISTING IRON PIN ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 160, AS IT NOW EXISTS; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING SIXTEEN (16) COURSES: 1) THENCE S77°37'53"W, A DISTANCE OF 40.27 FEET; 2) THENCE S01°11'05"E, A DISTANCE OF 30.00 FEET TO AN EXISTING RIGHT-OF-WAY MARKER ON THE APPARENT SOUTH RIGHT-OF-WAY LINE OF ROSEDALE ROAD AS IT NOW EXISTS; 3) THENCE S78°58'54"E, A DISTANCE OF 146.64 FEET TO AN EXISTING RIGHT-OF-WAY MARKER AT STATION 295+10; 4) THENCE S14°07'00"E, A DISTANCE OF 195.82 FEET TO AN EXISTING RIGHT-OF-WAY MARKER AT STATION 297+00; 5) THENCE

S00°46'47"W, A DISTANCE OF 156.72 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 6) THENCE S05°17'58"W, A DISTANCE OF 495.05 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 7) THENCE S13°57'27"E, A DISTANCE OF 116.18 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 8) THENCE S00°42'28"W, A DISTANCE OF 231.26 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 9) THENCE S00°43'36"W, A DISTANCE OF 306.07 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 10) THENCE N00°40'21"W, A DISTANCE OF 848.98 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 11) THENCE S12°31'01"W, A DISTANCE OF 102.65 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 12) THENCE S00°38'58"W, A DISTANCE OF 349.12 FEET TO AN EXISTING RIGHT-OF-WAY MARKER AT STATION 322+98.5 (STATION 323+00 PLAN); 13) S00°38'04"W, A DISTANCE OF 498.81 FEET TO AN EXISTING RIGHT-OF-WAY MARKER AT STATION 328+00; 14) THENCE S11°44'00"W, A DISTANCE OF 201.94 FEET TO AN EXISTING RIGHT-OF-WAY MARKER AT STATION 330+00; 15) THENCE S12°07'40"E, A DISTANCE OF 307.79 FEET TO AN EXISTING IRON PIN AT STATION 333+00; 16) THENCE S00°50'15"W, A DISTANCE OF 184.14 FEET TO AN EXISTING IRON PIN ON THE SOUTH LINE OF THE NE1/4 OF THE NE1/4 OF SAID SECTION 35 SAID POINT BEING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 190 AT PAGE 482 IN SAID CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE S89°18'04"W (N89°01'01"W DEED), ALONG THE SOUTH LINE OF SAID NE1/4 OF THE NE1/4 ALSO BEING THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 190 AT PAGE 482, A DISTANCE OF 1289.78 FEET (1277.02' DEED) TO AN EXISTING IRON PIN AT THE SOUTHWEST CORNER OF SAID NE1/4 OF THE NE1/4 SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 190 AT PAGE 482; THENCE S40°02'09"W, A DISTANCE OF 366.53 FEET TO AN IRON PIN SET; THENCE S11°44'02"W, A DISTANCE OF 482.28 FEET TO AN IRON PIN SET; THENCE N71°18'27"W, A DISTANCE OF 313.10 FEET TO AN IRON PIN SET; THENCE N43°42'26"W, A DISTANCE OF 424.30 FEET TO AN IRON PIN SET; THENCE N47°45'54"W, A DISTANCE OF 321.52 FEET TO AN IRON PIN SET; THENCE N89°25'47"W, A DISTANCE OF 175.00 FEET TO AN IRON PIN SET ON THE WEST LINE OF THE SW1/4 OF THE NE1/4; THENCE N00°34'13"E (N01°52'11"E DEED), ALONG THE WEST LINE OF SAID SW1/4 OF THE SE1/4 AND THE WEST LINE OF THE NW1/4 OF THE NE1/4, A DISTANCE OF 1448.69 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 189.848 ACRES (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD.

EXHIBIT "B"

THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 26, TOWNSHIP 27 NORTH, RANGE 22 WEST, CHRISTIAN COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIN AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF ROSEDALE ROAD AS IT NOW EXISTS AND THE WEST LINE OF SAID NE1/4 OF THE SE1/4; THENCE NORTH ALONG SAID WEST LINE, A DISTANCE OF 35 FEET (MORE OR LESS) TO AN EXISTING FENCE LINE ON THE APPARENT NORTH RIGHT-OF-WAY LINE OF ROSEDALE ROAD AS IT NOW EXISTS; THENCE EAST, ALONG SAID FENCE LINE AND NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 183 FEET (MORE OR LESS) TO THE EAST LINE OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 115 AT PAGE 367 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE SOUTH ALONG SAID EAST LINE, A DISTANCE OF 35 FEET (MORE OR LESS) TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ROSEDALE ROAD AS IT NOW EXISTS; THENCE WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 183.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 0.15 ACRES (MORE OR LESS), AND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD.

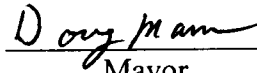


SECTION III: The boundaries of the city of Nixa, Missouri, upon such time as the state statues allows, will be altered to encompass the above described tract of land.

SECTION IV: The City Clerk is hereby directed to cause three certified copies of this ordinance to be filed with the County Clerk of Christian County, Missouri.

This ordinance shall be in full force and effect from and after the date of its passage.

Passed and approved this 9<sup>th</sup> day of July, 2007.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Image# 003753550002 Type: LAN  
Recorded: 08/15/2007 at 08:49:11 AM  
Total Amt: \$27.00 Page 1 of 2  
Christian County Recorder  
Roy Meadows Recorder of Deeds  
File# 2007-00015557

BK **2007** PG **15373**



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**(SPACE ABOVE RESERVED FOR RECORDER OF DEEDS CERTIFICATION)**

**TITLE OF DOCUMENT:** Vacation of Utility Easement

**DATE OF DOCUMENT:** 7/09/07

**GRANTOR(S):** City of Nixa

**GRANTEE:** Adjacent property owners

**MAILING ADDRESS:** P. O. Box 395, Nixa, Missouri 65714

**LEGAL DESCRIPTION:** See legal description attached.

**REFERENCE BOOK AND PAGE:**

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(IF THERE IS NOT SUFFICIENT SPACE ON THIS PAGE FOR THE INFORMATION REQUIRED,  
STATE THE PAGE REFERENCE WHERE IT IS CONTAINED WITHIN THE DOCUMENT)

Please return to:      The City of Nixa  
                                 Attn: Coralee  
                                 P. O. Box 395  
                                 Nixa, MO 65714



**A PLANNED UNIT DEVELOPMENT**

# **Boone Property**

PREPARED FOR

**Owner – Green Valley Land, LLC**

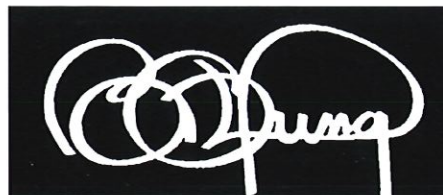
A Missouri LLC

**Developer - Green Valley Land, LLC**

14655 S. Grant

Bixby, OK 74008

PREPARED BY



12 April 2007 – Revised 31 May 2007

**YUNG DESIGN GROUP, INC.** - 110 West Adams, Ste 102 - Branson, MO 65616  
417-335-8235 – Fax 417-335-8286 bill@yungdesign.com

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## **1.00 REGULATIONS GENERALLY APPLICABLE TO ALL TRACTS OF LAND WITHIN THE BOONE PROPERTY PLANNED UNIT DEVELOPMENT**

**1.01 PUD Plan** • The Boone Property PUD Master Plan, attached hereto as **Exhibit "A"**, shall be considered a permanent part of these Land Use Regulations. **Exhibit "A"** reflects the PUD Master Plan view for the property directly affected by these Land Use Regulations and illustrates the proposed mixed-use development. **Exhibit "A1"** shows the same master plan in an uncolored format. The proposed development within this PUD contains approximately 189.6 acres (more or less) and is described by the legal description attached hereto. The property is currently undeveloped. It is located south of Nixa on Highway 160 and will developed as a mixed-use

development under the land use regulations created by this PUD document within the City of Nixa Planning and Zoning jurisdiction. **Exhibit "B"** shows the legal description in map form. **Exhibit "B1"** is the topographical map of the property.

The property is owned by Green Valley Land, LLC – a Missouri LLC and is represented by Yung Design Group (Agent) who is filing this application. Any modification to the PUD Master Plan involving a change in the identified and/or approved land uses or to the intensity of use affecting an increase in density of use by more that 10%, shall require



approval of the City of Nixa Planning and Zoning Commission.

**1.02 Parcel Development Submittals** • The approval of this PUD shall place these land use regulations in force governing the development of this property. Once approved, any significant changes to the development plan, contained herein, shall require additional review by the City of Nixa Planning and Development Commission. Each phase, regardless of the number of parcels contained therein shall be developed within the limits as defined under Section 2.0 of this document.

The illustrated plan (**Exhibit "A"**) represents the approved land use groups that can be developed on this property. If that plan is executed without alterations, it shall serve as the approved development plan allowing construction to commence through the normal permitting process. If that plan, or any phase of that plan is significantly altered (such as a change to a non-approved use) prior to development, a new development site plan shall be presented to the Planning and Zoning Commission for review and approval. This includes any adjustment in the size of parcels due to possible alterations in the final alignment of the street system during the preparation of construction documents for this development. These possible parcel size adjustments would not affect the approved land use designation or

the density permitted by this document.

**1.03 Zoning** • The zoning for the development shall be "PUD" Mixed Use Planned Unit Development as allowed by the City of Nixa and the development of this property shall be constructed under the guidelines established by these Land Use Regulations. The mixed-use classification as defined for this PUD, refers to a mixture of commercial, office, recreational and residential uses. For specific items not covered in these Land Use Regulations, the Zoning Regulations of the City of Nixa, consistent with the approved use of the parcel, shall apply. The listing of approved land use categories referred to in this PUD would all normally fall within the general zoning classifications of Commercial and Multi-family Residential uses (which includes Single Family) were it developed under conventional zoning.

The attached map - General Land Use Map **Exhibit "C"** - illustrates the approximate limits of each land use as shown on the PUD Master Plan. Each of these land use areas is zoned consistent with the illustrated use as they are envisioned to develop or as defined under section 2 of these regulations. Specific uses permitted within this PUD and those normally included in the Commercial and Multi-family categories as herein amended, will be defined under Section 2.0 of this document.



#### **1.04 Number of Development Parcels**

• The proposed development shall consist of twenty-six (26) parcels with the permitted land uses as identified on **Exhibit "D" - Development Parcel Map** - attached to this document and as further defined under Section 2 of these Land Use Regulations.

**1.05 Street Classifications** • Both private and public streets shall be allowed within this PD. The public streets are to be constructed by the developer. Specific design standards for each classification of street that will be allowed in this development shall be as follows:

**Public Street Standards** • There are three (3) public street standards illustrated within this PUD. They are the Collector Street, Commercial Street and Local Residential Streets.

• **Collector Street Standard** - This classification of street shall apply to the primary access street system designed to provide access to the various development clusters or parcels.

This type of street is constructed within a sixty foot (60') ROW except where it may be widened to permit an internal landscaped island, such as at the entries or focal points along its route. One (1) street within this development utilizes this standard. (See plan view Street System - **Exhibit "E"**) This street will provide for two moving lanes, a total of twenty-eight feet (28'), separated by center turn lane or landscaped island

at those locations where turn lanes are required. At those locations the street shall be widened to a width of thirty-six feet. (36') These landscaped islands shall be bordered by the city standard curb and gutter and so designed to insure proper drainage is maintained.

The collector street shall be constructed to meet the city standards regarding pavement thickness and shall also utilize the City of Nixa standard curb and gutter section. The center lane need not be continuous but is to be provided when a protected left turn lane is needed, such as at the intersection with Highway 160, at the entrance to commercial uses or possibly at the entrance drive to the clubhouse. A landscaped island may also be constructed, separating the two moving lanes. It is the intent that this street be designed to safely accommodate traffic generated by this development. This proposed standard does not intend to prohibit a wider profile from being used.

The final design of the roadway improvements and turning movements will be determined at the time of platting. A five-foot (5') sidewalk shall be provided on one side of the street. No parking shall be allowed on this street. Building setbacks will be measured from the street ROW line. Street lighting is required and shall be provided as defined under section 1.18 of this document.



• **Commercial Street Standard** - This classification of street is used for streets providing direct access to commercial or office parcels as identified within this document. They shall be constructed as public streets within a fifty-foot (50') ROW. The pavement cross section shall be constructed to provide for a minimum of thirty-six feet (36') from back of curb to back of curb. This street standard shall be constructed to meet the city standards regarding pavement thickness and shall also utilize the City of Nixa standard curb and gutter section. A four-foot (4') sidewalk shall be constructed within the ROW on both sides of the roadway leaving a minimum width of five feet (5') of grass area between the curb and the sidewalk or as shown on **Exhibit I**. ROW. Parking is not allowed on this street and shall be signed accordingly. Building setbacks will be measured from the street ROW line. Street lighting is required and shall be provided as defined under section 1.18 of this document..

**Local Street Standards** – There are four (4) local street standards permitted within this development. They are: Local Private or public Residential Streets, Rural Standard, Local Streets, Urban Standard Local Private Residential Streets without a defined ROW and Private Drives.

• **Local Private or Public Residential Streets (Rural Standard)** - This classification of street can only be used within the residentially developed parcels as

identified within this document. They shall be constructed as private streets if gated and public if not gated with a fifty-foot (50') street ROW. If the street is to be private the ROW will be dedicated to the Home Owners Association(s) HOA. If public it will be dedicated to the City of Nixa.

The pavement cross section shall be constructed to provide for a minimum of twenty-four feet (24') without curb and gutter for a two (2) lane roadway. Borrow ditches shall be provided where necessary to accommodate local drainage requirements. The construction of these streets must ensure that positive drainage away from the street is provided to ensure that the street does not deteriorate as a result of standing water.

Sidewalks are not required on this street standard providing walking trails are provided behind lots. Parking is not allowed on this street and shall be signed accordingly. Building setbacks will be measured from the ROW line. This street standard will permit entry monuments and gates to be installed. All private streets will remain private and the maintenance, cleaning, upkeep or other improvements shall be the responsibility of the HOA.

A Maintenance Agreement shall be prepared and shall define that all future homeowners and/or business owners fronting on these private streets shall have the right of use



and that they shall be a member of a Homeowners Association(s) whose responsibility it is for the perpetual maintenance of these streets. Each owner shall also have perpetual mutual access to their property from these streets. The use of these streets is also granted to the general public. This Agreement shall also define how the funding for this HOA will be operated and collected. Prior to the approval of the final plat a NID or other financial vehicle will be established to guarantee the maintenance of these streets.

Conversely, if public, the City of Nixa shall assume the responsibility for maintenance. With the exception of stop signs where private streets intersect with public streets, all signage on private streets shall be installed and maintained by the HOA.

- **Local Residential Streets (Urban Standard)** - This classification of street can only be used within the residentially developed parcels as identified within this document. They shall be constructed as public streets with a fifty-foot (50') street ROW. The pavement cross section shall be constructed to provide for a minimum of twenty-seven feet (27') from back of curb to back of curb for a two (2) lane roadway. This street standard will permit entry monuments to be installed. A four-foot (4') sidewalk shall be constructed on only one side of the street leaving a minimum width of five feet (5') of grass area between the curb and the sidewalk. Guest

parking is allowed on only one side of the street and shall be signed accordingly. Building setbacks will be measured from the ROW.

- **Local Private Residential Streets (Rural Standard without ROW)** - This classification of street can only be used within the residentially developed parcels as identified within this document. They shall be constructed as private streets without a dedicated ROW. The pavement cross section shall be constructed to provide for a minimum of twenty-four feet (24') from back of curb to back of curb for a two (2) lane roadway. This street standard will permit entry monuments and gates to be installed. A four-foot (4') sidewalk shall be constructed on only one side of the street, five feet from the curb where parking does not occur. This sidewalk shall be increased to a five-foot (5') width when adjacent to parking and shall be constructed immediately adjacent to the curb of the parking lot.

Parking is allowed on driveways and on either side of the street, and shall be constructed at a thirty to ninety degree (30-90°) angle from the center line of the street and shall be constructed in multiples of not less than five (5) spaces nor more than fifteen (15) spaces without the addition of a planting island. Building setbacks will be measured from the back of curb.

The HOA shall also be responsible for the maintenance and upkeep of



this property as to be defined in a Maintenance Agreement that will become a part of the platting process.

The Maintenance Agreement shall be prepared and shall define that all future homeowners and/or business owners fronting on these private streets shall have the right of use and that they shall be a member of a Homeowners Association(s) whose responsibility it is for the perpetual maintenance of these streets and sidewalks. Each owner shall also have perpetual mutual access to their property from these streets and sidewalks. The use of these streets and sidewalks is also granted to the general public. This Agreement shall also define how the funding and liability insurance for this HOA will be operated and collected. Prior to the approval of the final plat a NID or other financial vehicle will be established to guarantee the maintenance of these streets.

With the exception of stop signs where private streets intersect with public streets, all signage on private streets shall be installed and maintained by the HOA.

• **Private Drive Standards** -

The private drives developed within this development shall be constructed with a minimum width of twenty-four feet (24') from back of curb to back of curb with parking allowed on either side of the street, and shall be constructed at a thirty to ninety degree (30-90°) angle from the center line of the street and shall

be constructed in multiples of not less than five (5) spaces nor more than fifteen (15) spaces without the addition of a planting island. Building setbacks will be measured from the back of curb.

A four-foot (4') sidewalk shall be constructed on only one side of the street, five feet from the curb where parking does not occur. This sidewalk shall be increased to a five-foot (5') width when adjacent to parking and shall be constructed immediately adjacent to the curb of the parking lot.

All private drives will remain private and the City will not be responsible for any maintenance, cleaning, upkeep, or other improvements. The same provisions for the level of maintenance, the maintenance agreement and the funding vehicle as described above shall also apply to all Private Drives constructed within this PUD.

**1.06 Setbacks** • Front yard setbacks for all permanent structures shall be measured from the ROW line of all public and private streets where ROW's are provided and from the back of curb line of all private streets (wo/ROW) and drives. **(See Exhibit "F")** Setbacks are measured from the ROW line to the foundation line of proposed buildings or from foundation line to foundation line when measuring between buildings. The following setbacks shall apply:

1. Front yard setbacks for all single family and two family



residential units shall be platted as shown on **Exhibit F**.

2. Front yard setbacks for town homes shall be a minimum of **25 Feet** from the back of curb of Private Street.

3. Front yard setbacks for all apartment or condominium residential units shall be a minimum of **25 feet** from the ROW of any public street or a minimum of **15 feet** from any private drive, measured from the back of curb of the parking space, except the setback can be reduced to **5 feet** for any stair tower constructed between the building and the parking lot. Setback from all parcel limits shall be twenty-five feet for all multi-family units.

4. Side yard setbacks for one and two family and townhome residential buildings shall be a minimum of **5 feet** if developed on a platted lot or buildings shall be a minimum of **10 feet** apart if sold by the condominium method of sale. In locations where utility easements between dwelling units are required, the side yard setback shall be increased to a minimum of **15 feet**.

5. The space between condominium, or apartment buildings shall be a minimum of **15 feet** and provision for two buildings being connected with walkways leading to an elevator structure located between the two buildings is permitted.

6. Setback from Development boundaries shall be **20 feet** except it shall be increased to **35 feet** along the Highway 160 frontage. The setback along the proposed collector varies depending upon the use from **30 to 35 feet** unless it is a side yard setback in which case it can be reduced to **20 feet**.

7. The rear yard setback for all units shall be a minimum of **20 feet**.

#### **1.07 Lot Sizes and Related Open Space**

• If any of the proposed one or two family units are to be sold as whole ownership, the parcel of land upon which the use is located shall be platted as individual lots. Standard single-family lots shall have a minimum square footage of 7000 sf. This may be reduced to 6000 sf. for patio homes or zero lot line homes. Two family homes shall have a minimum square footage of 8000 sf. The average lot size within the PUD, including the land area encompassed within the open space added to the aggregate of the total number of platted lots and divided by the total number of lots within the PUD shall not be less than 10,000 square feet in size.

The permission to reduce the minimum lot size to those sizes stated in these regulations is based upon the understanding that the minimum twenty percent (20%) open space requirement for the development has been met and that any additional open space above that shall be utilized to permit the



reduced lot size. The total open space illustrated on the PUD equals 47.67 acres and of that 44 acres m/l meets the City of Nixa's definition for useable open space. The total required open space (190 ac x.20) equals 38 acres.

This usable open space is to be privately held and dedicated to the Homeowners Association(s) (HOA) for their exclusive use and enjoyment. The HOA shall also be responsible for the maintenance and upkeep of this property as to be defined in a Maintenance Agreement that will become a part of the platting process.

This Maintenance Agreement shall define that all future homeowners and/or business owners that will own property within the limits of this PUD shall have exclusive rights of use and that they shall be a member of the Homeowners Association(s). Each owner shall have perpetual mutual access to any of the property held by the HOA. This Agreement shall also define how the funding for this HOA will be operated and collected. Prior to the approval of the final plat a NID or other financial vehicle will be established to guarantee the maintenance of this open space.

The total square footage of reduced lot size, that is, the difference between the minimum lot size for each use and that proposed times the total number of lots affected, shall not exceed the total square footage of open space provided above the 20% required.

Under the current city code, the minimum lot size being 7000 sf would permit 5 DU/net acre. Under this PUD we have 152 acres devoted to single-family lots and open space, which would normally allow us to build 540 dwelling units. (152 ac-44ac open space x 5 DU/ac = 540 DU) This PUD illustrates 179 single-family units. Therefore 152ac-44ac open space = 108 net acres. 179 lots/108 acres =1.66 DU/net acre density. Therefore we are not asking for a density increase, which means no additional amenities are required.

For those two family units, townhomes or condominium units sold by the condominium method of sale; the individual units shall be platted as individual lots. The remainder of the land shall be held in common. For those units to be retained as rental property, the parcel they occupy may be platted as a single lot or individual lots.

Open space and/or pedestrian walkways shall be platted as open space. Should any of this open space be dedicated to the city, the city shall assume maintenance responsibilities for that parkland dedicated for that use. Any open space dedicated to the city shall require a development and maintenance agreement defining the precise standards to be utilized. This agreement shall be between the developer and the City of Nixa. For that open space that is to remain private, the Home Owners



Association(s) shall be responsible for its maintenance.

**1.08 Height** • The maximum height permitted within this development will be measured from the main level of the floor that exists directly upon the uphill side of the lot. That height restriction shall be limited to those listed below. **(See Exhibit "G")**

- **Parcels**

- 1,2,3,4,5,6,8,9,11,12 and 14 – **35 feet** for all uses.

- **Parcels**

- 10 and 20 – **45 feet** for clubhouse uses and multi-family uses

- **Parcels** - 13,15 and 16 - **60 feet** for office uses and **45 feet** for commercial, condominiums, and apartment uses.

- **Note:** In no event can a parcel be developed with a mixture of uses. Section two of this land use regulation defines the precise list of uses that will be permitted on each parcel. However once a parcel is platted and a specific use identified, that use is fixed and none of the additional permitted uses can be utilized within that parcel. That is; the developer will not be allowed to develop part of the parcel with two family units and the remainder of the parcel with multi-family uses. Each parcel can be developed within the range of uses identified but once that use is selected, the remainder of that parcel must be developed with the same use.

**1.09 Vegetation Buffers / Screening** • Landscape buffers are

required as shown on the attached exhibit and may consist of existing plant material supplemented with new trees and shrubs in combination with earth berms and or fencing or walls. If a wall or fence is provided, the required buffer width can be reduced to **10 feet** for all of the categories listed below. The proposed buffers are as follows.

- A proposed landscape buffers along all exterior property lines are as shown on **Exhibit K.**

- A proposed landscape buffer of **20 feet** shall be provided between any condominium or apartment use and single family uses unless separated by a public street upon which it can be reduced to **10 feet.**

- A proposed landscape buffer of **10 feet** shall be provided between commercial uses and residential uses if separated by a public street.

- The screening of all electrical transformers, trash collection devices, exposed utility connections, propane tanks or any other service related facility shall be provided. Trash collection devices shall be screened with a six-foot (6') minimum fence or wall. The base of this fence shall be planted with shrubs, vines or other plant material to soften the appearance of these enclosures. All other utility features shall be screened with shrubs. Propane tanks, if used, shall be buried or screened with a 6' masonry wall.

**1.10 Sidewalks** • Sidewalks, when required within this development shall be constructed in compliance with the City of Nixa codes and ordinances with the following exceptions. Provisions to alter the precise location of these sidewalks and permission to deviate from city standards are possible if an alternative plan is presented and approved during the building permitting process. A distinction between paved sidewalks and unpaved trails and walkways are identified on the sidewalk plan.

All sidewalks if constructed within a public street ROW and along private streets shall be paved in concrete, however other all weather materials may be used as an accent material. They shall be constructed at a minimum of four feet (4') in width unless otherwise noted within this document. The required sidewalks for dedicated streets shall be as follows: **(See Exhibit "I")**

- A four-foot (4') sidewalk, when required, shall be constructed on the side of the street upon which units have direct access for all private streets or drives except where parking bays are permitted whereby the sidewalk width shall be increased to five feet (5').
- A five-foot (5') sidewalk shall be constructed on one side of the collector street as shown on the map exhibit.

- All required sidewalks within the development shall be paved a minimum of four foot (4') in width and designed and constructed to satisfy ADA standards where possible. All proposed trails and walkways within the open space areas of this development may be constructed utilizing materials appropriate to the use, i.e. asphalt, bark, mulch, etc.

**1.11 Landscaping** • All approved parcels within this PD shall be subject to the current adopted City of Nixa Landscaping Ordinance with the following exception.

- Perimeter landscaping may include earth berms, fences and/or walls as part of the landscape concept.
- Landscape plans will be submitted for all multi-family and condominium parcels as well as for all open space parcels.

To insure that trees within designated open space area are adequately protected if in the immediate vicinity of any form of construction, the perimeter of any such area shall be temporarily fenced to prevent any construction traffic within the open space boundaries except for that, which is necessary to construct trails or sidewalks. Construction parking or traffic and/or the stacking or dumping of construction materials, waste or construction fluids **is not**



**permitted** within any such fenced area.

**1.12 Local Codes and Ordinances** • This Land Use Regulation establishes the development and construction standards by which this development shall be permitted. In addition to the standards identified in this Land Use Regulation, those existing standards not addressed shall comply with those currently adopted, City of Nixa, Codes and Ordinances.

**1.13 Fire Safety Requirements** • All construction shall be in accordance with applicable City of Nixa Ordinances.

**1.14 Storm Water Design and Detention** • The owner shall insure that the entire PUD will comply with the City of Nixa storm water design and detention requirements, however the final design of those detention facilities may include storm water storage in on site detention facilities, in proposed parking lots or may be provided off site by separate agreement, all to be determined during the building permit process. Storm water design and construction shall occur prior to public improvement installation and must be completed prior to acceptance of the public improvements.

It is the intent that the detention requirements will be satisfied by the construction of a detention/lake facility(s) however the final design will be submitted for approval during the permitting process.

**1.15 Off-Street Parking** • The off-street parking requirements for this development shall generally follow the intent of the off-street parking requirements as written within the City of Nixa Codes and ordinances.

Exterior parking stalls for the multifamily components shall be nine feet (9') wide by nineteen feet (19') long with a twenty-four foot (24') drive permitted between two rows of 90 degree parking. The overall dimension for this cross section is sixty-two feet (62') in width. Angle parking if used shall be allowed using accepted industry standards.

The parking bays are to be constructed adjacent to the lay back curb and/or gutter section permitted on all private streets. Parking stops will be required on all parking slabs where curb and gutter are not provided. Provision for up to 10% of all required parking can be designed for compact cars.

The specific parking requirements per land use that is approved for this development is as follows:

- Apartments or Condominium – 1.5 spaces per dwelling unit.
- Townhomes – 2 spaces per dwelling unit.
- Single-family, Two family units – 2 spaces per dwelling unit.
- Commercial uses – 5 spaces per 1000 gross square foot of building.
- Office uses – 3.33 spaces per 1000 square foot of building.

- Hotel uses – 1 space per hotel room plus one space for each employee of the largest shift.

**1.16 Special Site Constraints •**

The site has one significant electrical transmission line easement that will need to be carefully addressed. This easement may also contain buried fiber optics lines. The steep ravines will be difficult to build upon and should be left in their natural condition except for recreational features, utility requirements or retention/detention facilities as required.

The plan and these regulations have been prepared to permit the construction of the development as it is currently planned as well as provide for future modifications without undo limitations. The goal is to provide regulations that will provide quality development standards without unreasonable limits on marketability.

**1.17 Access and Special Use Easements Granted •**

The landscape buffers and/or easements identified at the perimeter of this PUD will also permit the construction of sidewalks, earth berms, entrance monuments and signage within those landscape buffers/easements. Any construction of sidewalks, major landscaping (earth berms, large rock placement, etc.) and monument signage shall not be placed on top of

underground utilities. Areas are to be provided for ingress/egress to easements must also be protected against such construction.

The entrance monuments shall be platted as separate easements, however the maintenance of those facilities shall be the responsibility of the homeowners association.

This development shall require that all utilities be installed underground. A minimum side yard setback of fifteen feet (15') shall be provided between dwelling units, regardless of type, in locations where utility easements are required.

**1.18 Signage and Street Lighting Regulations •**

This development shall generally follow the adopted sign regulations of the City of Nixa except that the developer requests that the final design of the entrance monuments be reserved until their final design is complete. At that time, they shall be submitted to the Director of Planning for review and approval.

Regarding the street lighting, the developer shall submit the proposed street light specifications for approval by the City of Nixa. The Developer shall furnish streetlights for this development to the city and the city shall install those lights.





**2.00 REGULATIONS SPECIFIC TO EACH PARCEL**

**2.01 Zoning Uses** • Normal uses allowed in this zoning district that apply to this development are outlined within this text as set forth in the current adopted Zoning Ordinance. Uses allowed in this PUD are as follows:

**2.02 Specific uses per Parcel** - The attached parcel map **Exhibit "D"** illustrates the boundaries for each parcel and the allowed uses for each parcel are described below.

**PARCELS 1,2,3,4,5,6,7,8,9 and 10 - Residential uses**

1. Any use permitted in the Single Family Residential District. Uses include Estate lots @ 2 DU/ac, Single-family homes @ 4 DU/ac, patio

- homes, and zero lot line homes @ 6 DU/ac. (All densities computed on net acres)
2. Accessory structures to serve the project
3. Clubhouse and related recreational facilities; food preparation facilities for residents only and meeting rooms.
4. Daycare facilities
5. Project offices including sales office
6. Whole ownership nightly rental cabins or houses.
7. Other residential uses deemed by the Planning and Zoning Commission to be in character with the Zoning District and those granted by Special Use Permit.



8. Church

**PARCEL 13,15 and 16**  
**Commercial/Residential uses**

1. Single family @ 4 DU/ac, Two Family homes @ 6 DU/ac, Townhomes @ 12 DU/ac and Condominiums and Apartments @ 16 DU/ac. (All densities computed on net acres)
2. Accessory structures to serve the project
3. Whole ownership nightly rental dwelling units.
4. Amusement parlors, arcades or any other tourist intensive recreational use
5. Animal hospital, kennel, pet shop
6. Antique shop
7. Appliance store
8. Arts and crafts (incl. art galleries)
9. Bakery / delicatessen
10. Bank and financial institution
11. Barber and beauty shop
12. Clothing and shoe store
13. Comm. recreational facilities
14. Commercial Strip Center
15. Daycare facilities
16. Department stores
17. Drug Store
18. Entertainment facilities
19. Fast food restaurants
20. Florist.
21. Furniture Stores
22. General merchant or variety stores.
23. Gifts and souvenirs
24. Grocery store
25. Hardware store

26. Hotel and motel
27. Laundry and dry cleaners
28. Music store
29. Newsstand
30. Office/warehouse uses
31. Photography studios
32. Professional and general offices
33. Project offices including sales office
34. Public utility offices
35. Restaurants allowing liquor sales with appropriate permits.
36. Self service Laundry
37. Sporting goods store
38. Other commercial uses deemed by the Planning and Zoning Commission to be in character with the Zoning District and granted by Special Use Permit.
39. Church

**PARCELS**  
**11,12 and 14**  
**Commercial uses**

1. Accessory structures to serve the project
2. Amusement parlors, arcades or any other tourist intensive recreational use
3. Animal hospital, kennel, pet shop
4. Antique shop
5. Appliance store
6. Arts and crafts (incl. art galleries)
7. Bakery / delicatessen
8. Bank and financial institution
9. Barber and beauty shop
10. Clothing and shoe store

11. Comm. recreational facilities
12. Convenience store with fuel dispensing
13. Daycare facilities
14. Department Stores
15. Drug Store
16. Entertainment facilities
17. Fast food restaurants
18. Florist.
19. General merchant and variety Store
20. Gifts and souvenirs
21. Grocery store
22. Hardware store
23. Hotel and motel
24. Laundry and dry cleaners
25. Music store
26. Newsstand
27. Photography studios
28. Professional and general offices
29. Project offices including sales office
30. Public utility offices
31. Restaurants allowing liquor sales with appropriate permits.
32. Fast food restaurants
33. Self service Laundry
34. Service station
35. Sporting goods store
36. Other commercial uses deemed by the Planning and Zoning Commission to be in character with the Zoning District and granted by Special Use Permit.
37. Church

**PARCEL – 17,18 and 20**

**Park, Open Space and Recreational Uses**

1. Park and open space uses
2. Clubhouse, cabana, swimming pool, playground and related recreational facilities; food preparation facilities and meeting rooms.
3. Maintenance facilities
4. Court games and ball fields
5. Parking facilities
6. Guest cabins
7. Project offices including sales office
8. Project marketing center
9. Gifts and souvenirs
10. Recreational and playground facilities
11. Trails and walkways
12. Retention and Detention facilities
13. Picnic shelters and picnic facilities
14. Gazebos and water features

**PARCELS - 21,22,24 and 25**

**Park, Open Space and Recreational Uses**

1. Park and open space uses
2. Maintenance facilities
3. Court games and ball fields
4. Parking facilities
5. Recreational and playground facilities
6. Trails and walkways
7. Retention and Detention facilities
8. Picnic shelters and picnic facilities
9. Court games
10. Gazebos and water features
11. Park and open space uses

**PARCELS – 19 and 23**

**Project Entrance Monument –**

Parcels 24 and 25 are designated for the construction of the project entrance monument and related landscaping, water features, lighting and other similar related facilities.

**PARCEL – 26**

**Collector Street ROW –** Parcel 45 is that portion of the project being

dedicated for the construction of a project residential collector street.

**2.03 Prohibited Uses**

1. Moveable manufactured constructed housing. (Does not incl. temporary job site trailers.)





### **3.00 REGULATIONS SPECIFIC TO INFRASTRUCTURE CONSTRUCTION**

**3.01 Platting Requirements** • A final plat will be prepared in accordance with the current Subdivision Regulations and Codes for the City of Nixa in force at the time of platting. A Preliminary and Final Plat shall be prepared for each parcel and shall indicate all streets, lots, drive easements, and utility easements. The City of Nixa shall record, at the Christian County Courthouse, the Final Plat and restrictions dedicating those areas and easements. Platting may occur in phases and may include individual lots or multiple lots as a final plat.

**3.02 Infrastructure Requirements** • All infrastructure that will be required for this development, including but not limited to streets, private drives,

curb and gutter, sidewalks, sewer, water, storm drainage, etc., shall be inspected and approved by the City of Nixa prior to approval of a building permit. The construction of these improvements shall coincide with the platting within each phase and with construction of the primary improvements within that phase.

**3.03 PD Phasing** • This project shall be constructed under multiple phases as shown on the phase map attached, however, the order of development, the size and configuration of each phase or the number of phases may change based upon market demand. Landscape plans shall be prepared and submitted to the city for approval at the time of construction for all open space and multi-family

parcels on a phase-by-phase basis as those parcels are developed. See **Exhibit "L"**

### **3.04 Infrastructure**

**Construction** • Utility service to each platted lot will be identified by the developer during the platting process. All new utilities shall be installed underground. Review and approval of those plans will follow the normal procedure utilized by the City of Nixa. At the time of development, the owner will be

responsible for the extension of water, sewer and electric service within each phase of all the development parcels, as shown on the PUD Plan. This will be required during the public improvement section of construction. Final plans for these improvements shall be submitted to city staff for review and approval at that time.

Sewer, water and electric service are to be connected to the City of Nixa.





## LEGAL DESCRIPTION

PROJECT BOUNDARY AS DEFINED FOR THE PLANNED UNIT DEVELOPMENT DOCUMENT. THIS BOUNDARY DEFINES THE LIMITS OF THESE REGULATIONS

SOURCE OF DESCRIPTION: TITLE COMMITMENT NUMBER 20053281, EFFECTIVE DATE 02-03-2006, ISSUED BY GREAT AMERICAN TITLE CO.,; SURVEYS BY ALTAIR SURVEYING, L.L.C., DATED 06-02-03, 06-12-03, 07-12-03, AND 07-09-03.)

THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 26 AND A PART OF NORTHEAST QUARTER (NE1/4) OF SECTION 35, ALL IN TOWNSHIP 27 NORTH, RANGE 22 WEST, CHRISTIAN COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIN AT THE NORTHWEST CORNER OF THE WEST ONE-HALF (W1/2) OF THE NE1/4 OF SAID SECTION 35; THENCE N00°02'15"E (N01°52'11"E DEED), ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE SE1/4 OF SAID SECTION 26 ALSO BEING THE EAST LINE OF AUTUMN RIDGE ESTATES, A SUBDIVISION IN CHRISTIAN COUNTY, MISSOURI, A DISTANCE OF 671.50 FEET (653.16' DEED) TO AN EXISTING IRON PIN AT THE NORTHWEST CORNER OF THE SOUTH ONE-HALF (S1/2) OF SAID SW1/4 OF THE SE1/4 SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 127 AT PAGE 95 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE N89°15'38"E (S89°16'47"E DEED), ALONG THE NORTH LINE OF SAID

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S1/2 OF THE SW1/4 OF THE SE1/4 ALSO BEING THE SOUTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 127 AT PAGE 95, A DISTANCE OF 1340.92 FEET (1341.59' DEED) TO AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF SAID S1/2 OF THE SW1/4 OF THE SE1/4 SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID TRACT OF LAND; THENCE N00°02'10"W (N01°48'45"E DEED), ALONG THE WEST LINE OF THE NE1/4 OF THE SE1/4 AND THE NORTH ONE-HALF (N1/2) OF THE SW1/4 OF THE SE1/4 ALSO BEING THE EAST LINE OF SAID TRACT OF LAND AND THE EAST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 290 AT PAGE 1247 IN SAID CHRISTIAN COUNTY RECORDER'S OFFICE, A DISTANCE OF 1571.84 FEET (1577.63' DEED) TO AN EXISTING IRON PIN AT THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 115 AT PAGE 367 IN SAID CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE N89°00'03"E (S89°15'51"E DEED), ALONG THE SOUTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 115 AT PAGE 367, A DISTANCE OF 183.00 FEET (183.03' DEED) TO AN EXISTING IRON PIN AT THE SOUTHEAST CORNER OF TRACT OF LAND; THENCE N00°02'10"W, ALONG THE EAST LINE OF SAID TRACT OF LAND, A DISTANCE OF 450.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND SAID POINT BEING ON THE NORTH LINE OF SAID NE1/4 OF THE SE1/4; THENCE N89°00'03"E, ALONG THE NORTH LINE OF SAID NE1/4 OF THE SE1/4, A DISTANCE OF 984.38 FEET TO AN EXISTING IRON PIN ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 160, AS IT NOW EXISTS; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING SIXTEEN (16) COURSES: 1) THENCE S77°37'53"W, A DISTANCE OF 40.27 FEET; 2) THENCE S01°11'05"E, A DISTANCE OF 30.00 FEET TO AN EXISTING RIGHT-OF-WAY MARKER ON THE APPARENT SOUTH RIGHT-OF-WAY LINE OF ROSEDALE ROAD AS IT NOW EXISTS; 3) THENCE S78°58'54"E, A DISTANCE OF 146.64 FEET TO AN EXISTING RIGHT-OF-WAY MARKER AT STATION 295+10; 4) THENCE S14°07'00"E, A DISTANCE OF 195.82 FEET TO AN EXISTING RIGHT-OF-WAY MARKER AT STATION 297+00; 5) THENCE S00°46'47"W, A DISTANCE OF 156.72 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 6) THENCE S05°17'58"W, A DISTANCE OF 495.05 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 7) THENCE S13°57'27"E, A DISTANCE OF 116.18 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 8) THENCE S00°42'28"W, A DISTANCE OF 231.26 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 9) THENCE S00°43'36"W, A DISTANCE OF 306.07 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 10) THENCE N00°40'21"W, A DISTANCE OF 848.98 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 11) THENCE S12°31'01"W, A DISTANCE OF 102.65 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; 12) THENCE S00°38'58"W, A DISTANCE OF 349.12 FEET TO AN EXISTING RIGHT-OF-WAY MARKER AT STATION 322+98.5 (STATION 323+00 PLAN); 13) S00°38'04"W, A DISTANCE OF 498.81 FEET TO AN EXISTING RIGHT-OF-WAY MARKER AT STATION 328+00; 14) THENCE S11°44'00"W, A DISTANCE OF 201.94 FEET TO AN EXISTING RIGHT-OF-WAY MARKER AT STATION 330+00; 15) THENCE S12°07'40"E, A DISTANCE OF 307.79 FEET TO AN EXISTING IRON PIN AT STATION 333+00; 16) THENCE S00°50'15"W, A DISTANCE OF 184.14 FEET TO AN EXISTING IRON PIN ON THE SOUTH LINE OF THE NE1/4 OF THE NE1/4 OF SAID SECTION 35 SAID POINT BEING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 190 AT PAGE 482 IN SAID CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE S89°18'04"W (N89°01'01"W DEED), ALONG THE SOUTH LINE OF SAID NE1/4 OF THE NE1/4 ALSO BEING THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 190 AT PAGE 482, A DISTANCE OF 1289.78 FEET (1277.02' DEED) TO AN EXISTING IRON PIN AT THE SOUTHWEST CORNER OF SAID NE1/4 OF THE NE1/4 SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID TRACT OF LAND

DESCRIBED IN BOOK 190 AT PAGE 482; THENCE S40°02'09"W, A DISTANCE OF 366.53 FEET TO AN IRON PIN SET; THENCE S11°44'02"W, A DISTANCE OF 482.28 FEET TO AN IRON PIN SET; THENCE N71°18'27"W, A DISTANCE OF 313.10 FEET TO AN IRON PIN SET; THENCE N43°42'26"W, A DISTANCE OF 424.30 FEET TO AN IRON PIN SET; THENCE N47°45'54"W, A DISTANCE OF 321.52 FEET TO AN IRON PIN SET; THENCE N89°25'47"W, A DISTANCE OF 175.00 FEET TO AN IRON PIN SET ON THE WEST LINE OF THE SW1/4 OF THE NE1/4; THENCE N00°34'13"E (N01°52'11"E DEED), ALONG THE WEST LINE OF SAID SW1/4 OF THE SE1/4 AND THE WEST LINE OF THE NW1/4 OF THE NE1/4, A DISTANCE OF 1448.69 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 189.848 ACRES (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD.



## GLOSSARY

**Accessory Structures** – a detached building or an attached portion of the main building, the use of which is incidental and subordinate to that of the main building or use. An accessory structure shall not exceed 70% of the footprint size of the main structure.

**Arterial Street** – a street primarily intended to provide for high volume moderate traffic speed traffic and moderate to extended trip length traffic movement between major destinations and is subject to necessary traffic control features.

**Apartments** – any building or portion thereof, which contains three or more dwelling units for rental residential occupancy

**Business Owners Association** – a private association of business owners all within a specific commercial development who jointly own or are responsible as the result of a business lease and are thereby responsible for the maintenance of all commonly held property within their development including parking areas, drainage facilities and common open space within their area of influence.

**Cabin** – a smaller single or double occupancy residential dwelling, either rental, whole ownership or sold under a timeshare or fractional method of sale. Usually constructed without garages and often at greater distances from public streets than conventional housing.

**Collector Street** – a street which collects and distributes traffic to and from local and arterial street systems and is primarily intended to provide for low to moderate volume, low speed and short length trips while also providing access to abutting properties.

**Dedicated Park Land** – common open space, either developed as a park or left undeveloped that is dedicated to a governmental unit as open space parkland for general public use. Development, maintenance and operation of parkland become the responsibility of the affected governmental agency.

**Duplex** -a residential building on a single lot containing a housing unit for two families regardless of method of sale.

**Dwelling Unit** – one or more rooms constituting all or part of a dwelling and which are arranged, designed, used or intended for use exclusively as a single housekeeping unit fore one family, and which includes cooking, living, sanitation and sleeping facilities.

**Fractional Sales** - a method of sale allowing for multiple ownership of the same residential dwelling unit based upon a fraction of a year, such as 1/10, 1/8, 1/6, 1/4 of a year.

**Golf Villas** - a country style house or estate located directly upon golf course frontage, attached or detached providing residential occupancy regardless of method of sale. Often sold as a condominium.

**Home Owners Association** – a private association of property owners all within a specific neighborhood who jointly own and are responsible for the



maintenance of all commonly held property within their neighborhood or area of influence.

**Landscape Buffers** - a strip of land either dedicated to a governmental agency or owned by a home owners association or individual home owner that is solely devoted to visual separation between adjacent land uses. It may vary in width and consist of plant material, fencing or earth berms or a combination of all three.

**Land Use Regulations** – a specific set of development standards and guidelines written to define and regulate the development of a specific tract of land.

**Multi-Plex Units (2,3,4,5 and 6-plex housing units)** – residential dwelling units attached accordingly providing housing for up to six attached homes, each dwelling unit accommodating one family regardless of the method of sale.

**Open Space** – that land left in its natural state or developed as a park with either passive or active recreational amenities, all within a development. This land is for the use and enjoyment of the general public if dedicated to a governmental agency or for the use and enjoyment of a limited market consisting of the homeowners who jointly own and maintain said area.

**Patio Homes** - a residential dwelling unit containing a housing unit for one family regardless of method of sale. Normally constructed on a smaller lot with greater emphasis on orientation to an enclosed patio or private outdoor area.

**PD** - Planned District – a method of zoning where by a separate set of land use regulations are prepared for a specific tract of land which govern the development of that land.

**PDD** - Planned Development District – a method of zoning where by a separate set of land use regulations are prepared for a specific tract of land which govern the development of that land.

**Private Drives** – private drives are low volume, low speed streets providing direct access to residential or commercial uses whereby parking is provided on either side of a 24 foot wide paved private drive. It differs from private streets in that the street is narrower and the allowed speed is reduced as well as perpendicular parking to the line of travel is provided instead of parallel parking on one side of the street as is allowed on private streets.

**Private Park Land** - common open space, either developed as a park or left undeveloped that is developed, maintained and operated as a private park for the use and enjoyment of a limited number of residents directly related to its ownership.

**Private Residential Streets** - often referred to as local residential streets, these streets provide for low volumes, low speeds and short length trips to and from abutting properties in residential neighborhoods and connect to collector streets for access from local neighborhoods. They are constructed without dedicated Right-of-Way and are owned and maintained by the local Homes Owners Association or the area they serve.



**PUD** - Planned Unit Development – a method of zoning where by a land use plan is prepared as an overlay to an existing zoning district. It is prepared for a specific tract of land however it generally follows the approved codes and ordinances with limited modification allowed.

**Public Residential Streets** – often referred to a local residential streets, these streets provide for low volumes, low speeds and short length trips to and from abutting properties in residential neighbors and connect to collector streets for access from local neighborhoods. They are constructed within dedicated public Right-of-Way and maintained by the governmental agency to which they were dedicated.

**Single Family Homes** - a residential dwelling unit containing a housing unit for one family regardless of method of sale.

**Timeshare Sales** – a method of sale allowing for multiple ownership of the same residential dwelling unit based upon weekly ownership or a point system.

**Townhomes** - a residential dwelling type containing housing units for two or more families regardless of method of sale. Each dwelling unit generally occupies multiple floors and with no dwelling units located above.

**Two Family Homes** -a residential dwelling unit on a single lot containing a housing unit for two families regardless of method of sale.

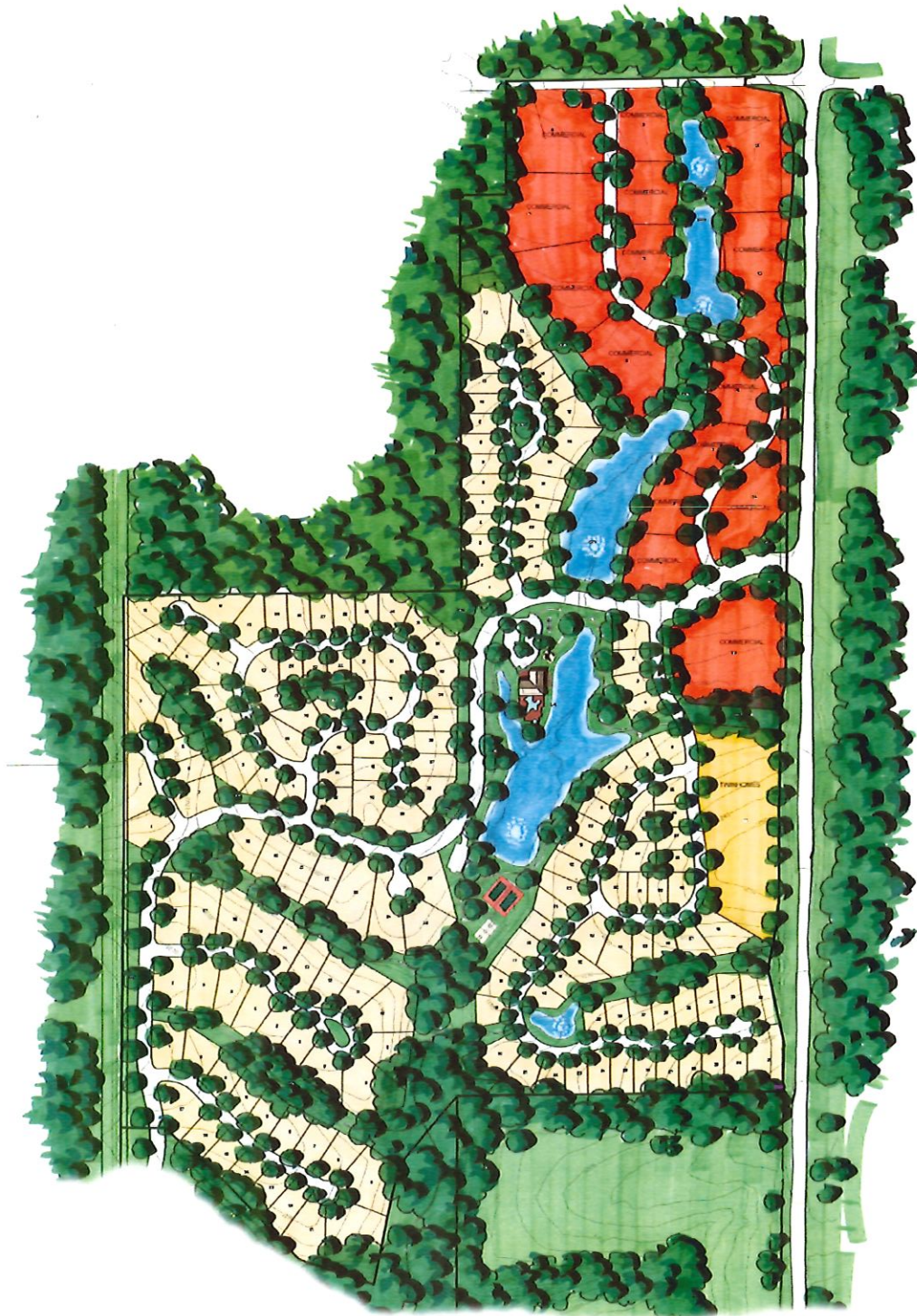
**Villa** – a country style house or estate, attached or detached providing residential occupancy regardless of method of sale. Often sold as a condominium.

**Z-lot Homes** – zero lot line homes developed on lots whose lot lines are at an angle to the street. The lot configuration generally provides a more flexible layout of internal spaces, which affords greater privacy and relationship to patios or terraces.

**Zero Lot Line Homes** – single-family dwelling units on smaller lots whereby one side of the home may be placed on the property line thereby allowing for useable side yard space for patio or terrace development. Homes are generally designed to have more glass opening on the interior and rear of the home with the zero lot line side of the home requiring any window openings to be placed above the normal line of sight. - Another form of Zero Lot Line Homes is offered whereby a two family home is constructed with a common lot line between each dwelling unit thereby allowing for each half of the twin home to be sold as a separate unit on a platted lot.

**EXHIBITS  
AS  
REFERENCED IN NARRATIVE**





DATE: MARCH 5 2007

EXHIBIT  
**A**

MASTER PLAN

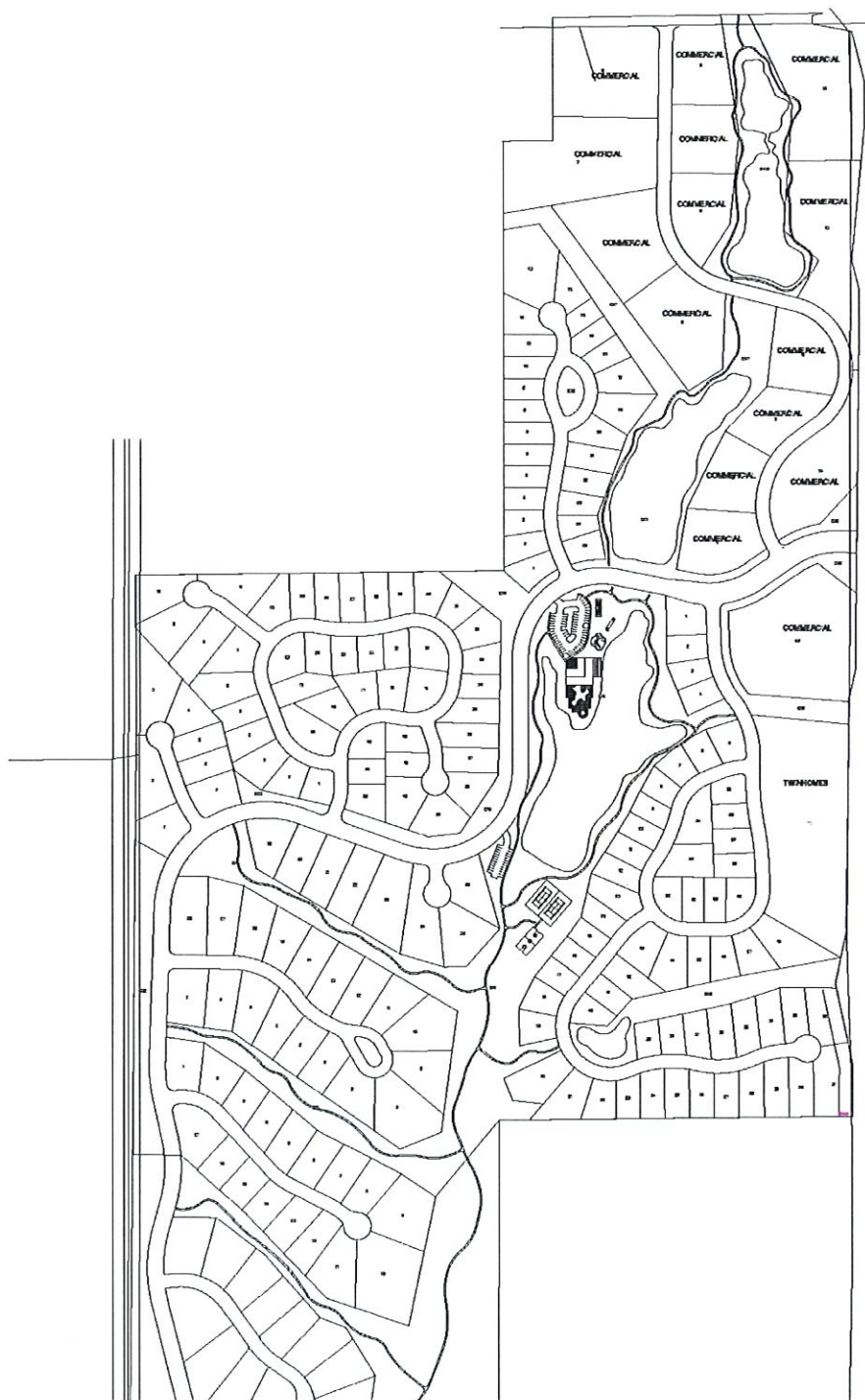
**BOONE PROPERTY**



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DATE: MARCH 5 2007

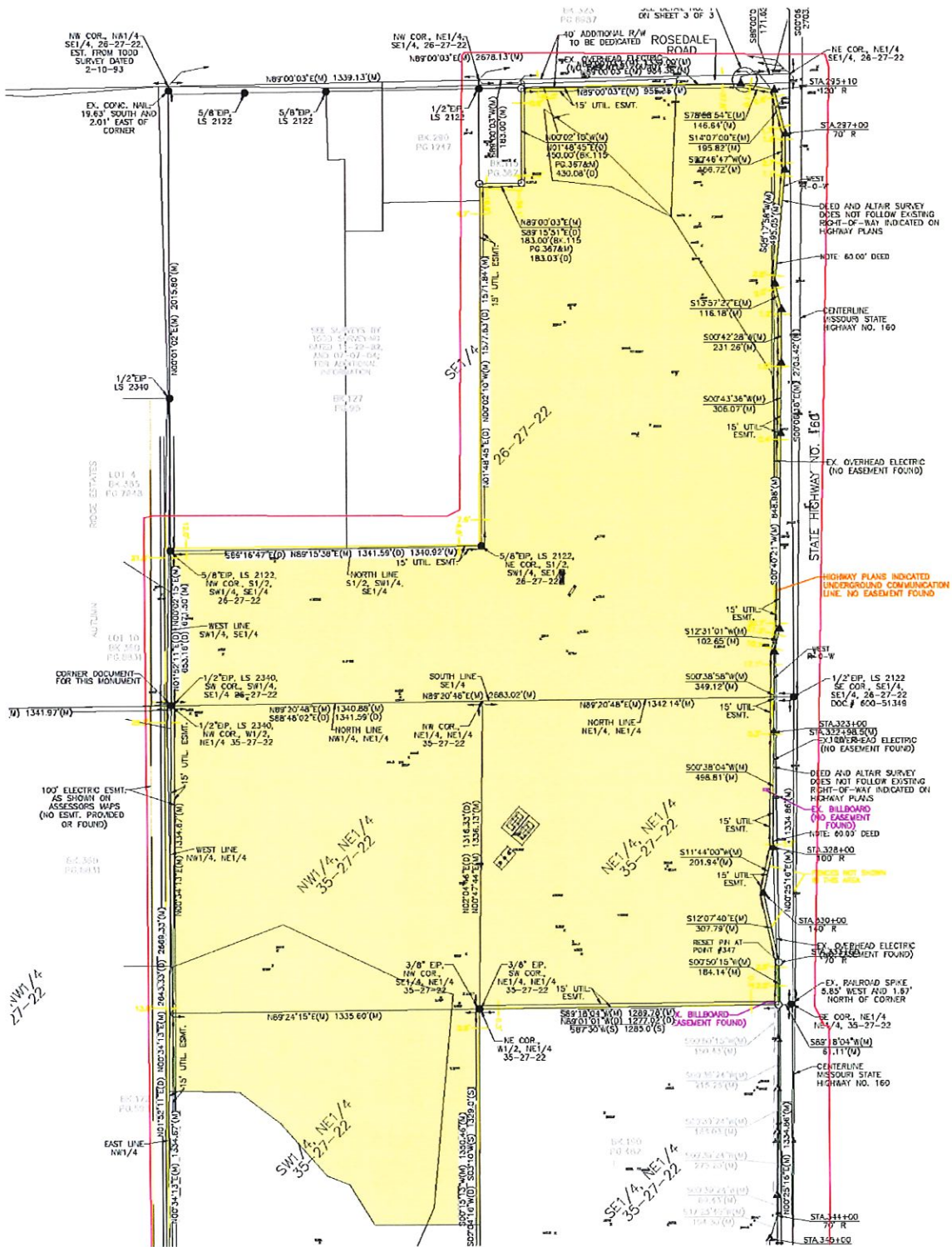
**MASTER PLAN**

**EXHIBIT  
A1**

**BOONE PROPERTY**







**BOUNDARY MAP**

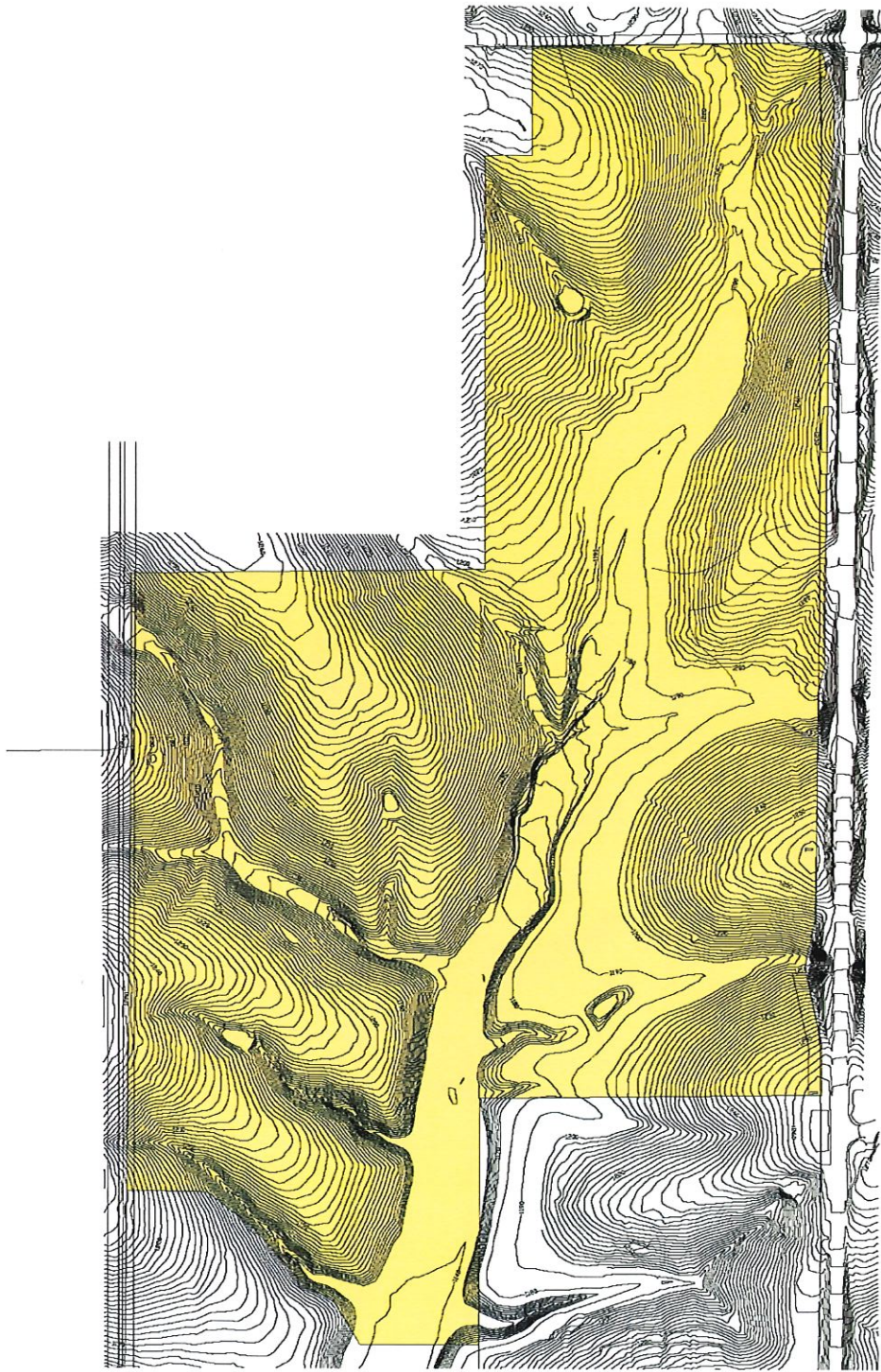
**EXHIBIT B**

**BOONE PROPERTY**



DATE: MARCH 5 2007





DATE: MARCH 5 2007

EXHIBIT  
**B1**

TOPO MAP

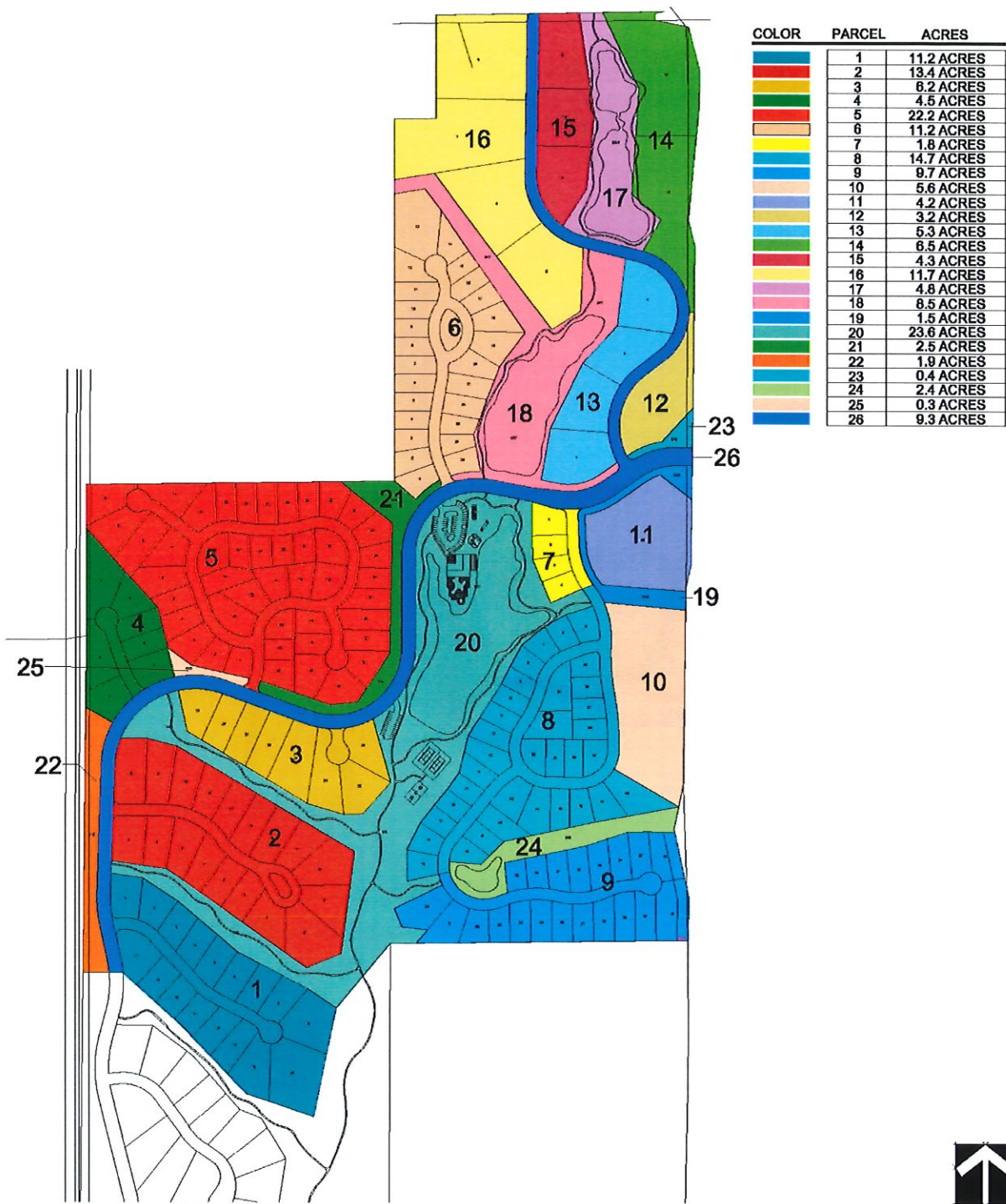
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**PARCEL MAP**

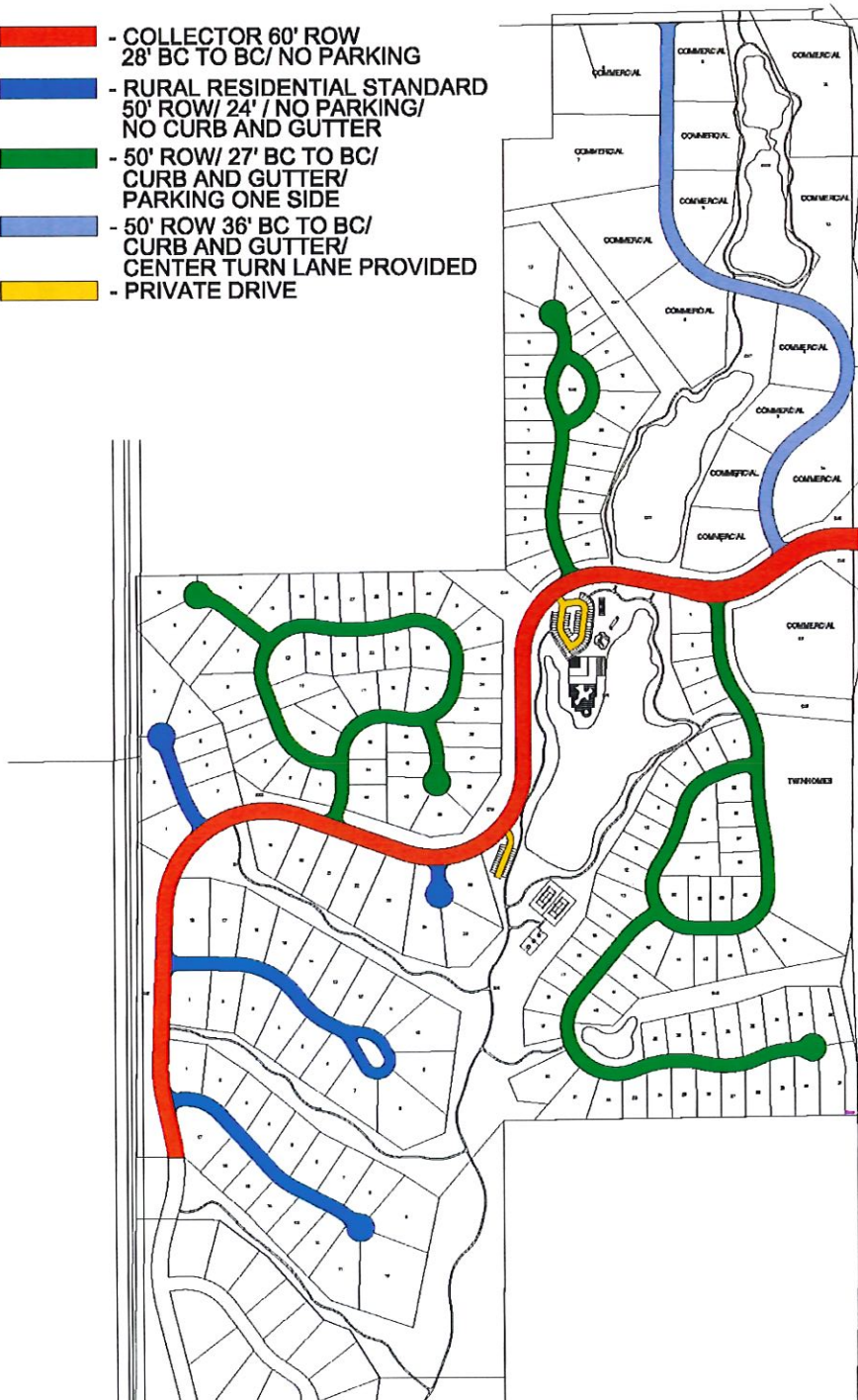
**EXHIBIT D BOONE PROPERTY**

DATE: MARCH 5 2007





- COLLECTOR 60' ROW  
28' BC TO BC/ NO PARKING
- RURAL RESIDENTIAL STANDARD  
50' ROW/ 24' / NO PARKING/  
NO CURB AND GUTTER
- 50' ROW/ 27' BC TO BC/  
CURB AND GUTTER/  
PARKING ONE SIDE
- 50' ROW/ 36' BC TO BC/  
CURB AND GUTTER/  
CENTER TURN LANE PROVIDED
- PRIVATE DRIVE



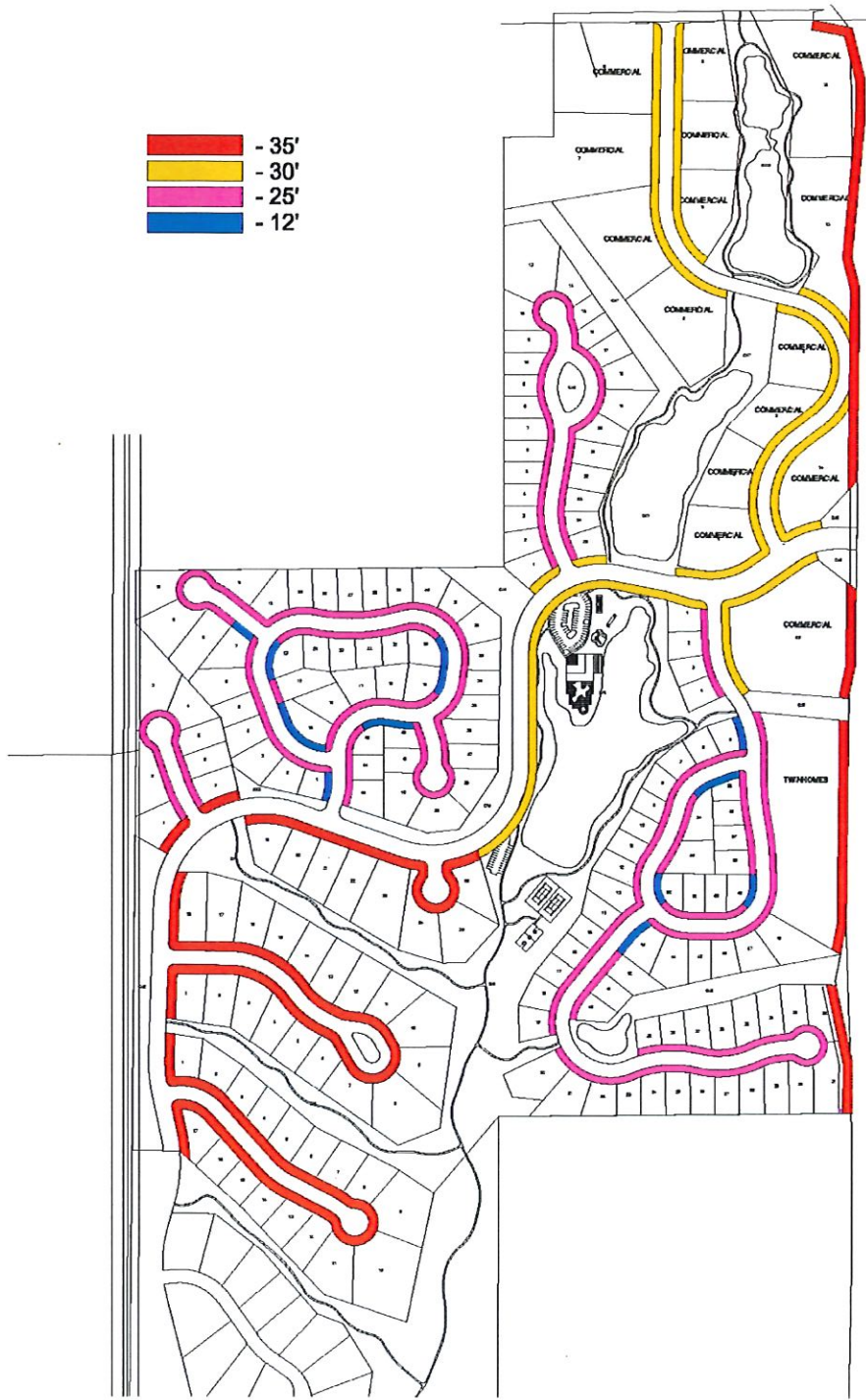
**STREET MAP**



**BOONE PROPERTY**



- 35'
- 30'
- 25'
- 12'



**SETBACK MAP**



DATE: MARCH 5 2007

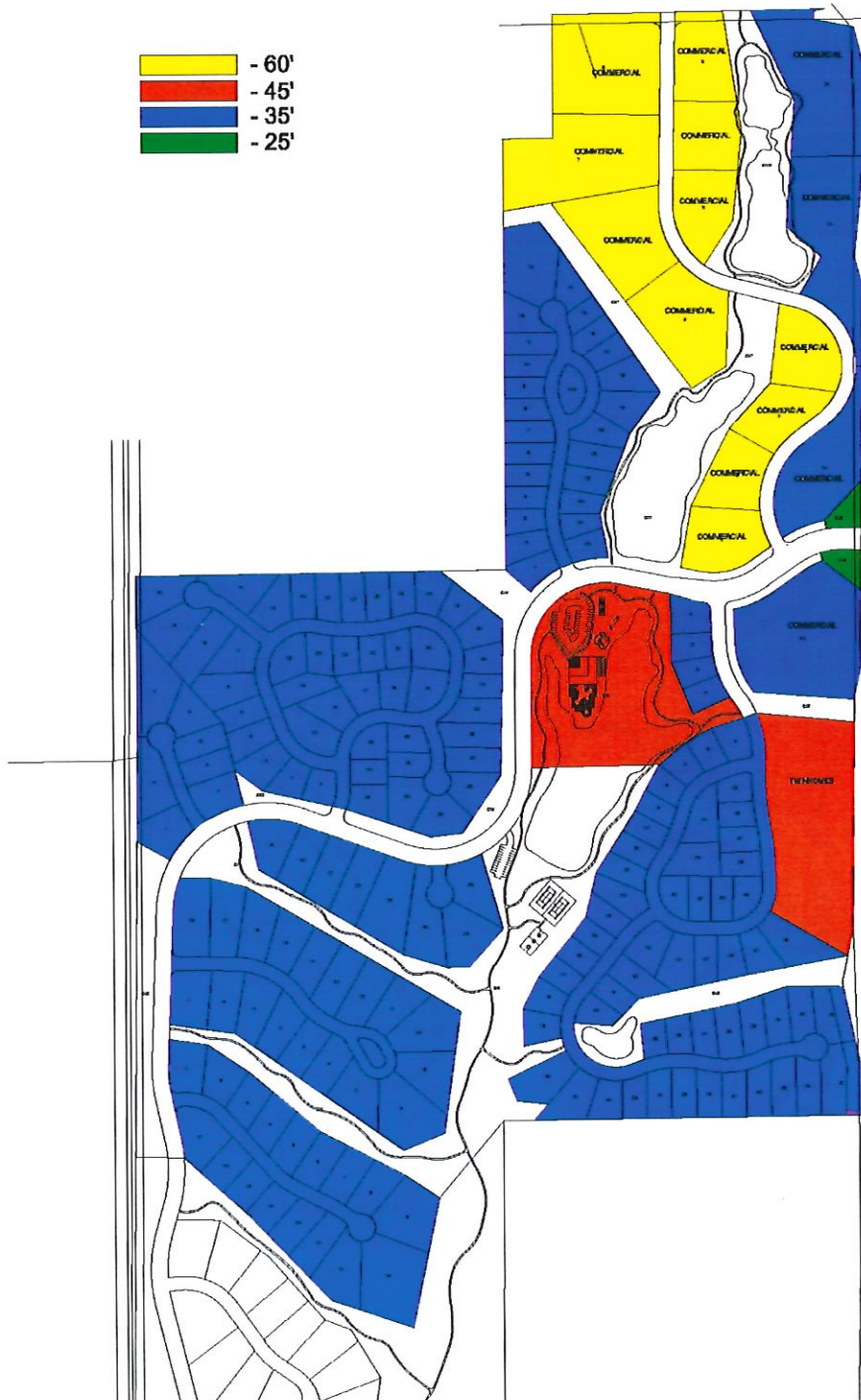


**BOONE PROPERTY**





- 60'
- 45'
- 35'
- 25'



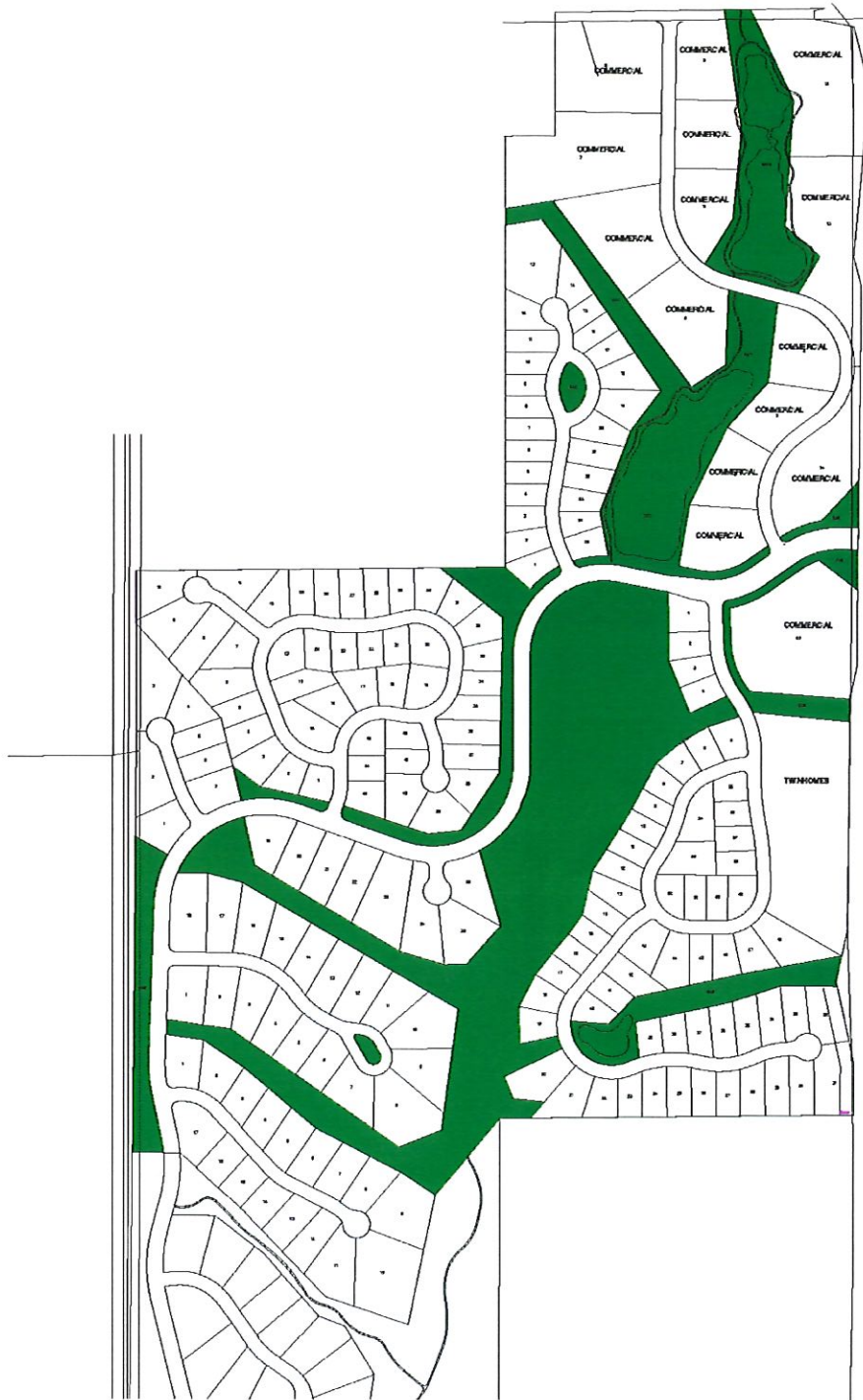
DATE: MARCH 5 2007

**EXHIBIT**  
**G**

**BUILDING HEIGHTS**

**BOONE PROPERTY**





DATE: MARCH 5 2007

**EXHIBIT**  
**H**

**OPEN SPACE MAP**

**BOONE PROPERTY**



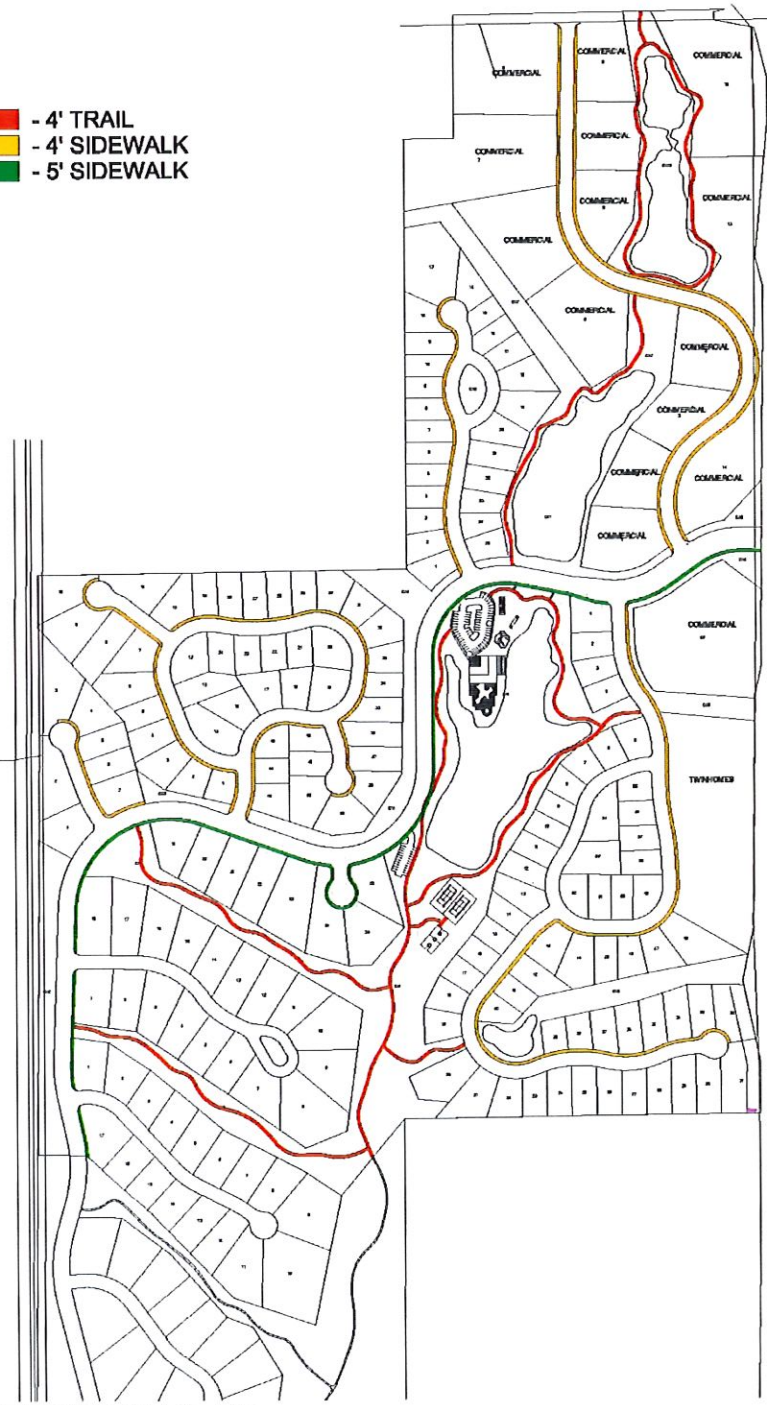
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- 4' TRAIL
- 4' SIDEWALK
- 5' SIDEWALK

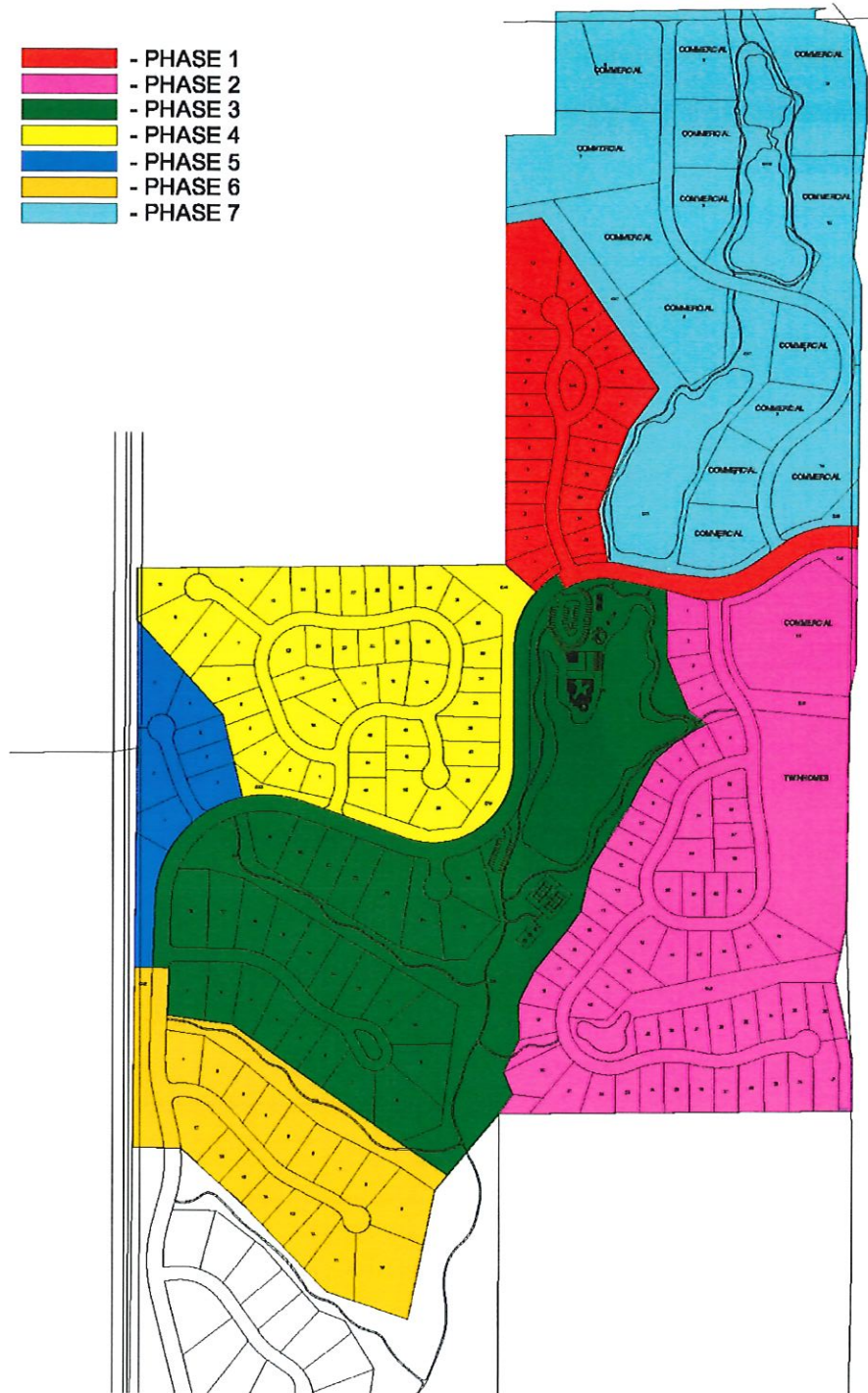


DATE: MARCH 5 2007

**EXHIBIT I** **SIDEWALK PLAN** **BOONE PROPERTY**



- PHASE 1
- PHASE 2
- PHASE 3
- PHASE 4
- PHASE 5
- PHASE 6
- PHASE 7



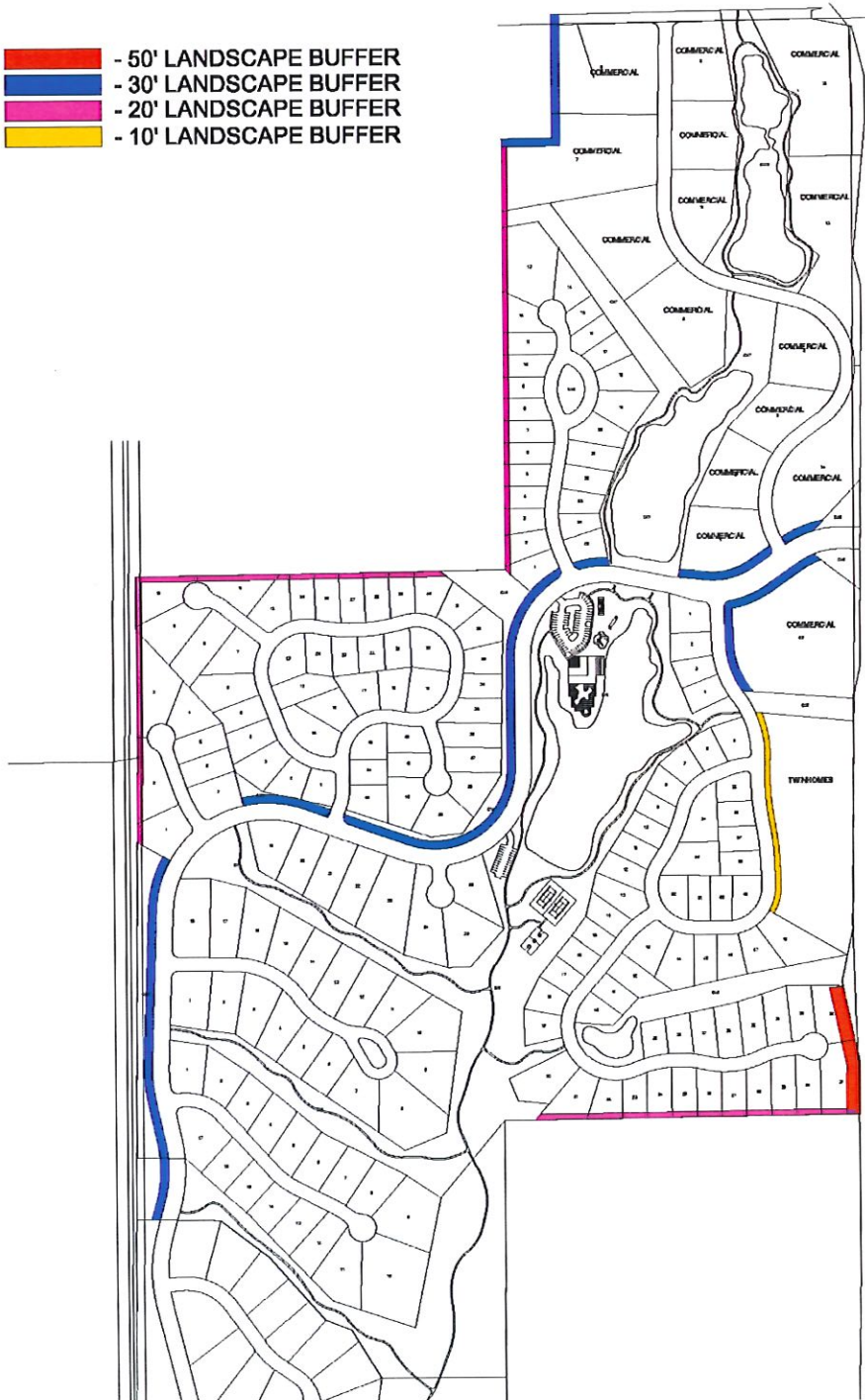
DATE: MARCH 5 2007

**EXHIBIT J** **PHASE MAP** **BOONE PROPERTY**





- 50' LANDSCAPE BUFFER
- 30' LANDSCAPE BUFFER
- 20' LANDSCAPE BUFFER
- 10' LANDSCAPE BUFFER



DATE: MARCH 5 2007

**LANDSCAPE BUFFER MAP**

**EXHIBIT  
K**

**BOONE PROPERTY**



1           **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING THE**  
2           **PROVISIONS OF THE BOONE PROPERTY PLANNED UNIT DEVELOPMENT**  
3           **TO ALLOW A TWENTY-FIVE FOOT FRONT-YARD SETBACK FOR LOT 16**  
4           **OF THE KELBY CREEK PHASE 6 SUBDIVISION.**  
5  
6

7           **WHEREAS** the Boone Property Planned Unit Development (“PUD”) was approved  
8 and adopted by Ordinance No. 1486; and  
9

10          **WHEREAS** said PUD establishes certain building setback requirements for  
11 property within the PUD; and  
12

13          **WHEREAS** an application has been filed to amend the PUD’s setback  
14 requirements for a certain area within the PUD; and  
15

16          **WHEREAS** the Planning and Zoning Commission held a public hearing on the  
17 Application at the Commission’s November 1, 2021, meeting; and  
18

19          **WHEREAS** the Commission, after considering the Application, staff’s  
20 recommendation regarding the Application, and after holding a public hearing on the  
21 Application, issued a recommendation of approval of the Application; and  
22

23          **WHEREAS** the City Council, now having considered the Application, staff’s  
24 recommendation regarding the Application, and after providing an opportunity for public  
25 comment on the Application, now desires to amend the PUD as provided herein and  
26 amend the City’s official zoning map accordingly.  
27

28          **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
29 **NIXA, AS FOLLOWS, THAT:**  
30

31          **SECTION 1:** The Boone Property Planned Unit Development, adopted by  
32 Ordinance No. 1486, is hereby amended by replacing “Exhibit F” of said PUD with the  
33 document which is attached hereto and incorporated herein by this reference as “Council  
34 Bill Exhibit A.”  
35

36          **SECTION 2:** The Director of Planning and Development, pursuant to section 117-  
37 57 of the Nixa City Code, shall amend the City’s official zoning map, said map being  
38 established pursuant to section 117-56 of the Nixa City Code, to reflect the action taken  
39 by this Ordinance.  
40

41          **SECTION 3:** This Ordinance shall be in full force and effect from and after its final  
42 passage by the City Council and after its approval by the Mayor, subject to the provisions  
43 of section 3.11(g) of the City Charter.  
44  
45  
46



47 **ADOPTED BY THE CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.**  
48

49  
50 **ATTEST:**  
51

52 \_\_\_\_\_  
53 **CITY CLERK**

\_\_\_\_\_ **PRESIDING OFFICER**

54  
55  
56 **APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.**  
57





58  
59 **ATTEST:**  
60

61 \_\_\_\_\_  
62 **CITY CLERK**

\_\_\_\_\_ **MAYOR**

63  
64  
65 **APPROVED AS TO FORM:**  
66

67 \_\_\_\_\_  
68 **CITY ATTORNEY**

-  - 35'
-  - 30'
-  - 25'
-  - 12'

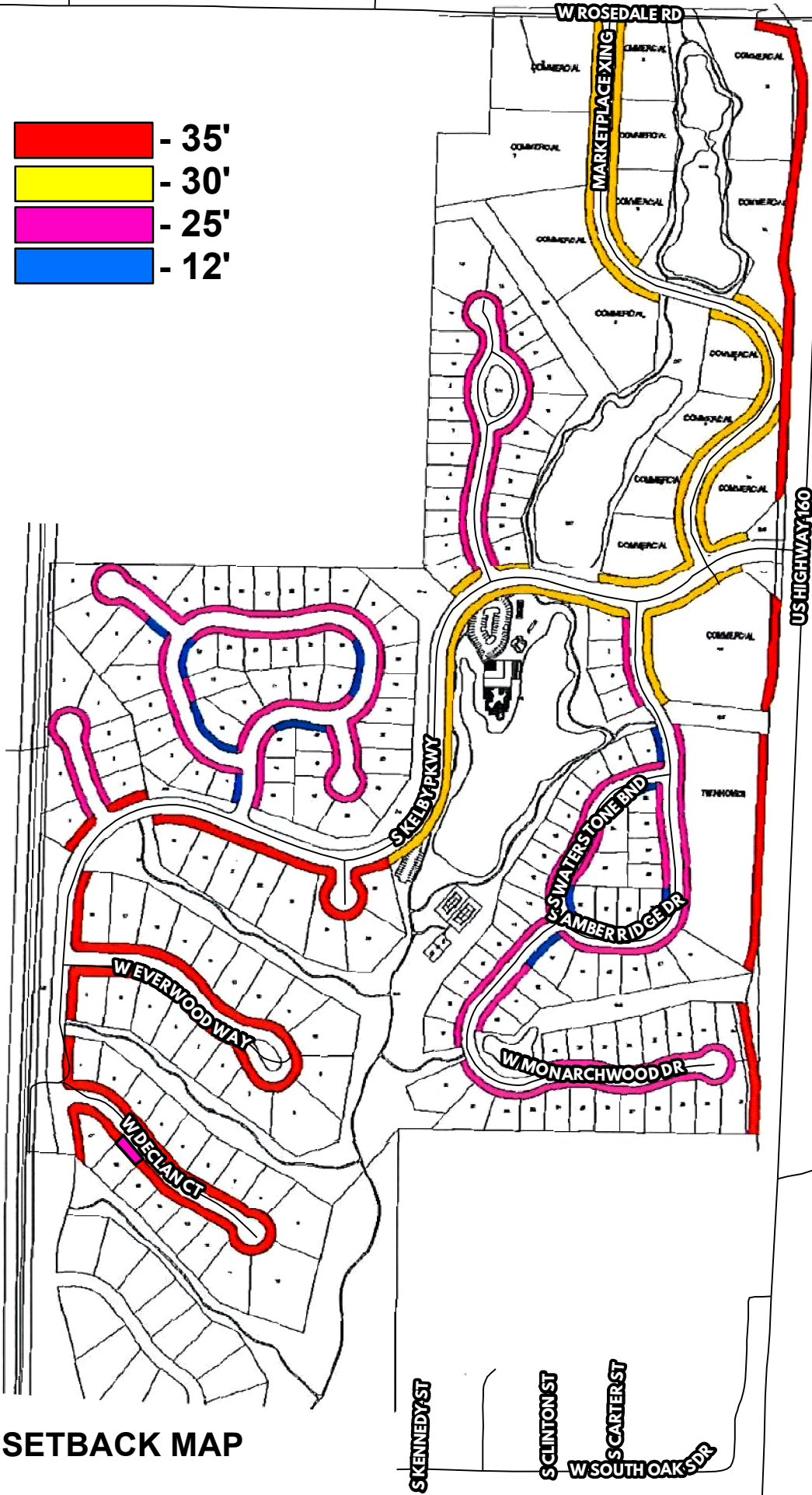


EXHIBIT  
**F**

SETBACK MAP