



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
MEETING & PUBLIC HEARING
MONDAY, JULY 18, 2016 - 6:00 P.M.
CITY HALL ANNEX, 520 MAIN STREET**

- I. CALL MEETING TO ORDER
- II. ROLL CALL
- III. APPROVAL OF THE MINUTES OF THE JUNE 6, 2016 PLANNING COMMISSION MEETING
- IV. PUBLIC HEARING
 - A. Consideration of revisions and additions to Chapter 10, Article III – Dangerous Building Ordinance of the Unified Development Code.
- V. CONTINUATION OF DISCUSSION AND RECOMMENDATION
 - A. TA16-11 / Consideration of a Text Amendment, regarding the Keeping of Poultry.
- VI. DISCUSSION
 - A. Future Land Use Map Update
 - B. Consideration of revisions and additions to Chapter 19 – Streets, Sidewalks, Right-of-Ways and Other Public Places of the Code of Ordinances, Chapter 34 – Streets and Sidewalks, Chapter 36 – Subdivision Regulations, and Appendix A – Schedule of Fees and Charges, Part II. - Unified Development Code of the Unified Development Code.
- VII. DIRECTOR’S REPORT
- VIII. NEXT MEETING DATE: August 1, 2016
- IX. ADJOURNMENT

MEETING MINUTES

JUNE 6, 2016

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
June 6, 2016**

CALL TO ORDER

Chairman Girgin called the meeting to order at 6:00 p.m.

ATTENDANCE

Commission: Chairman Holly Girgin, Mayor Jeff Davis, Councilman Chet Trutzel, Commissioners Sally Davila, Ryan Finn, Tim McDonough, Charles Crate.

Staff: Jay Leipzig, Community and Economic Development Director; Megan McGuire, City Attorney; Robert Cooper, City Planner; Ashley Scherer, Community Development Administrative Assistant.

Absent: Commissioners Chuck Crate and Tim McDonough.

Guests: Jim Giffen, 507 Ranchero Place; Jodie and Harvey Powell, 16203 Oakland Avenue.; Ryan Piersee, 7209 E. 162nd Street.

MINUTES

Commissioner Crate moved to approve the May 16, 2016 Planning Commission meeting minutes. The motion was seconded by Commissioner Davila. All members present voted in favor and the motion carried.

PUBLIC HEARING- TA16-07 / Consideration of a Text Amendment, regarding Commercial Motor Vehicle Sales.

Mr. Cooper presented the staff report regarding TA16-07 / Consideration of a Text Amendment, regarding Commercial Motor Vehicle Sales. Recently, the Mayor and City Council passed a resolution to delay the acceptance and processing of new applications for commercial-motor vehicle sales, within the City of Belton between January 12, 2016 and July 12, 2016. The Planning Commission and city staff have revisited the ordinance to ensure all commercial motor vehicle sales business sites are providing adequate fire and emergency vehicle access; public safety and security; and a visually pleasing streetscape for legitimate vehicles displayed.

Below is the proposed Text Amendment, regarding Commercial Motor Vehicle Sales with changes in *italics*.

Section 40-3(4)

- (4) Commercial – Motor vehicle sales. Motor vehicle sales businesses shall have a special use permit, granted for an initial term of one year and renewable for an additional five-year term and must meet the following requirements:

- (1) Motor vehicle sales dealer's license; site and space requirements: the following standards and norms shall govern the operation of existing multi-vehicle used vehicle lots and shall apply to any multi-vehicle lots proposed or established in the future:
- (2) There shall be at least one entrance-exit on the main thoroughfare serving the lot at least 24-feet in width;
- (3) The lot must be paved with a surface material of concrete or asphalt;
- (4) Each site must sufficiently provide its own independent exterior security lighting; e.g. wall or pole mounted;
- (5) The lot must have barriers or other forms of visible demarcation clearly delineating the specific area to be occupied by used vehicles, which shall be approved by the city inspector;
- (6) Buildings and their intended uses must be stipulated on the site plan with the special use permit application and receive Planning Commission approval prior to the issuance of an occupational license;
- (7) Used vehicle business owner shall have a current State Motor Vehicle Dealer license and a City Occupational license.
- (8) All vehicles on the lot must be capable of passing the state vehicle inspections, as required by Missouri Statutes;
- (9) Only one (1) used vehicle dealer allowed with each special use permit and only one special use permit allowed per site;
- (10) All vehicles on the lot must be complete and *operational*, no vehicle will be used for the scavenging or junk purposes by any operator issued a license under the provisions of this section;
- (11) Any maintenance work must be performed within the confines of the garage and must be completed before the vehicle is returned to the lot for sale;
- (12) Used vehicle sales lots may be operated in conjunction with the garage located thereon for the purposes of performing necessary maintenance on

those vehicles offered for sale on said used vehicle lot; otherwise, a multi-vehicle used sales lot shall not be operated in conjunction with any other type of business (*under same ownership or another*) without the approval of the city council upon proper application and hearing thereon who shall consider in dealing with said issue, the compatibility of the proposed uses from a zoning, businesses, commercial and aesthetics viewpoint.

- (13) All used vehicle sales lots shall be identified by an internally illuminated wall sign. Cardboard, plywood or hand-painted signs are prohibited;
- (14) No used vehicle sales lot shall be established or expanded within 1,000-feet of any other motor vehicle sales business;
- (15) No used vehicle sales lot shall be established on a lot less than one-acre in size;
- (16) No used vehicle sales lot shall be established or expanded within 100-feet of the district boundary-line of any residential zoning district;
- (17) All used vehicle sales lots shall meet the minimum landscaping and screening requirements;
- (18) All parking areas shall meet the City's design requirements. Each special use permit shall include a site plan showing parking spaces for employees, customers, display vehicles and adequate off-street unloading areas.
- (19) *Each used vehicle sales lot shall have no less than one-hundred feet (100') of street frontage.*

Chairman Girgin opened the public hearing at 6:06 p.m. The hearing was being held to receive public input regarding consideration of a Text Amendment, regarding Commercial Motor Vehicle Sales.

Councilman Trutzel raised concerns with Section 40-3(4)(3): The lot must be paved with a surface material of concrete or asphalt. Stating in the past, there have been lots that were not finished concrete and he does not want that to happen again. Chairman Girgin stated that we could put professionally finished concrete in the ordinance.

Commissioner McDonough pointed out that the loop holes in Special Use Permits need to be addressed. There are at least two car lots located on North Scott that are closed ten months out of the year and only occasionally have cars for sale. One car lot has been trying to sell the business with the Special Use Permit.

Commissioner McDonough stated when a business is sold or it goes out of business, the business license and the Special Use Permit should to be taken away. Ms. McGuire pointed out when this particular Special Use Permit was approved, it was approved for forever because of the way it was motioned and the way it was worded in the minutes. This SUP continues and they are able to bring new businesses to that location as long as they are following the rules of the SUP that were given in 2012. Ms. McGuire commented that the SUP goes with the land, not the owner.

Mr. Cooper stated the minimum time for a non-conforming issue to expire is currently twelve months. However, we could manipulate the language and make the time frame shorter. Ms. McGuire stated that the time frame must be a reasonable amount of time. Ms. McGuire pointed out that the Missouri Highway Patrol regulates motor vehicle sales and we need to educate ourselves on the Missouri Highway Patrol licensing and requirements.

There was no public input regarding TA16-07 / Consideration of a Text Amendment, regarding Commercial Motor Vehicle Sales. Chairman Girgin closed the public hearing at 6:11 p.m. Commissioner McDonough moved to approve the Text Amendment 16-07, regarding Commercial Motor Vehicles Sales with a revision on Section 40-3(4)(3): stating "The lot must be *professionally* paved with a surface material of concrete or asphalt. "

The motion was seconded by Councilman Trutzel. When a vote was taken the following was recorded: Ayes, 6 – Chairman Girgin, Mayor Davis, Councilman Trutzel, Commissioners Davila, McDonough and Finn. Noes, 1 – Commissioner Crate. Absent, 2 – Commissioner Christensen and Thompson. The motion carried.

PUBLIC HEARING- TA16-11 / Consideration of a Text Amendment, regarding the Keeping of Poultry. Mr. Cooper presented the staff report regarding TA16-11 / Consideration of a Text Amendment, regarding the Keeping of Poultry. Over the last several months, city staff has received many comments, concerns and general questions from the public concerning the city's regulations regarding the raising and harboring of chickens in residential zoning districts. City staff has been meeting monthly with the Code Enforcement Advisory Committee, to discuss the city's existing regulations and its effectiveness. The Committee has also thoroughly reviewed other cities ordinances which regulate the keeping of chickens.

Below is the current existing Belton City Ordinance / Section 4-197 – Keeping Poultry, followed by the proposed language / Section 6-4(g) – Keeping of Chickens in *italics*.

Existing Belton City Ordinance / Section 4-197 –Keeping Poultry.

"It shall be unlawful, and it is hereby declared a public nuisance for any person in charge of a residence, to keep, harbor, or maintain, or allow, to be kept, more than four (4) poultry animals per acre or part of an acre, at such residence, unless the residence is licensed as a commercial animal establishment with proper zoning classification therefor". (8/12/2003).

PROPOSED LANGUAGE / SECTION 6-4(g) –Keeping of Chickens.

ARTICLE 1 – CHICKENS

Section 1.01 – Keeping of Chickens.

Chickens are permitted only in residential and agricultural zoning districts and only under the following conditions:

- (a) No more than six (6) chickens per Lot;*
- (b) Lot must be at least 8,400 square feet;*
- (c) Only female chickens are allowed. Roosters are prohibited;*
- (d) Chickens shall be maintained and kept in the rear yard only;*
- (e) Chickens may be allowed to roam free or free range in the rear yard as long as chickens are not an annoyance to adjoining neighbors, domestic animals and/or properties;*
- (f) All chickens shall be housed in a coup between dusk and dawn; and*
- (g) No back yard chickens shall be permitted to remain if the chickens or their smell, noise or manure create a public nuisance.*

Section 1.02 – Enclosures.

- (a) Henhouses and chicken coups shall be kept in a clean, dry, odor free and sanitary condition at all times;*
- (b) Henhouses and chicken coups shall be designed to provide a safe and healthy living conditions for the chickens, while minimizing adverse impacts to other neighboring residents;*
 - (1) A henhouse or chicken coup shall be enclosed on all sides and shall have a roof and doors. Access doors must be shut and locked at night. Windows and vents must be covered with predator-bird proof wire of less than 1-inch openings.*
- (c) Henhouses or chicken coups shall be setback no less than five feet (5') from a property line;*
- (d) Henhouses, chicken coups and other accessory structures shall meet the requirements as outlined in Chapter(s) 1.5 and 4.1 of the Belton Unified Development Code.*

Staff feels these regulations allow citizens the opportunity to own and maintain chickens, in a manner which preserves property values, prevents unhealthy conditions and prevents an unsightly appearance upon the community.

Chairman Girgin opened the public hearing at 6:19 p.m. The hearing was being held to receive public input regarding consideration of a Text Amendment, regarding the Keeping of Chickens.

Jim Giffen, 507 Ranchero Place, was present to address the Commission in favor of the keeping of poultry. Mr. Giffen stated he believes that the proposed language for the Text Amendment looks good and he too, would like to make the City look better. He stated he agrees that the proposed Text Amendment regulations allow citizens the opportunity to own and maintain chickens in a manner which preserves property values, prevents unhealthy conditions and prevents an unsightly appearance upon the community.

Mr. Giffen noted he would like the number of chickens to be increased. He pointed out that Raymore, Missouri and Kansas City, Missouri currently allow fifteen chickens. He does not believe allowing citizens to have more than six chickens would make the City look bad. Currently, he knows multiple families who live outside of Belton, that have more than six chickens. In his opinion, they do not make those areas look bad. Mr. Giffen stated his chicken coop is painted, has a roof, does not smell and is designed where nothing can get in or out of the coop. Mr. Giffen stated he cleans his coop once a month and it does not give off an odor. He also specified that as long as the chicken coop is designed correctly, fifteen chickens would be irrelevant because you would not have an odor coming from the coop.

Mr. Giffen stated one reason the number of chickens should be increased to more than six is because six chickens would not lay enough eggs to feed his wife, three children, and himself. He pointed out that the prices of eggs are currently low, however prices will go back up. His family eats at minimum of six eggs per day and the cost adds up very quickly. Six chickens would only give him an extra eight to ten eggs per day, if the chicken is laying correctly. Fifteen chickens would produce an adequate amount of eggs needed to feed his family. He also stated he believes that fresh eggs are a healthier option for families than store bought eggs.

Mr. Giffen pointed out that chickens are not loud. The only time you can hear noise from a chicken is when it is laying an egg, which takes approximately thirty to sixty seconds. He indicated there are dogs in his neighborhood that constantly bark and the chickens make less noise than the dogs in the neighborhood.

Commissioner Davila questioned Mr. Giffen on his lot size and the size of his chicken coop. Mr. Giffen stated his property is approximately 8,600 square feet and his coop is approximately four feet by thirteen feet. Commissioner Davila then questioned him on how many chickens he currently has. Mr. Giffen stated he believed at the last meeting regarding poultry, that the number of chickens allowed would be increased, and currently he has fifteen chickens.

Commissioner Crate questioned Mr. Giffen on how much of his back yard is taken up by the chickens and if that is an adequate amount of space. Mr. Giffen stated that the chickens take up an area approximately twenty feet by eighteen feet. Mr. Giffen added before he bought any chickens he did hours of research on the adequate amount of space needed per chicken to allow a chicken to be happy. His research found that chickens need approximately a foot and a half per chicken to be happy. He also indicated that his chicken coop is raised off the ground to allow for the chickens to go under the coop in order to be protected from the weather, while still allowing them to be outside.

Councilman Trutzel questioned staff if they have looked at the ordinance in Raymore, Missouri. Mr. Leipzig stated that Raymore's ordinance states that residents can have fifteen chickens in city limits, however they have a larger lot size requirement. Belton's minimum lot size requirement is 8,400 square feet, which is the minimum lot size requirement for new residential homes. The City of Liberty, Missouri has a graduated plan, that is based on lot size. Their ordinance starts at four chickens and goes up from

there based on the residential lot size. Mr. Leipzig stated that staff decided to go in the direction of having a maximum number of chickens, instead of a graduated ordinance because this plan would be easier to monitor and enforce.

Commissioner McDonough brought up that Mr. Giffen's property at, 507 Ranchero Place, in Cimarron Trails Park, is a duplex. If a chicken coop is five feet from the property line and ten feet from the home, that could mean a chicken coop is very close to a neighbor's back door. Mr. Cooper stated the Cimarron Trails Park area is zoned R-2, most of the homes in that area are duplexes and the square footage of those lots do not meet the minimum lot requirements of 8,400 square feet. The square footage of the duplex lots are in the range of 7,800 to 8,200 square feet, therefore do not meet the minimum lot size requirements to keep chickens.

Jodi Powell, 16203 Oakland Ave, was also present to address the Commission regarding the keeping of poultry. Ms. Powell was present to raise concerns regarding poultry within neighborhoods and city limits. Ms. Powell stated she felt having poultry in residential areas and raising the number of poultry allowed interferes with the use and enjoyment of her property.

Ms. Powell presented her statement along with pictures to give the Commission a visual idea of her property. Ms. Powell stated her neighbors to the north have built a large chicken coop and pen and they have chickens and a pig. At one time, her current neighbor had thirteen chickens while the code currently states residents may have only four chickens. Ms. Powell stated that after two weeks, and several phone calls and voicemails later, she was able to speak to an animal control officer. Then, her neighbor complied with current codes and reduced the number of chickens on his property to four. Ms. Powell also stated that her family suffers from allergies and being near farm animals increases those allergies.

Ms. Powell listed her concerns as:

- Quantity
- Proximity to homes
- Noise
- Smell
- Disease
- Size of chicken coop and run area blocking the natural view
- Size of residential property
- Number of buildings on the property
- Degradation of residential property value
- Paradigm of city living

Therefore, Ms. Powell proposed consideration of the following:

1. Eliminating all poultry (chickens, turkeys, and ducks) within residential zoning.
 - a) Removes all concerns and issues previously stated
 - b) Potentially saves the City money on code enforcement and animal control
 - c) Promotes residential growth of people moving to Belton who share similar views on city living
2. If unable to eliminate all poultry, consider changing or modifying codes to include:
 - a) Reducing the number of current poultry allowed
 - i. The number of chickens allowed should be in relation to residential lot size

- ii. The more poultry allowed, the larger the residential lot should be, a ¼ of an acre (10,890 square feet) is not large enough to own chickens
- b) Size of coop and run area
 - i. Coops should not be over six feet in height and no more than two square feet per bird
 - ii. Coops should not restrict the natural view
 - iii. Distance from property lines to be at least twenty-five feet
- c) Proximity to neighbor's living space
 - i. Modify Section 4-196 of the Code of Ordinances to include poultry and;
 - ii. Add to code, must be at least one hundred feet away from residential homes
- d) One animal structure per residential lot allowed
- e) Cleanliness of premise where poultry is kept
 - i. Modify Section 4-199 of the Code of Ordinances to include poultry
 - ii. Cleanliness reduces the risk of diseases carried by insects, rodents and other vermin

Ms. Powell added she did not want to offend anyone who would like a more country lifestyle raising poultry. However, she doesn't want her city way of life to be infringed upon by increasing the number of poultry allowed inside residential areas. Raising the number of poultry, along with letting poultry roam free or free range, does not allow Belton citizens the opportunity to live in an area free from poultry. Ms. Powell believes poultry diminishes the neighboring property values, raises concern for unhealthy conditions and causes an unsightly appearance on our community.

Ms. Powell does not believe there is sufficient evidence to warrant changing the existing code. She questioned, if the limit is changed from four to six chickens what would be the action of the Planning Commission when the next person wants the number of chickens raised to eight. Ms. Powell stated the issue must be a difficult to enforce because there is a home off of Y-Highway that has free roaming chickens, therefore her belief is our city is already having problems enforcing the current chicken ordinance. Ms. Powell stated raising the number of chickens will only enhance the code enforcement problems.

In closing, Ms. Powell stated that as Belton's economic development continues to grow she would like to draw more like-minded citizens to our community that will share the same ideas, as she, on city living. In order for Belton to continue to become a trending city, we need to have none or fewer poultry allowed within residential zones.

Chairman Girgin noted that the last page of Ms. Powell's statement, that she provided to the Commission, regarding Cities and their ordinances was from the year 2010 and may not be relied on to be totally accurate.

Mayor Davis asked if there have been any issues with noise and smell. Ms. Powell stated that since her neighbor reduced the number of chickens down to four, there have not been any problems with the noise. However, when they mow or when it rains there is an odor coming from the chicken coop. Mrs. Powell stated that she does not have a problem with her neighbor's chicken coop, her problem is she believes that it is too close to her home. Ms. Powell informed the Commission that her neighbor's house is a corner lot that faces 162nd Street and the neighbor's back yard is small and is along her side yard and back yard. Mrs. Powell believes that the area is too small for more chickens or for free roaming chickens.

Mayor Davis asked staff if there are any ordinances on the number of accessory buildings allowed on residential property. Mr. Cooper stated that the number of accessory buildings is based on the square footage of the yard. The total number of square feet of accessory structures cannot exceed more than thirty percent of the yard. Mr. Cooper noted that accessory structures must be located behind the home and be five feet from the property line and ten feet from the home. If there are multiple accessory structures on the property, then they would have to be five feet from the property line, ten feet from the home and five feet from any other accessory buildings.

Mayor Davis asked Ms. Powell if she has any reason to believe that her property value has decreased. At this time, Ms. Powell stated she does not have any evidence to support that her property value has decreased. However, she feels if the number of chickens allowed increases and chickens are allowed to free roam, it would be difficult to sell her home. Ms. Powell specified there is not a fence between the two properties. Mayor Davis brought up the pig and staff stated citizens are allowed four chickens plus four animals and the pig would fall under the four animals.

Commissioner Finn asked Ms. Powell if her neighbors were cleaning out the coop regularly since she was picking up a smell from the coop. Ms. Powell specified that she did not know if the chicken coop is being cleaned out regularly. She works during the day and when she is home she does not see the neighbors very often; they are on different schedules. Ms. Powell stated when it was raining a lot recently, they could see into the coop and it was just mud. Ms. Powell added there was not a smell coming from her neighbor's property when they got the pig, they were unaware of the pig until they saw it outside.

Commissioner Davila asked Ms. Powell if she has had any of the chickens come into her yard. Ms. Powell stated that the chickens were not accessing her yard, but one chicken did get out. However, when her neighbor realized that a chicken had gotten out, he did add something to the top of the coop so the chickens could no longer get out.

Jean Powell, 16203 Oakland Avenue, was present to address his concerns regarding poultry to the Commission. Mr. Powell stated that the Commission should consider adding chickens to Section 4-196 of the Code of Ordinances, no livestock shall be kept or maintained within seventy-five feet of the nearest portion of any building occupied by or in any way used by human beings as a residence, other than such dwelling occupied by the owner or keeper of such animal or animals. Mr. Powell stated that the chicken coop is located fifty-five feet from their home and the problem comes from the neighbor's house being a corner lot. Mr. Powell's home faces Oakland Avenue, while the neighbor's home faces 162nd Street. The neighbor's back yard is along Mr. Powell's side yard and back yard. Mr. Powell specified that it would not be as big of a problem if the homes were back-to-back. Currently, he can't go outside or open his backdoors without the smell from the chicken coop coming into his home. There was not an odor until the chickens came therefore the pig is not an issue. He believes that the smell is coming from the chickens and no matter how much you clean a chicken coop the smell will still be there. Mr. Powell stated these are the reasons why he believes that poultry should be added to Section 4-196 of the Code of Ordinances. Additionally, he would like the code to be changed from seventy-five feet of the nearest residence to one hundred feet of the nearest residence.

Chairman Girgin questioned Councilman Trutzel if there has been any contact with citizens on concerns with chickens or requests for more chickens at the Council level. Councilman Trutzel stated that he has not been involved in any large issues involving chickens. Mr. Leipzig stated that Mr. Giffen had written him a letter in September 2015 asking staff to look at the issue. Mr. Giffen then spoke briefly at the

City Council meeting in September 2015. Roughly around October 2015, the City Council directed the issue back to the Planning Commission and the Code Enforcement Advisory Committee.

Ryan Peircee, 7209 E. 162nd Street, came forward to address the Commission. Mr. Peircee lives at the residents that Mr. and Ms. Powell have been referring to. Mr. Peircee thanked the Powells for sharing their concerns. He stated that this was the first time he had heard in depth the concerns regarding his property and chicken coop. Mr. Peircee stated hearing the concerns about his property and the chicken coop can aid him in addressing the concerns of his neighbors.

Mr. Peircee stated he would like to address a few things about his property that could be misleading to the Commission. Mr. Peircee stated that his lot is a 0.43-acre lot which is roughly 18,700 square feet. In the proposed language for the Keeping of Chickens, the lot requirement is 8,400 square feet, therefore his lot is almost two and a half times the size of the lot requirement. Mr. Peircee pointed out that in discussion insects were mentioned and from his studies and experiences with chickens, chickens eat insects and bugs. This helps to reduce or get rid of insects, such as mosquitos and ticks. Therefore, he does not believe that the chickens would add to the insect problem.

The next issue Mr. Peircee addressed was the noise. He stated he has never heard his chickens from inside of his home. They only time that he can hear the chickens is when he is outside feeding them. From inside his home he can hear birds chirping in the trees, but has never heard his chickens from inside the home. Commissioner Davila questioned Mr. Peircee how many chickens he has. Mr. Peircee stated that he has four chickens, but at first he did buy fifteen chickens and when he found out that it was against code he complied with the ordinance.

Mr. Peircee stated he did not see the pictures Ms. Powell provided to the Commission, but he did have a shed built the previous week on his property. Mr. Peircee scheduled a Development Review Committee meeting with city staff. City staff reviewed his property, approved the shed to be built and the shed passed city inspections. He went on to say, the shed is ten feet from his home and is almost ten feet from the property line, whereas the code states five feet from property lines. Therefore, the shed should not be an issue. He also stated that he does not believe the shed is blocking the natural view because there is not a view to see.

Mr. Peircee specified that the pig is not the issue and if the Commission would like for him to get rid of the pig, he would do so. The chickens are what he would like to keep. He stated he sides with Mr. Giffen, and believes that having organic eggs have the same benefits as having an organic garden. He enjoys eating fresh eggs and one day would like to feed fresh eggs to his future children. Mr. Peircee stated that he and his wife eat five eggs per day, so four chickens would not produce an adequate number of eggs for them to eat.

Mr. Peircee stated that his chickens have never been free roaming, they are contained in the coop. The coop has wire around the entire enclosure and there is no way for the chickens to get out. Mr. Peircee stated he is waiting to order one piece of the roofing that is currently on backorder. However, he specified the chickens cannot fly high enough to fly out of the coop. Ms. McGuire questioned Mr. Peircee where he disposes of the chicken manure. Mr. Peircee stated he has a compost bin that he puts his chicken manure in along with his vegetable scraps. He stated that a compost bin will not smell if you put the correct materials in it and turn it.

Councilman Trutzel stated that we have a vague description of what a public nuisance is. Councilman Trutzel then questioned Mr. Peircee what his definition of a public nuisance is. He stated a public nuisance would be if the neighbors can hear the chickens then that would be a public nuisance, however he cannot hear his chickens at all. Mr. Peircee also stated that if the neighbors can smell the coop, that would also be a nuisance. He went on to say if the neighbors can smell his coop then that is a problem. Now that he is aware that the neighbors can smell the coop, he can take steps to correct the problem. Currently, he does not have any bedding in the chicken run and it is a fairly moist area and he plans on putting sand down in the run because sand will help significantly with the smell.

Commissioner Crate asked Ms. Powell what her definition of a public nuisance is. Ms. Powell stated that she considers the smell and the noise a public nuisance. If she can hear the chickens from inside her home with the doors and windows shut, then that is a public nuisance. Chairman Girgin commented that she can hear her neighbor's kids playing in their back yard with the doors and windows closed. Ms. McGuire asked Mr. Peircee if his chicken coop is in sight of his home. Mr. Peircee stated that he can see the coop from the side door of his home and from of his back windows.

Mr. Powell questioned the Commission if there are any plans in the proposal to make an area in the City where people could move to allow citizens to be free of livestock. He went on to state that there are many areas he can move to live on a farm. However, are there any areas he could move be free of livestock. Mayor Davis commented that Homeowners Associations have their own rules and a rule could be that chickens are not allowed. Commissioner McDonough stated that you can start a Homeowners Associate in any neighborhood. Mr. Giffen stated to his knowledge Cimmarron Trails Park does have a Homeowners Association and chickens are allowed.

Chairman Girgin closed the public hearing at 7:05 p.m.

Chairman Girgin commented she has a lot of information to digest before she can make an informed vote. The Commission had two people in favor and two people against chickens and without any other public input, she is at a dead tie and feels she needs more information and direction from staff. Commission McDonough commented the issue should be continued because he believes that the coops being fifteen feet from a home are too close. Commissioner Davila also stated that she can understand all parties concerns.

Commissioner Finn moved to continue discussion of TA16-11 / Consideration of a Text Amendment, regarding the Keeping of Chickens to a further date, pending further staff review.

The motion was seconded by Commissioner Davila. When a vote was taken the following was recorded:
Ayes, 7 – Chairman Girgin, Mayor Davis, Councilman Trutzel, Commissioners Davila, McDonough, Crate and Finn.

Noes, 0

Absent, 2 – Commissioner Christensen and Thompson. The motion carried.

DISCUSSION – Federal Drug Administration Rules extended on May 5, 2016 to E-Cigarettes, Cigars, Hookah tobacco and others.

Mr. Leipzig pointed out that this is a non-action item and staff had realized that there were some inconsistencies with ordinances and would like to ensure that all ordinances are consistent with each other. Mr. Cooper pointed out three vape shops / e-cigarette business in Belton City limits who have

received their business licenses within the last year and a half. The first business, Elevape, received their business license in November 2015. There have been some complaints against Elevape using their business as a smoking lounge and not just a retail store. The second business, KC Vapes, received their business license in July 2015 and has not had any complaints. The third vape shop / e-cigarette business, Vaporx, has been in the City the longest.

Ms. McGuire focused on the Uniformed Development Code, Section 40-4, Uses subject to conditions. Retail smoking stores are allowed in C-2 and C-3 zoning areas, but are subject to criteria. Section 13 Retail tobacco stores, was added in 2014 and there are some inconsistencies with the Code of Ordinances Section 11-60, Smoking. The Uniformed Development Code and the Code of Ordinances need to be reevaluated and the inconsistencies within them corrected, in order for them be effectively and fairly enforced.

Ms. McGuire presented the new FDA Regulations:

Federal Drug Administrations published the final rules on May 5, 2016 to be effective August 8, 2016.

- Given authority to expand covered products
 - From: Cigarettes, cigarette tobacco, roll your own cigarettes, smokeless tobacco
 - Expand to: Cigars, hookah and pipe tobacco, E-cigarettes and other ENDS (electronic nicotine delivery systems), nicotine gels, and dissolvable tobacco
- No sales under eighteen years of age
- Warning signs
- Monitor manufacturing, distributing, and retail

Ms. McGuire stated the first step is to engage with the business owners of the three vape shops / e-cigarette businesses in Belton to see what their take is on the new regulations and how it will impact their businesses. Also, we would like to see what direction others will be taking and what the community believes are the issues before we take any action with the new regulations. Mayor Davis noted that one problem is business owners and managers are unsure if vape / e-cigarettes are allowed inside of their establishments. Councilman Trutzel stated that he believes that we should be charging more for vape shops / e-cigarette business licenses.

Staff will continue to evaluate and will bring this issue back at a future meeting.

DISCUSSION – C-2 Zoning District / Allowable Uses By-Right

Mr. Cooper stated at the Future Land Use meeting conversation came up regarding allowable uses by-right in the C-2 zoning district and Markey Parkway. Staff thought it would be useful to have the Planning Commission review the various uses currently allowed in the C-2 zoning district to spark discussion on what future uses we would like to see. The current C-2 zoning district table is outdated and needs up-to-date terminology. Mr. Cooper asked the Planning Commission what uses jumped out at them or if there are any uses they would not want to see in the C-2 zoning district.

Mayor Davis and Chairman Girgin both stated that they do not want to see adult businesses allowed in the C-2 zoning district. Mayor Davis pointed out that we need to put together a plan to ensure that we have the right businesses in the right areas. Mr. Leipzig stated that he would like to set up a time for a joint work session with the Planning Commission and the City Council to discuss the zoning areas. Mayor Davis suggested that we invite everyone to those meetings, not just the Planning Commission and City Council. Mayor Davis pointed out that we have never meet with the School District.

Mr. Cooper pointed out that we need to develop a plan and create a commercial use overlay to set standards on what is and is not allowed in each area. If your business does not meet the standards set, then the business would not be allowed to come to that particular area. Mr. Leipzig also pointed out that TIF areas have restrictions on what businesses are allowed. This would create a destination or theme for an area and would allow economic development to go out and recruit those businesses that are wanted in each area. Mr. Leipzig would like to continue this discussion at the next Planning Commission meeting, on July 18, 2016, along with discussion of the future land use map.

DIRECTOR'S REPORT

- The Planning Commission meeting on June 20, 2016 has been cancelled.
- The next Planning Commission meeting date is July 18, 2016.
- Chairman Girgin informed the Commission that she will not be in attendance of the July 18, 2016 meeting. Commissioner Christensen will chair the meeting.
- Mayor Davis stated the Planning Commission needs to be informed about various topics in order to help fix various issues.
- Commissioner Finn has been nominated for City Council and will no longer to serving on the Planning Commission.

ADJOURNMENT

Commissioner McDonough moved to adjourn the meeting. The motion was seconded by Commissioner Christensen. All voted in favor and the meeting adjourned at 8:11 p.m.

Ashley Scherer
Community Development Administrative Assistant

**Consideration of revisions and additions
to Chapter 10, Article III – Dangerous
Building Ordinance of the Unified
Development Code.**



CITY OF BELTON
CITY COUNCIL INFORMATION FORM

MEETING DATE: June 21, 2016
ASSIGNED STAFF: Jay C. Leipzig, AICP
DEPARTMENT: Community and Economic Development

<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Consent Item	<input type="checkbox"/> Change Order
<input type="checkbox"/> Agreement	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> FYI/Update	<input type="checkbox"/> Public Hearing

ISSUE

Since the hiring of the City Attorney, Community and Economic Development staff have been working on developing a more concise proactive Dangerous Building Ordinance as stipulated in Chapter 10, Article III – Dangerous Buildings of the Unified Development Code.

REQUESTED COUNCIL ACTION

Review and discuss the proposed code revisions to make the process more clear and define the roles of the Building Official, Building Commissioner and Building Commission.

BACKGROUND

One of the immediate deficiencies noted in an administrative audit by the City Attorney of City processes were changes needed in the enforcement and processing of dangerous buildings as noted in the Dangerous Building Ordinance, Article III of Chapter 10 in the Unified Development Code. The attached Ordinance was developed after reviewing similar provisions from other Cities as well as a review of current legal statutes. Primary cities that were reviewed and studied include Lees Summit, Liberty and Gladstone.

A key feature of the proposed Ordinance is a refinement of the pertinent definitions as well as establishing a Hearing process for owners of dangerous buildings before the Building and Fire Prevention Board of Appeals, defined as the Building Commission in the proposed Ordinance. This Board would act as an adjudicating body to make determinations and hear evidence concerning dangerous building and structures.

It is anticipated that the proposed Ordinance will provide greater efficiency as well as a clear, concise process for the mitigation of dangerous buildings and provide direction to staff and the Building and Fire Prevention Board of Appeals.

The proposed Ordinance was reviewed by this Board on May 19, 2016 as well as an overview of the proposed administrative process as stipulated by the Ordinance.

During the City Council Work Session on June 21, 2016, the Community and Economic Development Director and the City Attorney will provide a review of this document as well as an overview of the proposed administrative process.

STAFF RECOMMENDATION

None at this time.

ATTACHMENTS

Proposed Ordinance, Chapter 10, Article III of the Unified Development Code.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND APPROVING AN AMENDMENT TO CHAPTER 10 – BUILDINGS AND STRUCTURES, ARTICLE III – DANGEROUS BUILDINGS, SECTIONS 10-90 TO 10-112 OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF BELTON, MISSOURI.

WHEREAS, the current codes, including the standards of property owner notification and processing of a dangerous building or structure, are incomplete, do not provide for efficient and clear procedures for the building inspection department and do not name a qualified commission or body to serve as the hearing officers in the determination of a dangerous building; and

WHEREAS, the proposed amendment provides for 1) proper property owner notification, 2) clear timeframes for steps in the dangerous building declaration process, including abatement and 3) definition of the roles of the Building Official, Building Commissioner and Building Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI AS FOLLOWS:

SECTION 1. To amend the Article III heading to read as follows: Dangerous Buildings and Structures.

SECTION 2. To amend and replace Sections 10.90 to 10.112 with the following amendments in total:

10.90. Purpose and scope.

It is the purpose of this code to provide for just, equitable, and practicable methods for the determination, notification, repair, vacation, and/or demolition of buildings and structures that may endanger the life, limb, health, property, safety, and/or welfare, of either the occupants or the general public. This code shall apply to all dangerous buildings and structures, as herein defined, that exist now or that may exist in the future in the City of Belton, Missouri.

10.91. Definitions. The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) ***Building Commission*** means the Building Fire Prevention and Appeals Board
- (2) ***Interested parties*** means any all owner(s), occupant(s), lessee(s), mortgagee(s), agent(s), and all other persons having an interest in the building or structure at issue, as shown by the land records of the recorder of deeds office in the county where the property is located.
- (3) ***Building Official*** means the Building Inspectors, Code Enforcement Official, Community Development Director and any designee of the same.

10.92. Dangerous building and structure defined.

(1) Any and all buildings, structures, and/or portions thereof, which have **any or all of the conditions** listed in the following subsections, shall be deemed a "dangerous building or structure" for purposes of this code.

- (a) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (b) Those which show 33 percent or more, of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- (c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- (d) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the city.
- (e) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause or contribute to cause injury to the health, safety or general welfare of those occupying such building.
- (f) Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
- (g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of evacuation.
- (h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- (i) Those which because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this city.

(2) The above listed conditions are hereby deemed detrimental to the health, safety, and/or welfare of the city's residents, the existence of which constitutes a public nuisance.

10.93. Dangerous buildings and structures declared a public nuisance. All dangerous buildings and structures as defined by Section 10.92 of this Chapter are hereby declared to be a public nuisance and shall be vacated, repaired and/or demolished in accordance with the procedures specified in this code and under authority of state law RSMo 67.400 to 67.450.

10.94. Building Official duties, procedures and notices. The Building Official shall have the following duties under this article:

(1) Conduct inspections.

(a) When there are reasonable grounds to believe a building or structure is a dangerous building, the building official shall inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings and structures for the purpose of determining whether any conditions exist that render such places to be declared a dangerous building(s) or structure(s).

(b) When any complaint or report is filed with the City alleging that a building or structure exists in violation of this code and the Building Official believes such report or complaint provides reasonable grounds that such building or structure is dangerous.

(c) The building official shall prepare a written inspection report of findings and photographic evidence of any violations.

(2) Enter premises.

(a) When it is necessary to make an internal inspection or other inspection not visible from a public right-of-way to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a building or structure or upon a premises a condition that is contrary to or in violation of this code that makes the building, structure or premises unsafe, dangerous, or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building, structure or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure or premises and request entry.

(b) If entry is refused, the Building Official shall report to the Building Commissioner and may seek an administrative search warrant as provided for in this Code.

(3) Interpret code. The Building Official is hereby authorized to enforce the provisions of this code. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.

(4) Grant extension of time to perform work. Upon receipt of an application from, the person required to conform to any order and by agreement of such person to comply with such order if allowed additional time, the Building Official may grant an extension of time, not to exceed a total of an additional 120 days, within which to complete said repair, rehabilitation, or demolition, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official's authority to extend time is limited to the physical repair, rehabilitation, or demolition of the premises and will not in any way affect the time to appeal any order.

(5) Appear and testify at hearings. The Building Official shall appear at all hearings conducted by the Building Commission and testify as to the condition(s) and area(s) of noncompliance of the building or structure in question.

(6) Declare dangerous/nuisance; issue orders and notifications.

(a) Once the Building Official has determined that the building or structure is dangerous under the terms of this Code, he/she shall cause notice of such declaration to be served upon all interested parties in accordance with this section. All interested parties shall be made parties to any action pursuant to this Code.

(b) The declaration of nuisance and order shall contain:

(i) The street address (or other description sufficient for the accurate identification) of the premises upon which the building or structure is located;

(ii) A statement that an inspection revealed that the building or structure is a dangerous, with a concise description of the conditions found to render this conclusion;

(iii) A statement of the remedial action(s) required to be taken as determined by the Building Official including vacating, repairing and/or demolishing the building or structure and cleaning up the lot or property on which the building or structure is located in accordance with the terms of the notice and this Chapter; and

(iv) A statement that such remedial action(s) shall commence within a reasonable time which shall not exceed 30 days from the date of such notice and proceed continuously without unnecessary delay.

(c) Service of the notification with the declaration of nuisance and order shall be sent via both first class U.S. mail (postage prepaid) and certified mail (postage prepaid) return receipt requested to the interested parties. Notice sent via the U.S. Postal Service shall be effective as the date received. If the Building Official learns that neither the regular mailed notice nor the certified mailed notice was received by the recipient (for any reason other than refusal), the Building Official may attempt to have such party personally served with such notice.

If any one of the interested parties does not receive such notice, for whatever reason, such fact shall not invalidate any proceedings hereunder as to any other person duly served nor relieve any such person from any duty or obligation imposed by the provisions of this code. Mail returned by the U.S. Postal Service marked "refused" shall constitute proof of service.

If service cannot be had by either personal service or by certified mail, then service may be had by publication in a newspaper qualified to publish legal notices, for two successive weeks.

(7) Post building/structure. Once the building official has determined that a building or structure constitutes a dangerous building for purpose of this code and the building or structure is occupied or believed to be occupied, he/she shall post a notice to vacate the building or structure, which shall state:

DANGEROUS BUILDING/STRUCTURE

DO NOT ENTER, UNSAFE TO OCCUPY

It is a violation to occupy this building,
or to remove or deface this notice.

Community Development Department
City of Belton, Missouri

BY ORDER OF THE CITY BUILDING INSPECTOR

NAME: _____

PHONE NUMBER: _____

DATE: _____

No person shall remain in or enter any building or structure that has been posted pursuant to this section, except that entry may be made to repair, demolish, or remove such building under a properly issued access permit and/or building permit. No person shall remove or deface any such notice after it has been posted until the required repairs, demolition, or removal have been completed and all provisions of the declaration of nuisance and order have been duly met.

(8) Prepare notice to Building Commission. The Building Official shall report to the Building Commission if there is noncompliance with any order of repair or demolition pursuant to this code.

(9) Record demolition. If a building is repaired or demolished by the property owner or city under an order of repair or demolition, the Building Official shall report changes through the monthly report with the County Assessor notifying that the building has been repaired or demolished.

10.95. Procurement of building permit. The act of procuring a building permit alone without some actions to abate the dangerous conditions and public nuisance following receipt of the notice will not extend the thirty (30) days to repair or demolish the building or structure subject to this dangerous building notification and order by the Building Official.

10.96. Building Commissioner duties. The Director of Community Development shall act as the Building Commissioner under this Article. The Building Commissioner shall supervise all inspections required by this Code.

10.97. Building Commission duties; procedures and notices.

(1) **Building Commission notified of noncompliance and evidentiary hearing set.** If no interested party complies with the declaration of nuisance and order within the time specified therein, or upon failure of any such party to proceed continuously with such work without unnecessary delay, the Building Commissioner and Commission shall be notified and set a full and adequate hearing on the matter, joining all interested parties. Such hearing shall be recorded in accordance with RSMo 536.130, and shall be considered a contested case for purposes of judicial review.

(2) **Written notification to owners and interested parties.** The property owner(s) and interested party(ies) shall be notified in person or by certified and regular U.S. mail of such hearing date at least twenty-one (21) days in advance of such hearing directing the interested parties to appear before the Building Commission on the date specified in such notice to show cause why the building or structure reported to be a dangerous should not be ordered to be repaired, vacated, and/or demolished in accordance with the statement of particulars set forth in the declaration of nuisance and order.

(3) **Representation by Counsel.** Any party may be represented by counsel and all parties shall have an opportunity to be heard. The City Attorney for Belton shall present evidence of the alleged violations before the Building Commission.

(4) **Minutes and records at evidentiary hearing.** The Building Commission shall keep minutes of its proceedings, showing the vote of such member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk, and shall be a public record.

(5) **Recordation of testimony.** All testimony, objections thereto and rulings thereon shall be taken down by a Court Reporter employed or contracted by the Building Commission for that purpose.

(6) **Findings of Fact and Conclusions at Law.** After the hearing, if the evidence supports a finding that the building or structure is a dangerous building, the Building Commission shall issue an order of abatement along with specific findings of fact and conclusions of law, based upon competent and substantial evidence, that shows the building or structure to be a dangerous building and ordering the building or structure to be vacated, demolished and removed, or vacated and repaired. If the evidence does not support a finding that the building or structure is a dangerous building, no order shall be issued.

(7) **Order of abatement.** The written order of abatement from the Building Commission shall be delivered, in person or by certified mail and regular U.S. mail, to each party of the hearing, or the attorney of record. The order shall state a reasonable time, to be no less than thirty (30) days from the date of issuance, within which to comply with the order, and shall further provide that if the work is not substantially completed within the time stated in the order, the city may bring the non-compliant owner back before the Building Commission or hire a contractor to perform the work necessary to demolish or repair and clean up the property to bring the building or structure into compliance with the order of abatement, with

costs levied to the property owner and by a lien placed upon the property. The order may also prescribe fines and/or imprisonment for the breach of the dangerous building order of abatement.

(8) **Cost of City abatement levied against property and owner.** If the city performs or contracts for abatement pursuant to Subsection_____, the cost of such abatement and other associated costs shall be certified to the City Clerk, who shall cause a special tax bill or special assessment against the property owner(s) and property. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

10.98. Appeals. Any person aggrieved by an action of the Building Commission may appeal such decision to the Cass County Circuit Court as provided in RSMo Chapter 536.

10.99. Emergencies. In any case where it reasonably appears that there is an immediate danger to the health, safety, or welfare of any person, the Building Official may take emergency measures to vacate and repair or demolish a dangerous building or structure. Notification to the owner and any interested parties will be attempted by and in a manner commensurate with the level of emergency determined by the Building Official. A hearing will be conducted if there is time to hold such a hearing commensurate with the level of emergency determined by the Building Official. If the city performs or contracts for abatement pursuant to Subsection_____, the cost of such abatement and other associated costs shall be certified to the City Clerk, who shall cause a special tax bill or special assessment against the property owner(s) and property. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

10.100. Violations and penalties.

(1) It shall be a violation of this code for:

- (a) Any property owner to fail to comply with any order of either the Building Official or the Building Commission.
- (b) Any person to occupy any building that has been posted as a dangerous building pursuant to this Code.
- (c) Any person to remove or deface any dangerous building notice that has been posted on such building until the repairs, demolition, or removal ordered have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.
- (d) Any person to obstruct, impede, or interfere with any officer, employee, contractor, or authorized representative of the City or with any person who owns or holds any estate or interest in any building that has been ordered repaired, vacated, or demolished under the provisions of this Code, when such repair, vacation or demolition is authorized and being conducted on any such building, pursuant to the provisions of

this Code, or in performing any necessary act preliminary to or incidental to such work authorized or directed pursuant to this Code.

- (2) The City shall have the right to collect fines and penalties for any violation of this Code and to punish the violation thereof by a fine or imprisonment, or by both fine and imprisonment. Such fine may not exceed \$1,000.00; unless the owner of the property is not also a resident of the property, then such fine may not exceed \$2,000.00.

10.101. Insurance proceeds from damage or loss to buildings or structures. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, and if the covered claim payment is in excess of fifty (50) percent of the face value of the policy covering a building or other structure, then the following procedure shall apply:

- (1) The insurer shall withhold from the covered claim payment twenty-five (25) percent of the covered claim payment, and shall pay that amount to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this section. If a special tax bill or assessment is issued by the City for the expenses of demolition of such building as a dangerous building, the moneys held by the City shall be applied toward payment of special tax bill or assessment. If there is any excess, it shall be paid by the City to the insured or as the terms of the policy, including any endorsements thereto, provide.
- (2) The City shall release the proceeds and any interest which has accrued on such proceeds received under subsection (1) of this section to the insured or as the terms of the policy and endorsements thereto provide when substantial progress is determined to be made by the Community Development Director or his or her designee, after receipt of such insurance moneys, unless the City has instituted legal proceedings under the provisions of section 10-95. If the City has proceeded under the provisions of section 10-95, all moneys in excess of that necessary to comply with the provisions of section 10-104 for the removal of the building or structure, less salvage value, shall be paid to the insured.
- (3) The City may certify that, in lieu of payment of all or part of the covered claim payment under this section, it has obtained satisfactory proof that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the City shall issue a certificate within 30 days after receipt of proof to permit covered claim payment to the insured without deduction. It shall be the obligation of the insured or other person making claim to provide the insurance company with the written certificate provided for this subsection.
- (4) No provision of this section shall be construed to make the City a party to any insurance contract.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage and approval.

SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

READ FOR THE FIRST TIME:

READ FOR THE SECOND TIME AND PASSED:

Mayor Jeff Davis

Approved this _____ day of _____, 2016.

Mayor Jeff Davis

ATTEST:

Patricia Ledford, City Clerk
City of Belton, Missouri

STATE OF MISSOURI)
CITY OF BELTON) SS
COUNTY OF CASS)

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the _____ day of _____, 2016, and thereafter adopted as Ordinance No. 2016-_____ of the City of Belton, Missouri, at a regular meeting of the City Council held on the _____ day of _____, 2016, after the second reading thereof by the following vote, to-wit:

AYES: COUNCILMEN:

NAYES: COUNCILMEN:

ABSENT: COUNCILMEN:

Patricia A. Ledford, City Clerk
of the City of Belton, Missouri

**TA16-11 / Consideration of a Text
Amendment, regarding the Keeping of Poultry.**



**PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, JULY 18, 2016 – 6:00 P.M.**

Robert G. Cooper, City Planner

ITEM #TA16-11

Text Amendment to Section 6-4(g) of the Unified Development Code, regarding, the keeping of chickens.

.....

BACKGROUND

Over the last several months, city staff has received many comments, concerns and general questions from the public concerning the city's regulations regarding the raising and harboring of chickens in residential zoning districts. City staff has been meeting monthly with the Code Enforcement Advisory Committee, which has discussed, at length, the city's existing regulations and its effectiveness and a thorough review of other cities ordinances which regulate the keeping of chickens.

During the Planning Commission's June 6th, public hearing, brought to light, the many perceived benefits and detriments of raising chickens such as: raising chickens promote a healthy lifestyle; chickens help reduce the insect population by eating bugs, etc; dogs are more noisy than chickens; chicken coops produce odors and smell bad; the appearance of chicken coops are unsightly; they reduce property values; and chickens are noisy.

The public hearing was closed, however, the discussion was continued to the July 18th meeting, to allow staff additional time to re-evaluate the proposed code language, research other municipal codes, and rewrite the poultry ordinance in an effort to establish a balanced set of standards.

PROPOSED LANGUAGE / SECTION 6-4(g) –Keeping of Chickens.

ARTICLE 1 – CHICKENS

DEFINITION: CHICKEN- "A domesticated fowl raised for meat or eggs."

Section 1.01 – Keeping of Chickens

Chickens are permitted only in Residential and Agricultural zoning districts and only under the following conditions:

- (a) No more than four (4) chickens allowed per lot;*
- (b) Lot size shall be no less than 8,400-square feet.*
- (c) On lots one-acre or greater, may have up to eight (8) chickens.*
- (d) Only Hens are allowed. Roosters are prohibited;*
- (e) Chickens shall be maintained and kept in the rear yard only;*
- (f) Chickens shall not be allowed to roam free;*
- (g) All chickens shall be housed in a coop between dusk and dawn.*

Section 1.02 – Enclosures.

- (a) Henhouses and chicken coops shall be kept in a clean, dry, odor free and sanitary condition at all times;*
- (b) Henhouses and chicken coops shall be designed to provide a safe and healthy living conditions for the chickens, while minimizing adverse impacts to other neighboring residents;*
 - (1) A henhouse or chicken coop shall be enclosed on all sides and shall have a roof and doors. Access doors must be shut and locked at night. Windows and vents must be covered with predator-bird proof wire of less than 1-inch openings.*
- (c) Henhouses or chicken coops shall be setback no less than five feet (5') from a property line;*
- (d) There shall be a distance of no less than ten-feet (10') between the house and the chicken coop;*
- (e) A six-foot wood privacy fence shall be installed along the rear and side property lines;*
- (f) A row of evergreen shrubs or similar plantings shall be planted between the coop and the wood fence to provide additional buffer from sound;*

(g) Henhouses, chicken coops and other accessory structures shall meet the requirements as outlined in Chapter(s) 1.5 and 4.1 of the Belton Unified Development Code.

These regulations are proposed to allow citizens the opportunity to own and maintain chickens, in a manner which preserves property values and prevents unhealthy conditions and an unsightly appearance upon the community.

PLANNING COMMISSION ACTION

1. Motion to recommend **Approval**, to amend Section 6-4(g) of the Unified Development Code, Keeping of Chickens.
2. Motion to recommend **Denial**, to amend Section 6-4(g) of the Unified Development Code, Keeping of Chickens.
3. Motion to **Continue** the case pending additional information.
4. Motion to recommend a **Revision** of the Ordinance.

Future Land Use Map Update



**PLANNING COMMISSION - REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET**

**FUTURE LAND USE MAP DISCUSSION
JULY 18, 2016 – 6:00 P.M.**

STAFF: Robert G. Cooper, City Planner

BACKGROUND

A collaborating effort has been taken with planning commission staff and other stakeholders, (a.k.a. the Committee), by meeting monthly and discussing and updating the city's future land use map. The City's current F.L.U.M. is on schedule to be updated by the end of this year, a result of the map being updated every five (5) years, to take into account changes in the economy, market and development trends.

During the Planning Commission's April 18th meeting, staff updated the Commission on the progress of the future land use map, and identified eight critical or focus areas.

REVIEW

This updated presentation will help define the focus areas and provide more detail in the specific use for that particular area and abutting environments.

AREA 1: Cunningham Industrial Parkway, between 58-Highway to Peculiar Drive. This focus area has been extended to include Mullen Road and East 173rd Street.

- Medical/Office – North side of Cunningham from VA Clinic to Outer Rd.
- Completion of E. 173rd Street – Suitable for M-1 type user.
- East side of Mullen Rd. from 173rd to 58-Hwy- Suitable for Flex-Commercial use.

AREA 2: Larkspur (Powell Avenue). Bank of America and Cedar Tree Shopping Center.

- Redevelopment of Cedar Tree
- New development of Freddy's restaurant
- Street overlay improvements
- Traffic control / congestion – extend Powell to Larkspur.

AREA 3: North Scott Avenue, between 155th Street and East North Avenue.

- Implementing the North Scott Corridor Plan.
- Flex-Industrial District: new Design Standards, Bulk Regulations and Landscaping.

AREA 4: Southview (former golf course area).

- Improved interchange at 155th Street.
- Implement Flex or PUD development to allow mixed-uses.
- Improve access points: 163rd and 155th
- Include 9.0-acres of Century Concrete, Inc.

AREA 5: Area east of Lock Lloyd, just north of 58-Highway and east of Holmes Road.

- Utilizing Holmes Road improvements
- Oil/Gas wells –potential hindrance.
- Level Of Service (LOS) – PW, PD, FD, Schools
- Sanitary sewer is lacking
- Single-Family Attached / PUD development (New Urbanism Design)

AREA 6: North Cass Interchange, between the Outer Road / Interstate 49 and Mullen Road.

- Commercial/Retail Zoning District –Priority Area
- Planned Lake Community –Large Lot Residential
- Public Utilities
- Master Transportation Plan
- Capital Improvements

AREA 7: East North Avenue, between the three-way intersection and Y-Highway.

- Re-evaluate existing zoning classification
- Implement North Scott Design Guidelines
- Identify predominate land use

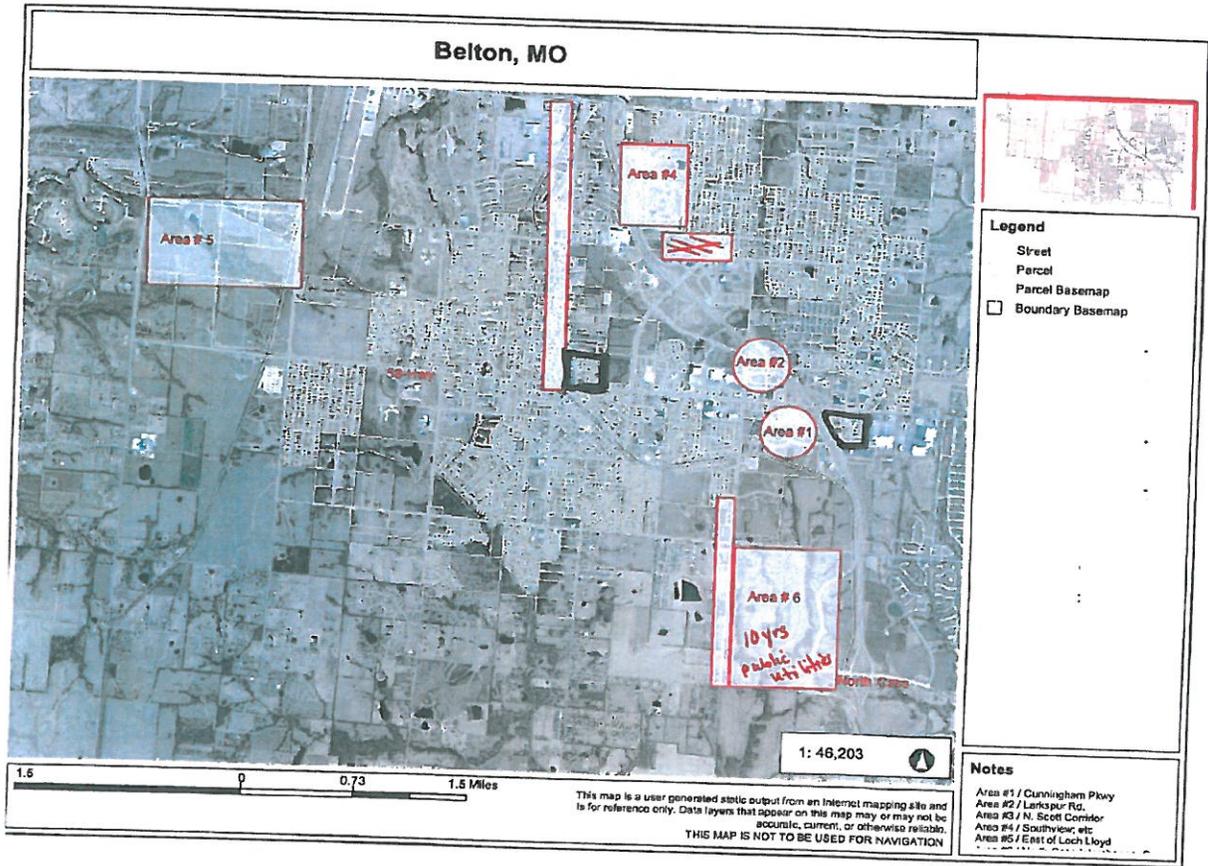
AREA 8: Bel-Ray Place, including the east Outer Road from Transwest to Burger King.

- Traffic congestion and additional access options
- Platting

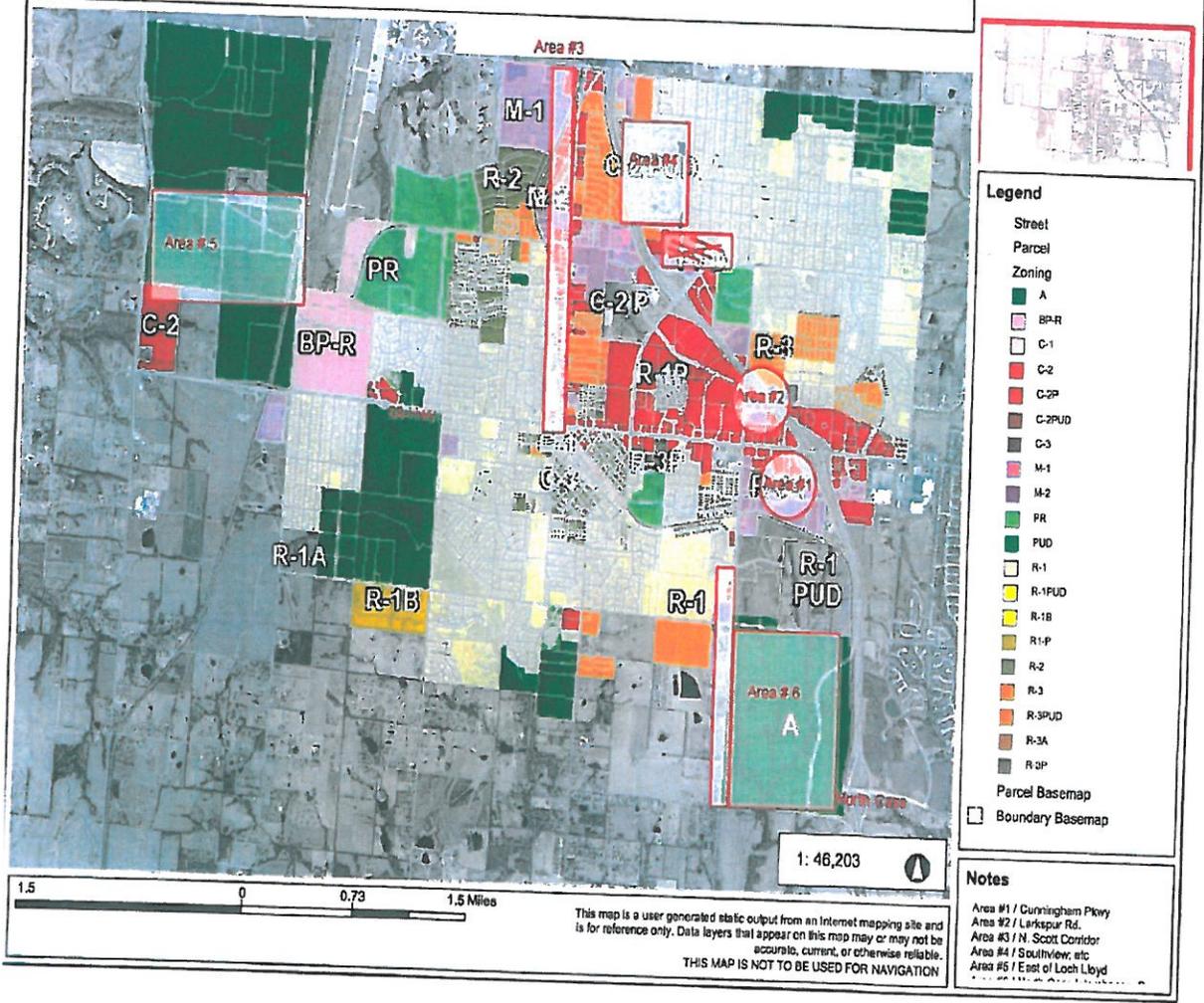
The criteria used to identify a specific area's needs:

- Zoning- What is the current zoning? What type of land uses (businesses) are currently in place? What type of market or demographic pressure is dictating a needed change?
- Platting- Some developed area's in the city were never platted or recorded with the Cass County Recorder's Office. Platting is an important land management tool which helps to identify proper and accurate boundary lines, rights-of-way, and easements. In addition, platting helps to ensure a particular piece of land is being developed properly and not creating a "land-locked" piece of ground which can, in most cases, become an undevelopable, nuisance ridden parcel.

- Storm-water Detention / Stream Buffer Areas – Federal and State regulatory guidelines are becoming more stringent thus causing the city to implement these regulations on developable land that are within a designated flood-zone or stream. The City is in the process of identifying these water-ways and applying mitigation plans, in an effort to control storm-water run-off and preservation of the natural water-ways, as they become part of the built environment.
- Public Utilities – There are some land areas of the city that have become marketable. Regional market trends, in addition to local economic growth and demographic changes, have altered potential ‘growth areas’ of the city. Inadequate or undersized domestic water and sanitary sewer systems will hinder or possibly prevent the area from developing. Identifying the current capacity of these public services with the potential zoning and land uses will dictate what kind of development can take place.
- Traffic Patterns / Congestion – As new commercial and residential developments happen, new traffic patterns and congestion areas appear. A heavy concentration of commercial or residential subdivisions creates a heavy traffic density. An inadequate or undersized street system will stymie the potential development of a particular area.
- Vacant Land Areas – When a developable tract of land sits vacant for a number of years, there must be a reason. Identifying and understanding these local and outside influences can help the city utilize existing land areas to become useful, beneficial, and marketable.



Belton, MO



- Legend**
- Street
 - Parcel
 - Zoning
 - A
 - BP-R
 - C-1
 - C-2
 - C-2P
 - C-2PUD
 - C-3
 - M-1
 - M-2
 - PR
 - FUD
 - R-1
 - R-1FUD
 - R-1B
 - R-1P
 - R-2
 - R-3
 - R-3PUD
 - R-3A
 - R-3P
 - Parcel Basemap
 - Boundary Basemap

Notes

- Area #1 / Cunningham Pkwy
- Area #2 / Leiskspur Rd.
- Area #3 / N. Scott Corridor
- Area #4 / Southview, etc
- Area #5 / East of Loch Lloyd

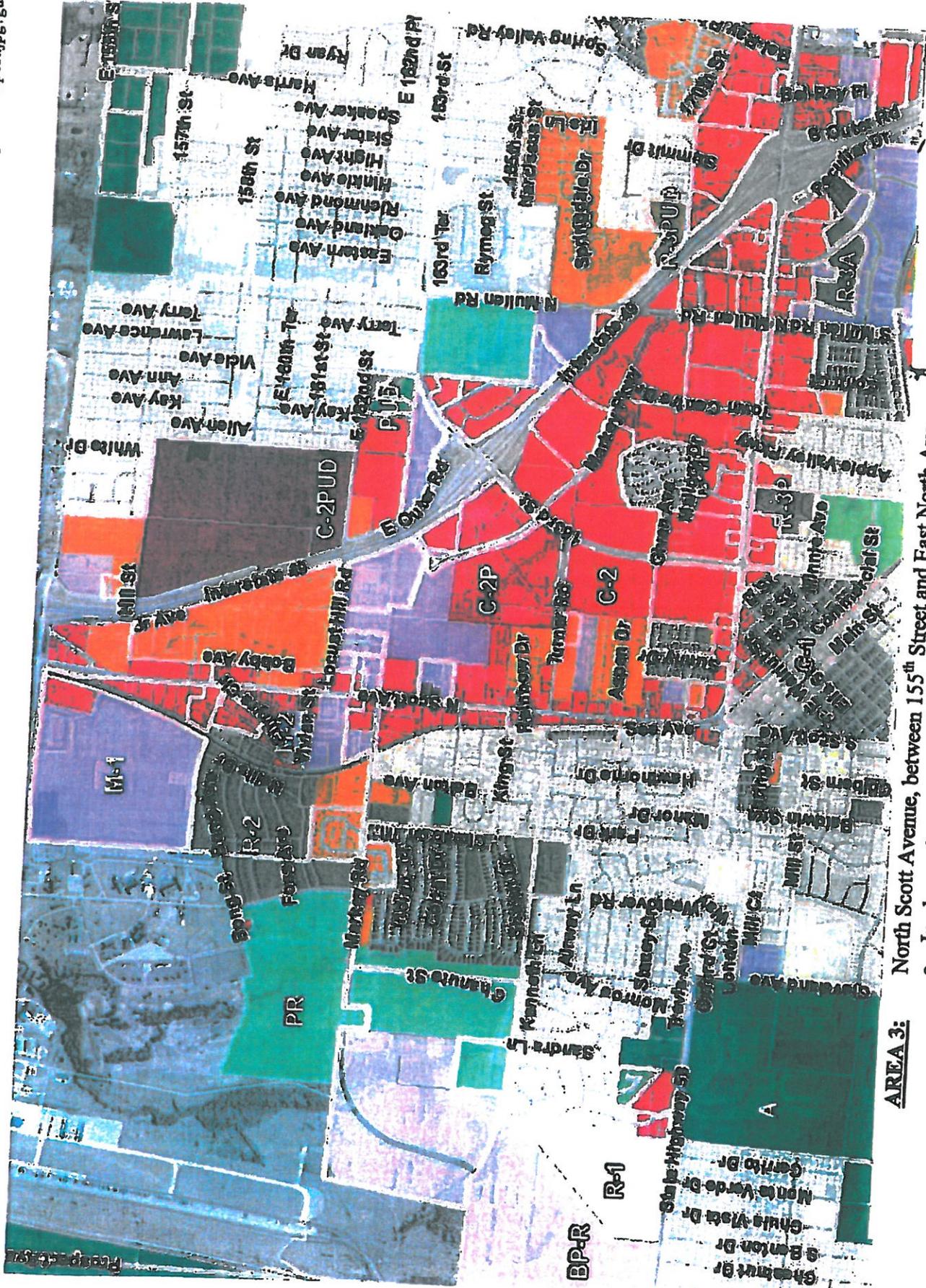
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 THIS MAP IS NOT TO BE USED FOR NAVIGATION



AREA 2:

Larkspur (Powell Avenue). Bank of America and Cedar Tree Shopping Center.

- Redevelopment of Cedar Tree
- New development of Freddy's restaurant
- Street overlay improvements
- Traffic control / congestion

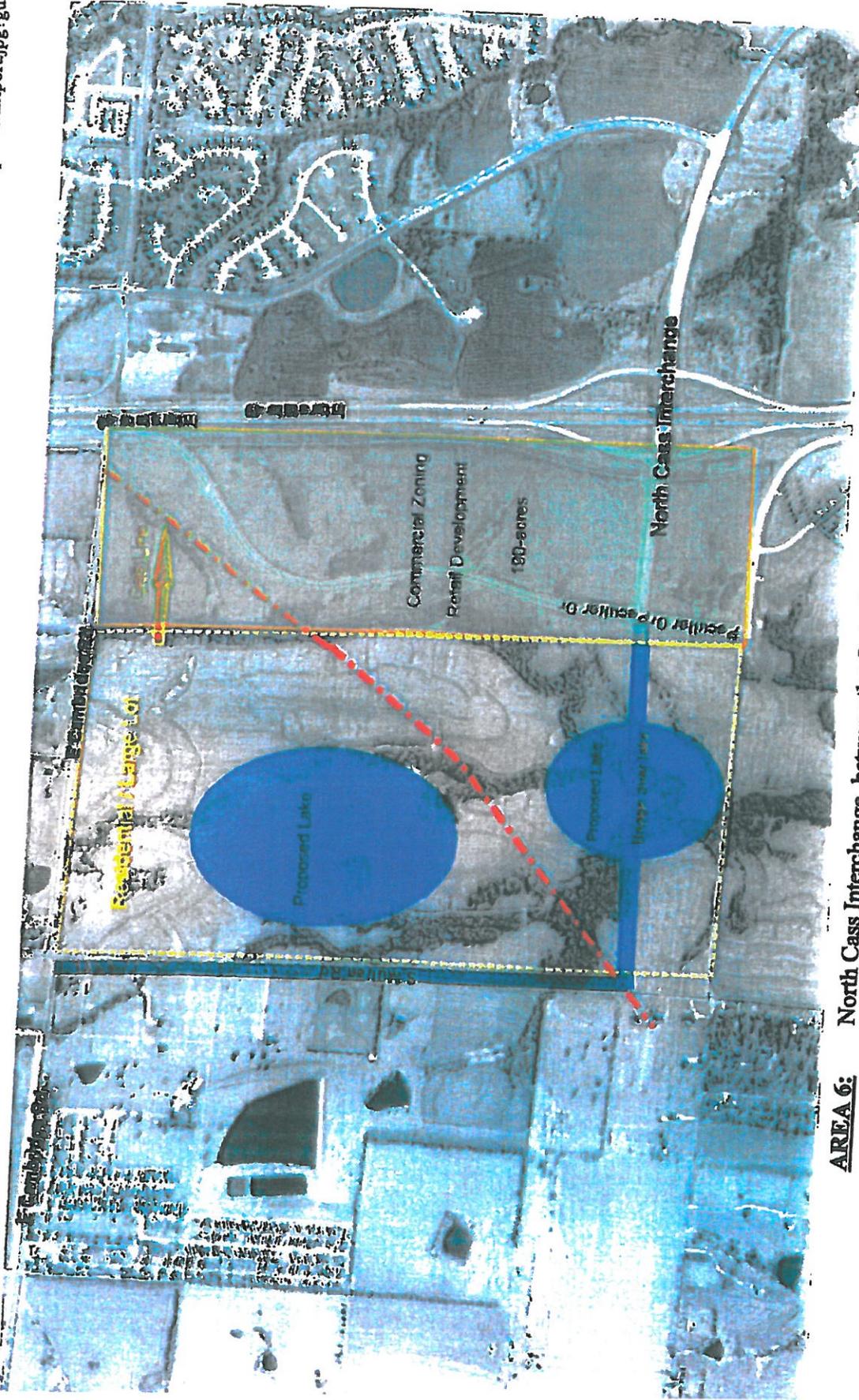


AREA 3: North Scott Avenue, between 155th Street and East North Avenue.

- Implementing the Corridor Plan
- Flex-Zoning District

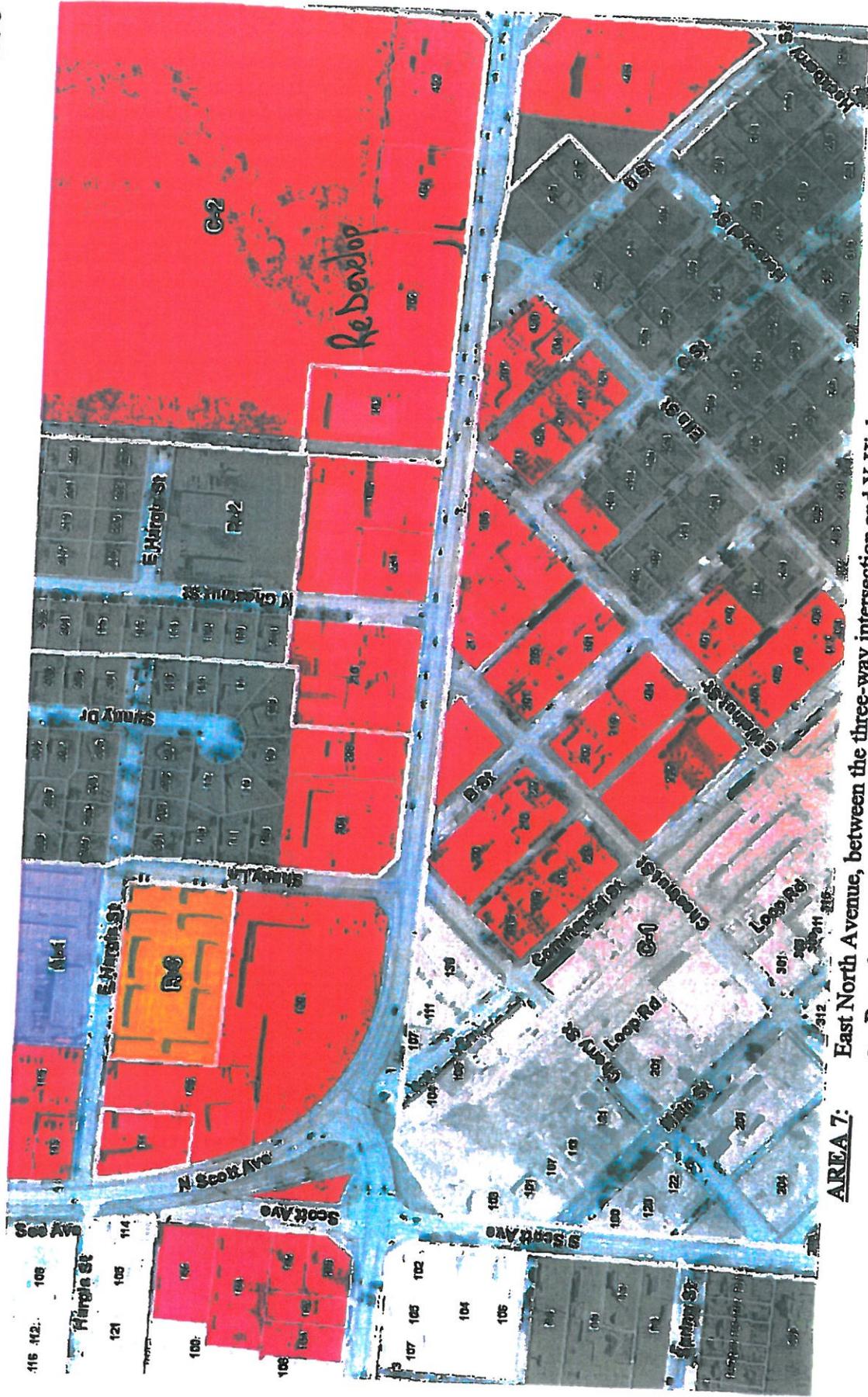


- AREA 4:**
- Southview (former golf course area).
 - I-49 Corridor Plan
 - Implement Flex or PUD Zoning



AREA 6:

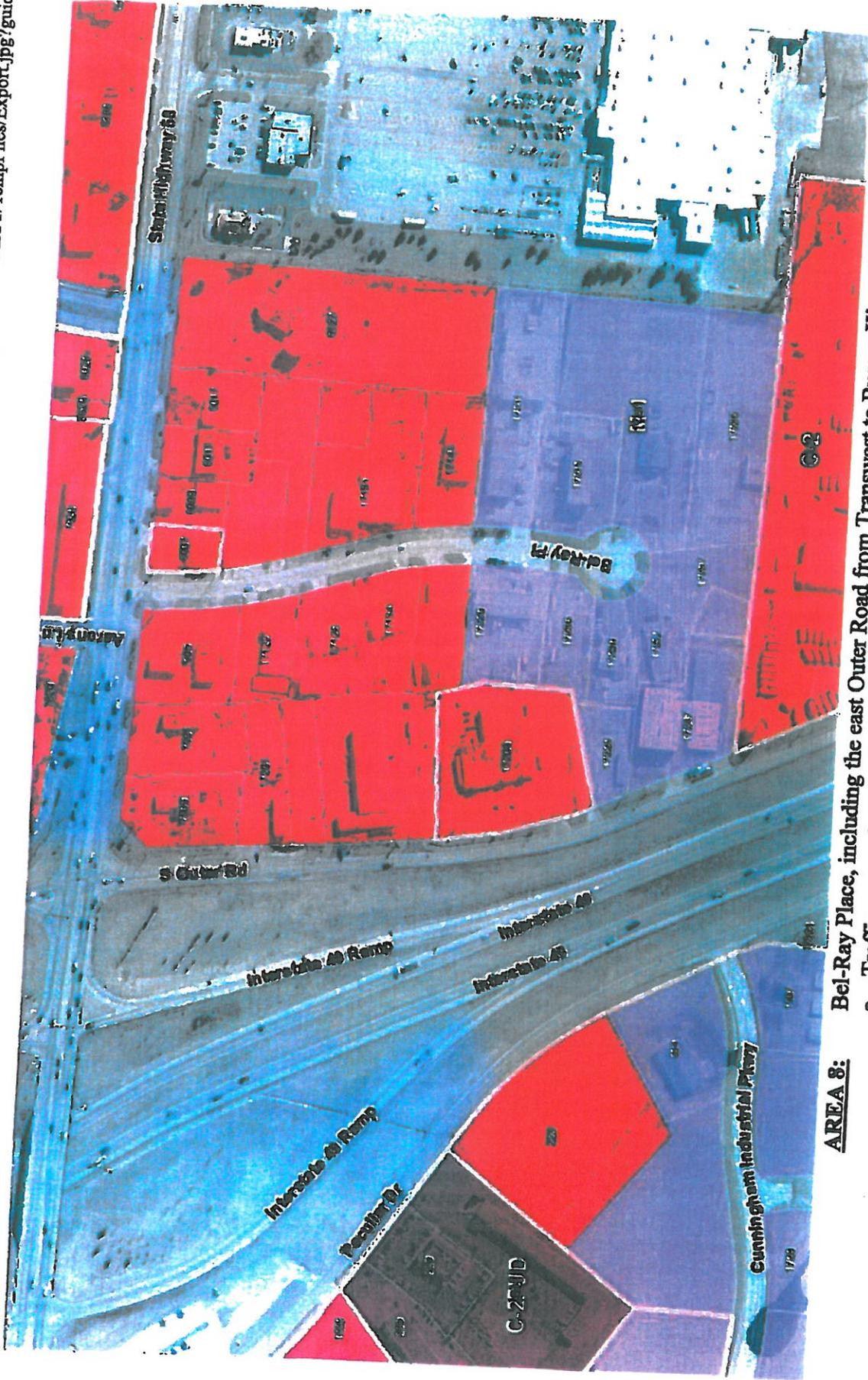
- North Cass Interchange, between the Outer Road / Interstate 49 and Mullen Road.
- Commercial/Retail Zoning District – Priority Area
- Public Utilities
- Master Transportation Plan
- Capital Improvements



AREA 7:

East North Avenue, between the three-way intersection and Y-Highway.

- Reevaluate existing zoning classification
- Implement North Scott Design Guidelines
- Identify predominate land use



AREA 8:

- Bel-Ray Place, including the east Outer Road from Transwest to Burger King.
- Traffic congestion
- Platting