

**ARTICLE 4  
DISTRICT REGULATIONS**

**“R-O” RESIDENTIAL SUBURBAN DISTRICT**

1. **Intent:** It is the intent of the “R-O” Residential Suburban District to control subdivision and density of development of land for residential and other non-commercial uses for suburban design purposes; and where such uses are not or cannot be connected to a public sewer supply.
2. **Permitted Uses:** Single-family residences and related public and semi-public uses are permitted. For a general listing of permitted and conditionally permitted uses by Standard Industrial Classification (SIC) groupings, see Appendix “A” of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed SIC groupings in the Appendix “A”.
3. **Special Uses:** For a general listing of special uses, see Appendix “A”.
4. **Intensity of Use Regulations:** Except as hereinafter provided, all dwellings hereafter erected, enlarged, or reconstructed shall be located upon lots containing the following areas:
  - A. Every lot served with public sanitary sewers and public water system shall have an area of not less than 12,000 square feet and a lot width of not less than 100 feet measured at the front setback line. (Corner lots shall not be less than 120 feet in width.)
  - B. Every lot not served with a public sanitary sewer shall have an area not less than required by the City of De Soto Subdivision Regulations, and shall be subject to on-site wastewater testing.
5. **Height Regulations:** No structure shall exceed 35 feet in height, except that public and semi-public structures, public service and institutional structures, hospitals, schools, and religious institutional structures are permitted two feet of additional height for each one foot of additional structure setback.
6. **Yard Regulations:**
  - A. **Front Yard:** The front yard shall be a minimum of 50 feet in depth measured from the front lot line or, on collector streets, measured 95 feet from the centerline of the street or, on arterial streets, measured 105 feet from the centerline of the street, whichever front yard setback would be greater.

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- B. Side Yard: There shall be a side yard on each side of every single-family dwelling which shall be not less than 25 feet in width, and all other permitted and special uses shall provide a 50-foot side yard. Corner lots shall provide a 50-foot setback from the corner side yard.
- C. Rear Yard: There shall be a rear yard of not less than 50 feet.
- D. Minimum Floor Area: 1,100 square feet of habitable floor area per family.

**“R-1” RESIDENTIAL - LOW DENSITY DISTRICT**

1. Intent: The intent of this district is to provide for low density residential development including those uses which reinforce residential neighborhoods.
2. Permitted Uses: Generally, single-family dwellings, parks, educational and religious uses are permitted. For a general listing of permitted and conditionally permitted uses by Standard Industrial Classification (SIC) groupings, see Appendix “A” of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed SIC groupings in the Appendix “A”.
3. Special Uses: For a general listing of special uses, see Appendix “A”.
4. Intensity of Use Regulations: Except as modified by the provisions of Article 5:
  - A. Minimum Lot Area: 10,350 square feet.
  - B. Minimum Lot Width: 90 feet measured at the front setback line.
  - C. Lot Coverage: Principal and accessory structures shall not cover more than 30 percent of the lot.
5. Height Regulations: Maximum Structure Height: 35 feet.
6. Yard Regulations:
  - A. Front Yard: 35 feet.
  - B. Side Yard: Ten percent of the lot width, except that such side yard shall not be less than 10 feet and need not be more than 15 feet. Structures on corner lots shall provide a side yard on the street side of not less than 20 feet, or the established front yard setback of any neighboring residential structure fronting on the side street whichever is greater.
  - C. Rear Yard: 30 feet.
7. Use Limitations:
  - A. Minimum Floor Area: 1,100 square feet of habitable floor area per family.

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**“R-1A” RESIDENTIAL - MODERATE DENSITY DISTRICT**

1. Intent: The intent of this district is to provide for moderate density residential development, including moderate density single-family dwellings, in a manner that will encourage a strong residential neighborhood that provides a variety of housing types, preserve natural features within the community including existing high-quality vegetation and water features, promotes active and passive recreation opportunities, and promotes compatibility with neighboring uses.
2. Permitted Uses: Generally, single-family dwellings, parks, educational and religious uses are permitted. For a general listing of permitted and conditionally permitted uses by Standard Industrial Classification (SIC) groupings, see Appendix “A” of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed SIC groupings in the Appendix “A”.
3. Special Uses: For a general listing of special uses, see Appendix “A”.
4. Intensity of Use Regulations: Except as modified by the provisions of Article 5:
  - A. Minimum Lot Area: Single-family - 7,500 square feet.  
Other uses - 7,500 square feet.
  - B. Minimum Lot Width: 65 feet measured at the front setback line, except as provided in Article 5, 2., Yard Regulations.
  - C. Lot Coverage: Principal and accessory structures shall not cover more than 30 percent of the lot.
5. Height Regulations: Maximum Structure Height: 35 feet.
6. Yard Regulations: Except as modified by the provisions of Article 5, minimum yard depths shall be as follows:
  - A. Front Yard: 25 feet.
  - B. Side Yard: 7 feet, except as provided in Article 5, 2, Yard Regulations.
  - C. Rear Yard: 20 feet.
7. Use Limitations:
  - A. Minimum Floor Area: 1,100 square feet of habitable floor area per family.
  - B. Common Open Space: All R-1A subdivisions larger than two (2) acres shall dedicate ten (10) percent of the gross area to be subdivided to common open space. Unless otherwise excepted by the City Council, all common open space shall be included in restrictive covenants, easements, or other legal devices designated to assure that such space will remain permanently open and perpetually maintained.

**“R-2” RESIDENTIAL - MEDIUM DENSITY DISTRICT**

8. Intent: The intent of this district is to provide for moderate density residential development, including two-family and higher density single-family dwellings, in a manner that will encourage a strong residential neighborhood.
9. Permitted Uses: Generally, single-family dwellings, two-family dwellings, parks, educational and religious uses are permitted. For a general listing of permitted and conditionally permitted uses by Standard Industrial Classification (SIC) groupings, see Appendix “A” of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed SIC groupings in the Appendix “A”.
10. Special Uses: For a general listing of special uses, see Appendix “A”.
11. Intensity of Use Regulations: Except as modified by the provisions of Article 5:
  - D. Minimum Lot Area: Single-family - 7,500 square feet.  
Two-family - 4,000 square feet/dwelling unit.  
Other uses - 7,500 square feet.
  - E. Minimum Lot Width: 65 feet measured at the front setback line, except as provided in Article 5, 2., Yard Regulations.
  - F. Lot Coverage: Principal and accessory structures shall not cover more than 30 percent of the lot.
12. Height Regulations: Maximum Structure Height: 35 feet.
13. Yard Regulations: Except as modified by the provisions of Article 5, minimum yard depths shall be as follows:
  - D. Front Yard: 25 feet.
  - E. Side Yard: 7 feet, except as provided in Article 5, 2, Yard Regulations.
  - F. Rear Yard: 20 feet.
14. Use Limitations:
  - C. Minimum Floor Area: 1,100 square feet of habitable floor area per family.

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#### **“R-3” MULTIFAMILY DWELLING DISTRICT**

1. **Intent and Purpose of District:** The “R-3” Multifamily Dwelling District is intended for the purpose of allowing high residential density land use with the co-mingling of compatible single-family and two-family dwellings, apartments, home occupations, community facilities and certain uses, yet retain the basic residential quality.
2. **Permitted Uses:** Single-, two-, and multi-family dwellings, nursing homes and boarding houses are permitted. For a general listing of permitted and conditionally permitted uses by Standard Industrial Classification (SIC) groupings, see Appendix “A” of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed SIC groupings in the Appendix “A”.
3. **Special Uses:** For a general listing of special uses, see Appendix “A”.
4. **Intensity of Use Regulations:** Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed shall be located upon lots containing the following areas:
  - A. A lot on which there is erected a single-family dwelling shall contain an area of not less than 7,500 square feet. No lot shall be less than 60 feet in width; corner lots shall be not less than 75 feet in width.
  - B. A lot on which there is erected a two-family dwelling shall contain an area of not less than 4,000 square feet per unit. No lot shall be less than 65 feet in width; corner lots shall be not less than 80 feet in width.
  - C. A lot on which there is erected a multifamily dwelling shall have a maximum density of 8.0 units per acre (approximately 5,445 square feet per unit), except as otherwise permitted by the City of De Soto Multi-family Design Guidelines. In no case shall the density be greater than 12.0 units only per acre (approximately 3,630 square feet per unit). This regulation shall not apply to dormitories or rooming and lodging houses where no cooking is done in individual rooms or apartments.
  - D. Where a single lot of record, as defined in the definitions section of this regulation, has less area than herein required and was recorded prior to the effective date of this regulation, that lot may be used only for single-family dwelling purposes.
  - E. Multifamily uses shall not cover more than 40 percent of the lot area.

5. Height Requirements: No structure shall exceed 45 feet in height, except that for each one foot of additional front yard provided, two additional feet of height will be permitted.
6. Yard Requirements:
- A. Front Yard:
- (1) The front yard shall be a minimum of 25 feet in depth measured from the front lot line; or on collector streets 70 feet measured from the centerline of the street; or on arterial streets 80 feet measured from the centerline of the street, whichever front yard setback would be greater.
  - (2) Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
  - (3) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot, except the buildable width of such lot shall not be reduced to less than 35 feet. No accessory structure shall project beyond the front yard line of either street.
- B. Side Yard:
- (1) There shall be a side yard on each side of a structure 35 feet high or less having a width of not less than five feet.
  - (2) There shall be a side yard having a width of not less than ten feet on each side of a structure in excess of 35 feet in height.
- C. Rear Yard: There shall be a rear yard for structures in this district which shall have a depth of not less than 20 feet, or 20 percent of the depth of the lot, whichever is smaller.
7. Loading and Unloading Regulations: See the article on Parking and Loading Regulations.
8. Parking Regulations: Off-street parking is not required in this district for existing residential structures. Any new structures, and any structure converted to multifamily residences, shall comply with the requirements of the article on Parking and Loading Regulations.
9. Sign Regulations: See the article on Sign Regulations.

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10. Use Limitations:

- A. Development in the “R-3” District shall be subject to site plan review requirements and procedures, and the Multi-Family Design Guidelines as applicable.
- B. Minimum Floor Area: 1,100 square feet of habitable floor area per family; except that, for multifamily residential units, there shall be 900 square feet of private, habitable floor area per family, provided there are common activity areas, such as laundry areas; and 1,000 square feet per family provided there are no common activity areas.



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within 100 feet of an existing structure on one side only, such structure may be erected as close to the street as the existing adjacent structure. In addition, for the purposes of establishing the building lines for construction of entrance steps that are no higher than 3' from grade level or of any handicap access ramp or chair lift, the required front yard setback shall not apply. In no event shall any construction extend into any public right-of-way.

- B. Side Yard: 7 feet.
- C. Rear Yard: 20 feet.
- D. Existing Nonconforming Structures: In addition to those allowances of Article 9, 2, residential dwellings and accessory structures to be reconstructed in the “R-H” district which are located on a lot that does not comply with the above mentioned applicable yard regulations, with the exception of mobile homes, may be reconstructed to the previous setbacks, provided such reconstruction shall not create any additional nonconformity or increase the degree of existing nonconformity. In no event shall any construction extend into any public right-of-way.

7. Use Limitations:

- A. Prior to issuance of a building permit, all new and redeveloped structures in the “R-H” District shall be subject to review by the city planner, city engineer and other staff as applicable according to the following guidelines:
  - (1) Front Entry: Entries and walkways should address the street directly, or in a manner consistent with adjacent properties.
  - (2) Building Orientation: New construction should address the street in a manner consistent with surrounding buildings. In most cases, building facades should be parallel to the street.
  - (3) Parking/Garage Location: Garages should be located and accessed at the rear or side of buildings via an alley or street access drive in order to maintain the residential and pedestrian character of the street. Further, parking located behind new residential dwellings which maintains the pedestrian character, and prevents automobiles from dominating the streetscape is encouraged. On-street parking is also encouraged. See Article 6, 3, G for parking facilities requirements.
  - (4) Heating, Ventilation, and Air Conditioning (HVAC) Equipment: HVAC equipment should be located at the rear of buildings, and screened from adjacent properties.

- (5) Scale and Proportion: New and redeveloped dwellings should use appropriately scaled building mass, height and entry size, and incorporate architectural features such as gables, porches and windows to complement the surrounding buildings while breaking up the structure's street facade.
  - (6) Rooflines and Pitch: Rooflines and pitch similar to surrounding structures are encouraged, as the similarity establishes a pleasing pattern and rhythm for the streetscape, allowing new construction to blend with the established neighborhood.
  - (7) Landscaping: Front facades (both yards in the case of corner lots) should be landscaped in a manner consistent with surrounding buildings. In addition, new and redeveloped dwellings should maintain the established streetscape by preserving existing or establishing new street trees and providing landscaping that is consistent with the pattern established by surrounding buildings.
  - (8) Appeals and Grievances: In the case an applicant should disagree or have other grievances with staff in the application of the above standards, the applicant should be directed to formally appear before the planning commission for review of such disagreement or other grievance.
- B. Minimum Floor Area: 1,100 square feet of habitable floor area per family; except that structures existing prior to April 16, 1998, may be reconstructed to no less than the floor area in existence prior to demolition of such structure; and except that in no case shall any structure be reconstructed with a floor area ratio less than 900 square feet.

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#### **“C-1” BUSINESS - CENTRAL DISTRICT**

1. Intent: The intent of this district is to provide a zone which will accommodate the broad range of retail shopping activities, office uses and complimentary residential uses that are normally found in the core area of a city; and where development is allowed up to the property lot line, with no off-street parking facilities required of the private development.
2. Permitted Uses: Generally, retail uses with no outdoor storage are permitted. For a general listing of permitted and conditionally permitted uses by Standard Industrial Classification (SIC) groupings, see Appendix “A” of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed SIC groupings in the Appendix “A”.
3. Special Uses: For a general listing of special uses, see Appendix “A”.
4. Intensity of Use Regulations:
  - A. Minimum Lot Area: None.
  - B. Minimum Lot Width: None.
5. Height Regulations: Maximum structure height: 100 feet.
6. Yard Regulations:
  - A. Minimum Front Yard: None.
  - B. Minimum Side Yard: None.
  - C. Minimum Rear Yard: 20 feet when adjacent to a residential district; otherwise, none.
7. Use Limitations:
  - A. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted. Any merchandise stored outside which is determined by the Planning and Zoning Department as material which is not for sale to the public shall be screened or enclosed to the extent that it cannot be seen from off the property.
  - B. Outdoor seating may be allowed within City rights-of-way by Temporary Use Permit, see Article 5, Section 8 of these regulations.
  - C. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
  - D. Residential uses in the “C-1” district shall be subject to the following additional use limitations:
    - (1) Residential uses shall be complementary and secondary to the primary retail commercial and office uses of the central business district.
    - (2) Residential uses shall be restricted from street-level building floors except as permitted through a special use permit. In no case shall a residential use occupy a street-level storefront.
    - (3) Residential uses shall not restrict or limit hours of operation, parking, loading, unloading, trash disposal or other activities associated with the commercial or office uses in the central business district.
    - (4) Parking for residential uses shall not be permitted on front- or side-streets, or in other established parking areas intended to service commercial or office uses during established business hours.
    - (5) New construction, renovation or other improvements required to accommodate residential uses shall be complementary to the established character of the central business district.

8. Site Plan Review: Development in the “C-1” District shall be subject to site plan review requirements and procedures.

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**“C-2” BUSINESS - GENERAL DISTRICT**

1. Intent: The intent of this district is to provide a zone for those commercial uses which are intensive in nature and which require large lots and direct access to major streets.
2. Permitted Uses: Generally, automobile and implement sales, lumber yards, contractor's yards, offices, neighborhood retailing and similar uses are permitted. For a general listing of permitted and conditionally permitted uses by Standard Industrial Classification (SIC) groupings, see Appendix “A” of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed SIC groupings in the Appendix “A”.
3. Special Uses: For a general listing of special uses, see Appendix “A”.
4. Intensity of Use Regulations:
  - A. Minimum Lot Area: 6,000 square feet.
  - B. Minimum Lot Width: 60 feet.
5. Height Regulations: Maximum Structure Height: 100 feet.
6. Yard Regulations: Except as modified by the provisions of Article 5, minimum yard depths shall be as follows:
  - A. Front Yard: 25 feet.
  - B. Side Yard: 10 feet if abutting a residential district; otherwise, no side yard is required.
  - C. Rear Yard: 20 feet.
7. Use Limitations:
  - A. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted. Any merchandise stored outside which is determined by the Planning and Zoning Department as material which is not for sale to the public shall be screened or enclosed to the extent that it cannot be seen from off the property.
  - B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

8. Site Plan Review: Development in the “C-2” District shall be subject to site plan review requirements and procedures.

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#### **“O-I” OFFICE - INSTITUTIONAL DISTRICT**

1. Intent: The intent of this district is to provide a zone which will accommodate a broad range of office and institutional business uses, along with a narrow range of retail shopping activities that are normally found in the core area of a city, as well as moderate-density townhouse and condominium dwellings; and where development is allowed based upon a site plan with setbacks averaged by the neighboring district regulations with off-street parking facilities required of the private development.
2. Permitted Uses: Generally, office and service uses, as well as limited retail uses are permitted. For a general listing of permitted and conditionally permitted uses by Standard Industrial Classification (SIC) groupings, see Appendix “A” of these regulations. Permitted uses are determined based on compatibility with other uses permitted in the district and with listed SIC groupings in the Appendix “A”.
3. Special Uses: For a general listing of special uses, see Appendix “A”.
4. Intensity of Use Regulations:
  - A. Minimum Lot Area: 6,000 square feet.
  - B. Minimum Lot Width: 60 feet.
5. Height Regulations: Maximum Structure Height: 100 feet.
6. Yard Regulations: Except as modified by the provisions of Article 5, minimum yard depths shall be as follows:
  - A. Front Yard: 25 feet.
  - B. Side Yard: 10 feet if abutting a residential district; otherwise, no side yard is required.
  - C. Rear Yard: 20 feet if abutting a residential district; otherwise, no rear yard is required.
7. Use Limitations:
  - A. No merchandise shall be displayed or stored outside a structure unless such merchandise is screened or enclosed to the extent that it cannot be seen from off the property.
  - B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
8. Site Plan Review: Development in the “O-I” District shall be subject to site plan review requirements and procedures.

**“M-1” INDUSTRIAL - LIGHT DISTRICT**

1. Intent: The intent of this district is to permit industrial uses that are not obnoxious due to appearance, noise, emissions, or odor; that do not require intensive land coverage; and that can be compatibly developed with adjacent districts through site plan review.
2. Permitted Uses: Generally, light manufacturing, wholesaling, trucking and warehousing uses, as well as research, development, analysis or testing laboratories as a part of product development centers, testing facilities or research centers. For a general listing of permitted and conditionally permitted uses by Standard Industrial Classification (SIC) groupings, see Appendix “A” of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed SIC groupings in the Appendix “A”.
3. Special Uses: For a general listing of special uses, see Appendix “A”.
4. Intensity of Use Regulations:
  - A. Minimum Lot Area: Subject to site plan review.
  - B. Minimum Lot Width: Subject to site plan review.
5. Height Regulations: Maximum Height of Structure: 100 feet.
6. Yard Regulations: Except as modified by the provisions of Article 5, minimum yard depths shall be as follows:
  - A. Front Yard: 35 feet.
  - B. Side Yard: The total of side yards shall be not less than 40 feet, except that no side yard shall be less than 10 feet, and no less than 20 feet when abutting a street or residential district.
  - C. Rear Yard: 30 feet.
7. Use Limitations:
  - A. All storage of materials, products or equipment, except those related to or used for agricultural research, testing and/or analysis purposes, shall be within a fully enclosed building or in an open yard so screened that the materials stored are not clearly visible within one thousand (1,000) feet of the property line. Where topographic conditions make effective screening impractical, the commission may make variances as they deem advisable.

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- B. A solid or semi-solid screen or wall at least six feet high, but not more than eight feet, and having a density of not less than 70 percent per square foot upon maturity of growth shall be planted or constructed adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the “M-1” District.
  - C. No structure shall be used for residential purposes except that a watchman may reside on the premises.
  - D. Facilities Used for Agricultural Research, Testing and/or Analysis: In agriculture-related research facilities, the following use limitations shall apply:
    - (1) Operations required to be conducted outside a fully enclosed building shall be conducted in controlled outdoor areas.
    - (2) A private street network shall be allowed where comprehensive control of a large industrial site is required for safety or security reasons, and where no unsecured access to the site is afforded the public.
    - (3) Private roadways for certain agricultural-related research and development activities may be improved with an all weather surface other than asphaltic concrete such as gravel or stone. They shall be designed to permit surface drainage without erosion of adjacent land.
8. Site Plan Review: Development in the “M-1” District shall be subject to site plan review requirements and procedures.
9. Vested Rights: Land parcels within an “M-1”, Light Industrial District, which have been platted in an approved preliminary or final subdivision plat prior to August 19, 1999 shall be granted the vested right to continue development of those uses permitted under the requirements of the zoning and subdivision regulations in effect at the time of the approval of the preliminary plat until August 19, 2004 and subject to all other requirements of the existing regulations as amended.

**“M-2” INDUSTRIAL - HEAVY DISTRICT**

1. Intent: The intent of the district is to permit a broad range of industrial uses, including uses that have a potential of obnoxious appearance, noise, emissions, or odor; that require intensive land coverage; and that require careful site planning to be compatibly developed with adjacent districts.
2. Permitted Uses: Generally, light manufacturing, wholesaling, trucking and warehousing uses are permitted. For a general listing of permitted and conditionally permitted uses by Standard Industrial Classification (SIC) groupings, see Appendix “A” of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with listed SIC groupings in the Appendix “A”.
3. Special Uses: For a general listing of special uses, see Appendix “A”.
4. Intensity of Use Regulations:
  - A. Minimum Lot Area: Subject to site plan review.
  - B. Minimum Lot Width: Subject to site plan review.
5. Height Regulations: Maximum Height of Structure: 100 feet.
6. Yard Regulations: Except as modified by the provisions of Article 5, minimum yard depths shall be as follows:
  - A. Front Yard: 25 feet.
  - B. Side Yard: 5 feet.
  - C. Rear Yard: 20 feet.
7. Use Limitations:
  - A. All storage of materials, products or equipment, except those related to or used for agricultural research, testing and/or analysis purposes, shall be within a fully enclosed building or in an open yard so screened that the materials stored are not clearly visible within one thousand (1,000) feet of the property line. Where topographic conditions make effective screening impractical, the commission may make variances as they deem advisable.
  - B. Storage may be maintained outside structures provided the view of said storage area is properly screened from adjacent residential areas and the public right-of-way.

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- C. A solid or semi-solid fence or wall at least six feet high, but not more than eight feet, and having a density of not less than 70 percent per square foot shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property.
  - D. No structure shall be used for residential purposes except that a watchman may reside on the premises.
8. Site Plan Review: Development in the “M-2” District shall be subject to site plan review requirements and procedures.

**“P-D” PLANNED DEVELOPMENT DISTRICT**

1. Purpose: The purpose of the Planned Development District (“P-D”) is to encourage innovation in residential, commercial and industrial development by greater variety in type, design, and layout of buildings; to encourage a more efficient use of land reflecting changes in the technology of land development; to encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of land; and to provide a procedure which relates the type, design, and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods.

Although the specific conditions within the “P-D” District shall be predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met. As such, each application for “P-D” zoning shall include a development plan in accordance with the provisions and conditions that follow.

2. Use of the “P-D” District: With the exception of standard single-family and two-family residential subdivisions, zoning proposals which are intended to be subdivided into multiple lots should seek the “P-D” zoning district classification. Planned developments are groupings of structures or sites that are planned as an integrated unit or cluster on property under unified control at the time of zoning. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with the development standards and other conditions that were committed to at the time of the rezoning.
3. Permitted Uses: All uses may be permitted in the Planned Development District subject to Plan approval; however, each use included in a particular “P-D” must be specified on the Plan.
4. Use Regulations:
  - A. The proposed development shall provide adequate access in such a way that the traffic generated by the development will not cause an unreasonably hazardous condition nor inconvenience in the area.
  - B. Structures and traffic shall be arranged so that all principal structures are accessible to emergency vehicles.
  - C. Parking shall be provided in a manner that reduces to a minimum its adverse physical impact in the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas or other physical separators are suggested approaches. The parking areas should be appropriately spaced to serve those units they represent.

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- D. The availability of services and location of public utilities shall have the approval of each agency involved. Evidence to this effect shall be presented with the Preliminary Development Plans.
- E. A Planned Unit Development shall be consistent with the general standards for use of land, and the use, type, bulk, design, and location of buildings, the density or intensity of use, open space, public facilities and the development by geographic division of the site as set out in these regulations.
- F. In the case of residential Planned Development, the Planning Commission may permit in each unit or phase deviations from the number of dwelling units per acre established for the entire planned development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected.
- G. A minimum of 30% of the net area of that part of a Planned Unit Development reserved for residential development shall be provided for open space as defined by these regulations. At least one-half of this open space or 20% of the net area devoted to residential development shall be provided for common open space for the leisure and recreational use of all "P-D" residents and owned and maintained in common by them, generally through a homeowner's association. The common open space shall be developed for appropriate recreational facilities, and a minimum of 50% of the proposed recreational facilities shall be constructed prior to the development of one-half of the project, and all recreational facilities shall be constructed by the time the project is 75% developed.
- H. The "P-D" shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation and maintenance, and to insure that remedial measures will be available to the Governing Body if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned development or of the entire community.
- I. Any modifications of the zoning or other regulations that would otherwise be applicable to the site may be permitted, providing the design of the Planned Development and the amenities incorporated in it are not inconsistent with the interest of the public generally.
- J. Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the Planned Unit Development.

- K. All signs must conform to the City Sign Ordinance.
  - L. Approval of the Final Development Plan may be conditioned by the Planning Commission to minimize any negative impact on the community.
5. Application for Rezoning: A petition to change to a “P-D” Planned District shall be filed with the City, along with the filing fee as set forth by separate ordinance. A Preliminary Development Plan shall be attached and shall include the elements set forth in these regulations. The public hearing and public notice requirements shall be the same as for any rezoning as provided by these regulations.
6. Preliminary Development Plan Approval Procedure:
- A. Action by Planning Commission: After a Preliminary Development Plan per the requirements of this article is filed with the City and has been reviewed by staff and the Site Plan Review Committee and found to contain all of the required information as set out within these regulations, the Planning Commission shall, hold a public hearing on said development after giving public notice. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the Governing Body and the applicant a report with respect to the extent which the Preliminary Development Plan complies with these regulations, together with its recommendations in respect to the action to be taken on the Preliminary Development Plan. The Planning Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions.
  - B. Action by Governing Body: The Governing Body shall either approve, disapprove, or approve with amendments, conditions or restrictions the Preliminary Development Plan and authorize the submitting of the Final Development Plan. If the Governing Body disagrees with the Planning Commission’s initial recommendation, the application shall be returned to the Planning Commission with written comments for reconsideration.
  - C. Substantial or significant changes in the Preliminary Development Plan shall only be made after rehearing and reapproval as required for the initial approval of the Preliminary Development Plan.
  - D. For unplatted tracts or tracts being replatted, the approval of the Preliminary Development Plan shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations and may be submitted with or incorporated with the Final Development

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Plan. The Planning Commission may review the Final Development Plan and the final plat concurrently.

7. Preliminary Development Plan: Copies of the Preliminary Development Plan shall be prepared and submitted in accordance with the City's Application and Review Schedule at a scale dimension of not more than 1"=100'. In addition to all data required for Preliminary Plats per the City of De Soto Subdivision Regulations, plans shall include:
  - A. Proposed land use patterns within the development;
  - B. Phases of final development;
  - C. Proposed schedule of construction;
  - D. General landscape information including landscaping easements, dedicated open space, pedestrian circulation, buffering and fencing, and general design concepts;
  - E. Conceptual exterior building elevations including materials and color palettes to be used;
  - F. A description of any limitations to be placed on the range of permitted uses, the hours of operation, the structure and landscape materials to be used and other similar development requirements and/or restrictions in the form of the conditions of the Planned Development zoning; and
  - G. A description of any deviations from any other provision of these regulations and the reason for such.
  
8. Final Development Plan Approval Procedure.
  - A. After approval of a Preliminary Development Plan by the Governing Body, the landowner shall file with the Register of Deeds a statement that such a plan has been filed with the Governing Body and has been approved and that such Planned Development is applicable to certain specified legally-described land and that copies of said plan are on file with the City. Such statement recorded with the Register of Deeds shall also specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchasers or users of land of the existence of such a plan. The recorded statement shall specify that the Preliminary Development Plan shall become binding upon all successors and assigns unless amended in conformance with this act.

- B. Prior to the issuance of any building permit or zoning certificate for construction on or use of the property the applicant shall submit an application for final approval. The final application may include the entire Planned Development or may be for a phase thereof as set forth in the approval of the Preliminary Development Plan. The application shall include copies of such drawings, specifications, covenants, easements, conditions and form of performance bond as set forth in the approval of the Preliminary Development Plan and in accordance with the conditions established in the zoning regulations for Planned Development.
- C. The Planning Commission shall approve the Final Development Plan if such plan meets the requirements of this article and is in substantial compliance with the approved Preliminary Development Plan. Final Development Plans shall be deemed to be in substantial compliance with the approved Preliminary Development Plan provided any modification to the plan does not:
- (1) Vary the proposed gross residential density or intensity of use by more than five percent (5%) or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area, nor;
  - (2) Substantially change the design of plan so as to significantly alter, as determined by the Planning Commission:
    - (a) Pedestrian or vehicular traffic flow.
    - (b) The juxtaposition of different land uses.
    - (c) The relation of open space to residential development.
    - (d) The proposed phasing of construction.
    - (e) The exterior appearance of buildings and/or structures.
- D. In the event that the Final Development Plan submitted contains substantial changes from the approved Preliminary Development Plan, the applicant shall submit a revised Preliminary Development Plan for approval per the Preliminary Development Plan Approval Procedure requirements. This resubmittal shall require a new public hearing in the same manner prescribed in this article for original Preliminary Development Plan approval.

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9. Final Development Plan: Following Preliminary Development Plan approval and platting, if necessary, copies of the Final Development Plan shall be submitted in accordance with the City's Application and Review Schedule and shall include the following information:
- A. All residential development other than multi-family residential shall include the following:
- (1) All requirements of the Preliminary Development Plan (updated to show final sizes, dimensions and arrangement);
  - (2) Contour lines showing finished grading only;
  - (3) A landscaping plan per Article 8, Landscaping and Buffering, in addition to any additional requirements of the Preliminary Development Plan approval; and
  - (4) The location, height, size, materials and design of all proposed signage; and
  - (5) Conceptual exterior building elevations including materials and color palettes to be used.
- B. All non-residential or multi-family development shall include all information required per the Section 4, Submission Requirements of Article 11, Site Plan Review with the exception of any approved deviation. Approval of each phase of the Final Development Plan shall also constitute site plan approval for that phase.
10. Amendments: A Planned Development District ordinance or an approved preliminary or Final Development Plan may be amended in the same manner prescribed in this article for approval of a preliminary or Final Development Plan. Application for amendment may be made by the homeowner's association or 51% of the owners of property within the "PUD".
11. Building Permits: On final approval by the Planning Commission, the owner shall provide copies of the approved Final Development Plan to the City. Building permits shall be issued only in accordance with the approved Final Development Plan.