



**AGENDA  
CITY OF BELTON  
PLANNING COMMISSION  
MEETING & PUBLIC HEARINGS  
MONDAY, MAY 18, 2009 - 7:00 P.M.  
BELTON CITY HALL ANNEX, 520 MAIN STREET**

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**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF THE MINUTES OF THE MAY 4, 2009 PLANNING COMMISSION MEETING**

**IV. CASES WITHOUT PUBLIC HEARINGS**

- A. CASE #RP09-12: CONSIDERATION OF AN AMENDMENT TO THE FINAL PLAT OF FAIRWAY RIDGE ESTATES SUBDIVISION.**

**V. CASES WITH PUBLIC HEARINGS**

- A. CASE #SUP09: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A SHAVED-ICE STAND TO BE OPERATED ON PROPERTY LOCATED AT THE CORNER OF CHESTNUT STREET AND NORTH AVENUE.**
- B. CASE #TA09-08: CONSIDERATION OF A PROPOSED TEXT AMENDMENT TO REQUIRE A SPECIAL USE PERMIT FOR NEW AND USED CAR LOTS IN C-2 (GENERAL COMMERCIAL) ZONING DISTRICTS.**
- C. CASE #TA09-09: CONSIDERATION OF A PROPOSED TEXT AMENDMENT PROHIBITING ELECTRIFIED FENCES IN RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS.**
- D. CASE #TA09-04: CONSIDERATION OF A TEXT AMENDMENT REQUIRING REGISTRATION OF PROPERTIES IN FORECLOSURE.**
- E. DISCUSSION OF A DRAFT OF THE CITY OF BELTON UNIFIED DEVELOPMENT ORDINANCE (UDO).**

**VI. DIRECTOR'S REPORT**

**VII. NEXT MEETING:** June 1, 2009

**VIII. ADJOURNMENT**

# MEETING MINUTES

MAY 4, 2009

Minutes of Meeting  
Belton Planning Commission  
City Hall Annex – 520 Main Street  
May 4, 2009

CALL TO ORDER: Chairman Paul Myers called the meeting to order at 7 p.m.

ATTENDANCE:

Commission: Chairman Myers, Mayor Pro Tem Gary Lathrop, Commissioners Sally Davila, Holly Girgin, Scott VonBehren, Roger Horne, and Larry Thompson.  
Staff: Jay Leipzig, Director of Community Planning and Development; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.  
Absent: Councilman Davidson and Commissioner Tim McDonough

MINUTES:

Commissioner Horne moved to approve the minutes of the April 20, 2009, Planning Commission meeting. Commissioner Thompson seconded the motion. All voted in favor and the motion carried.

CASES:

*Belton Glass:* Copies of a letter sent to Mr. Jeff Shaw, owner of Belton Glass, were distributed to Commission members (letter attached). Referring to the letter, Mr. Leipzig pointed out items still to be completed and the deadlines for completion, to comply with the special use permit (SUP) requirements for the building at 309 Main Street. Two issues relating to the letter were clarified by Mr. Leipzig and those were the awnings are to be installed over the garage and walk-in access doors, and the telephone cable wire will be enclosed in conduit or similar material. It was stated the City building inspectors will assist Mr. Shaw with obtaining authorization from AT&T to access the telephone box to complete the cable wire enclosure requirement. The Commission members approved the letter that was sent to Mr. Shaw regarding the SUP for 309 Main.

A. Case #TA09-04: Discussion of a proposed amendment to the zoning ordinance regarding registration of properties in foreclosure. Mr. Leipzig reported three text amendments will be discussed during the meeting after which the Commission will begin working on the Unified Development Ordinance (UDO).

*Staff Report:* Mr. Cooper reported the proposed text amendment, if adopted, will require the lender to provide contact information to City staff on any property in foreclosure. He gave a list of maintenance issues that often become the City's responsibility when a responsible party cannot be located to handle those issues. Mr. Cooper reviewed each item with Commission members regarding the proposed amendment for the registration of properties in foreclosure.

Requiring foreclosed properties to be registered with the City will allow a database of contacts to be created.

*Commission Discussion:* In the "Registration," section, Item G, it is written that an out of area beneficiary is required to contract with a local property management company. It was suggested by Commissioner VonBehren that it should be specified in Item G, the cost of contracting with a property management company is to be the responsibility of the beneficiary, not the City.

In "Registration," Item A, a 10-day time limit is proposed as the length of time allowed to register the property with the City if it is found vacant. The practicality of this length of time was debated and examples were given of the lengthy legal foreclosure process.

Speculation on the method that will be used to notify lenders about the foreclosure registration ordinance and the amount of time it will take to advise them was brought up by Mr. Cooper. He stated the eventual goal will be for lenders to become familiar with the registration ordinance and automatically notify the City when a property goes into foreclosure. Mr. Leipzig added that a number of cities that have adopted a foreclosure registration ordinance have notified lenders of the requirements by letter. Mayor Pro Tem Lathrop again cautioned that the court foreclosure process is a prolonged procedure and he expressed doubts that 10 days is sufficient for lenders/landlords to advise the City of the vacancy.

A question was introduced asking how the City tracks the lender/owner if the original lender sells the loan to another lending institution. Mr. Leipzig suggested that some of the owner information would appear on the series of titles. If the City is to incur costs relating to the maintenance of a number of the vacant homes, the registration will give the City an avenue to recover some of the costs by tracking the beneficiary according to Commissioner Girgin. She went on to say that it is to be expected there will initially be a trial and error period with the registration. It was explained by Mr. Leipzig that the foreclosure ordinances passed by other cities are extremely similar and the use of a 10-day notification timeframe was the most stringent requirement that could be utilized and still be in compliance with state statutes.

Mayor Pro Tem Lathrop recommended the City contract with the County Recorder's Office to send notification to the City when a property is vacant or when there has been a change of ownership. Mr. Leipzig explained the benefit of working with lenders and the County for foreclosure notification.

The "Violation" section of the proposed ordinance was the next topic of discussion. The proposal is for \$500 per violation and Mayor Pro Tem Lathrop pointed out fines for violations are often worded "up to" a certain amount which gives the judge flexibility when assessing fines (e.g. up to \$500). It was suggested that a maximum fine could be established which would allow the judge to assess an appropriate fine based on the violation, especially for those that cannot meet the 10-day requirement due to the lengthy foreclosure process. Mr. Cooper reported the use of \$500 as a violation fine is standard language that other cities are using. There was discussion about instituting a minimum fine in conjunction with a maximum fine amount. Commissioner Davila was in favor of retaining the fine of \$500 per violation as written in the proposed ordinance, and she remarked that if the \$500 fine amount is working for other cities, it could work for Belton. Mayor Pro Tem Lathrop pointed out there are a lot of variables / situations that could occur where it would be beneficial to the judge to have flexibility in assessing fines.

Commissioner Girgin suggested that if there are consistent problems relating to the fines adopted in this proposed ordinance, it could be modified at a later date. Chairman Myers recommended the proposed fine be left at \$500 and he asked if the Commission is in agreement. Hearing no objections, he moved on to the next case.

B. Case # TA09-08: Discussion of a proposed text amendment to allow car lots as a special use in a C-2 (General Commercial) zoning district.

*Staff Report:* Mr. Cooper presented the staff report and explained the proposed ordinance would require a SUP for all new and used car sales lots in the C-2 districts. A clear definition of automobile sales lots is needed to improve the review and approval process according to Mr. Cooper. A benefit to using the SUP process for new and used car lots will allow the Commission the opportunity to evaluate each proposed location and to use the guidelines set forth in the zoning ordinance and the municipal code. The proposed definition for "Automobile Sales Yard" was: "Premises on which new or used passenger automobiles, trailer, mobile homes, or trucks in operating condition are displayed in the open for sale or trade."

*Commission Discussion:* Commissioner Girgin initiated a discussion of additional vehicle terms that could be included in the definition of Automobile Sales Yard. The terms RVs and motorcycles were identified as vehicles that should be included in the definition. Mr. Leipzig gave details about the benefits of using a SUP process when approving car sales lots and he named several metro cities that require car lots to go through the SUP process. Once the sales lots are approved through the process, there will be an annual review according to Mr. Leipzig. It was reported the "Automobile Sales Yard" definition was developed by the American Planning Association. Mr. Cooper gave a list of some of the car lot approval criterion that will be required including lighting, signage, paved surface, striped parking areas, and a building.

It was reiterated that RVs and motorcycles should be included in the definition of "Automobile Sales Yard." In addition, it was suggested that ATVs be incorporated into the definition. Commissioner Horne recommended changing the definition title to "Automobile Sales Lot."

The topic of two businesses operating on one lot was a discussion item. Mr. Cooper gave an example of the process a business goes through to obtain an occupation license in the City, and he explained the difficulty of denying the second business, when the use is allowed in the zoning district.

Commissioner Thompson identified an oil change business in the City that has approximately three cars for sale at all times. The cars are not parked on a paved surface and there are no used car lot signs, plus the cars have writing on the windshields. Mr. Cooper reported that staff can check on the primary use of the business and if it is an auto repair shop and not a car sales lot, code enforcement could intervene because it does not meet the current codes. Commissioner Thompson said hopefully this text amendment will eliminate the lots that are operating as a sideline business and the locations where the owners are operating nonconforming car lots. It was reported that the person selling the cars from the oil change business has a dealer's license. In addition, Commissioner Thompson informed Commissioners there were recently six cars for sale in a car parts business parking lot.

There was discussion about federal requirements of information that must be posted on each car for sale. Mr. Leipzig told of other items that will be clarified by using a SUP for car lot approval and those items were the number of cars that will be allowed on the lot, and the hours of operation. The SUP process will not take care of the immediate issue with a few car lots according to Mr. Leipzig, but would go into affect when the business changes hands.

Setback requirements for car lots were discussed. Mr. Cooper explained the car lot vehicles cannot encroach onto a public walkway or obstruct visibility and he went on to say those issues seem to be a common problem along North Scott. He indicated that he would like to see the municipal code amended to limit the number of uses per lot, and examples of problems created by multiple businesses on a single lot were given by Mr. Cooper. Mr. Leipzig thought this topic would best be pursued through the City clerk's office where they monitor occupation license applications.

C. Case #TA09-09: Discussion of a proposed text amendment to allow electric fences only in industrial zoning districts.

*Staff Report:* Mr. Leipzig reported the zoning ordinance is silent on the use of electrical fences. After working with the City attorney, it was determined the language should be amended to prohibit electrical fences in residential and commercial zoning districts. The proposed amendment would allow electric fences in the Agricultural zoning district, and in the Industrial zoning districts with an SUP. Some aspects of the SUP review would include fence dimensions, intended use, voltage and watt restrictions, signage, emergency access, shut off procedures, and height restrictions. Mr. Leipzig presented five points for consideration and discussion on the subject of electrified fences. When developing the amendment, Mr. Leipzig reported the ordinance language used by several metro cities was examined and combined to create the proposed electric fence amendment.

*Commission Discussion:* According to Mr. Leipzig there is not a standard for electrical fences but the device powering the electric fence must be a UL standard. It was stated the electrified fence at Adesa Auto Auction is a 12 volt fence. Commissioner Horne suggested the inspectors can check the amperage in the circuit with a clamp-on amp meter. Mr. Cooper stated there is not a national standard that regulates the safety of electric fences. There was discussion about the proposed language relating to electric fences in an Agricultural district, specifically, "...clearly demonstrated agricultural purposes."

D. Discussion of the introductory provisions, enforcement, and definitions in preparation of adoption of a Unified Development Code (UDO).

*Staff Report:* Mr. Leipzig presented the introductory provisions, the enforcement, and the UDO definitions, which he said are components of our existing code with few changes. This information is to be reviewed and will be discussed at the meeting on May 18, 2009. There will be a report at the next meeting that will highlight the definition changes pointing out the differences between the current definitions and the proposed definitions according to Mr. Leipzig. He informed Commission members that someone from the City attorney's office will be present at some of the Commission meetings to answer questions that come about during the discussions. The public hearing for the UDO will be scheduled for October or November 2009.

Mr. Leipzig gave a detailed explanation of the review process that will be followed during the Commission discussions of the UDO.

#### DIRECTOR'S REPORT:

Chairman Myers announced there would be a joint meeting at 6 p.m., May 18, 2009, in the Council Chambers with the County Commission, the City Council, the Planning Commission, and interested citizens concerning the county roads and bridges.

Mr. Leipzig said there will be public hearings at the meeting on May 18, 2009, for the three text amendments discussed tonight.

Mr. Leipzig reported the City is applying for economic recovery funds to assist with funding for installation of new sanitary sewer lines and upgrading existing sanitary sewer lines in the area adjacent to the Autumn Valley Subdivision from Markey Drive to Vivian Road. It was stated that when official word is received regarding the grant status, the final development plan will be brought to the Commission for review.

There will be a public hearing at the May 18, 2009, meeting for consideration of a special use permit application submitted by Kevin Holman regarding a Tropical Sno stand.

Mayor Pro Tem Lathrop gave a report about the economic stimulus package. He enlightened the Commission about the weekly changes and "red-tape" associated with the grant application.

It was announced by Mr. Leipzig that the City has received a funding agreement from the State for Neighborhood Stabilization Funds in the amount of \$392,000 which is to be split between Belton, Liberty and Raytown. He told Commission members there are funding sources available but there are a lot of requirements to be completed in order to be awarded funds. He went on to explain the environmental review submission process for submittal with grant applications.

#### ADJOURNMENT:

Commissioner Horne moved to adjourn the meeting. Commissioner VonBehren seconded the motion. All voted in favor and the meeting adjourned at 8:17 p.m.

Ann Keeton  
Community Development Secretary



COMMUNITY PLANNING & DEVELOPMENT

Jay C. Leipzig, AICP  
Director

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April 24, 2009

Mr. Jeff Shaw  
Belton Glass  
309 Main Street  
Belton, Missouri 64012

Mr. Shaw:

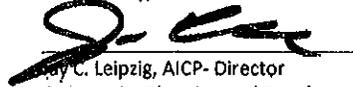
As you are aware, the Planning Commission reviewed your progress concerning a Special Use Permit for your business at 309 Main Street in Belton, Missouri. The purpose of this letter is to provide written documentation and verification for the deadlines that were imposed by the Planning Commission for the completion of the renovation work, and to ensure compliance with the Special Use Permit. The Planning Commission believes that you are making progress on this renovation, and granted the following two additional deadlines to comply with the Special Use Permit.

**By June 1, 2009**, all remaining exterior work must be completed on this building. This work will include the completion of the stucco on the North wall, and enclosing the telephone cable wire either in conduit, or a similar material for concealment. This work must also include the installation of a proper door frame, and patching to ensure that the bare wood is not visible.

**By July 1, 2009**, two exterior canopies must be properly and completely installed over the garage door facing Loop Road and the walk through door. Prior to the installation, please provide a detailed work specification to my attention at the City of Belton for my review.

Thank you complying with the requests of the City, and we look forward to the continued renovation of this building. Please keep in mind that these deadlines represent final due dates, and the failure to comply may result in the revocation of your business license for Belton Glass. Please do not hesitate to contact me if you have questions.

Respectfully,

  
Jay C. Leipzig, AICP- Director  
Community Planning and Development

cc: Robert Cooper, City Planner  
Mark Polk, City Inspector  
Leo Lockard, City Inspector  
Al Hoag, City Councilmember  
Everett Loughridge, City Councilmember  
Paul Myers, Planning Commission Chair

CASE #RP09-12

REPLAT OF  
FAIRWAY RIDGE  
ESTATES

**CASE #RP09-12**  
**“RE-PLAT OF FAIRWAY RIDGE ESTATES”**  
A Re-plat of Lots 25-29, Fairway Ridge Estates Final Plat

**BELTON PLANNING COMMISSION**  
**MONDAY, MAY 18, 2009 – 7:00 P.M.**  
**CITY HALL ANNEX, 520 MAIN STREET**

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*STAFF REPORT: Robert G. Cooper, City Planner*

**CASE #RP09-12**

Consideration of amending the Final Plat of Fairway Ridge Estates subdivision, to adjust an original platted lot line of Lots 25, 26, 27, 28, and 29 to remove the southern portion of the Lots from a designated floodway. In addition, the applicant wishes to receive a waiver from the Subdivision Regulations regarding the minimum lot size and lot depth requirement. The five (5) Lots in question have remained vacant since they were originally platted eight-years ago.

**BACKGROUND**

The Final Plat of the Fairway Ridge Estates Subdivision was originally reviewed and approved by the Planning Commission on October 15, 2001, which comprised of 61 single-family residential lots. A tributary of Mill Creek flows adjacent to the southern extension of Fairway Road, of which the rear yards of the five (5) Lots in questions abut against. During the time this subdivision was reviewed and approved, the City’s Development Review Committee (DRC) had yet to be implemented. In addition, federal guidelines and mandates regarding the placement and building of structures in a designated floodway or floodplain were less stringent as opposed to post-Hurricane Katrina regulations that the Federal Emergency Management Agency (FEMA) has put in place.

**REVIEW**

In an effort to market and sell these Lots, the developer (applicant) is proposing to remove a portion of the Lot from the floodplain. In essence, the rear lot lines of Lots 25, 26, 27, 28, and 29 have been adjusted and pulled out of the designated floodplain area as shown on FEMA’s Flood Insurance Rate Map (FIRM). As a result, the Lot sizes have changed.

<i>Originally Platted Lot Size</i>	<i>Proposed Reduction in Lot Size</i>
*Lot 25: 16,154-sq. ft.	10,964-sq. ft.
*Lot 26: 15,528-sq. ft.	6,550-sq. ft.
*Lot 27: 17,904-sq. ft.	6,462-sq. ft.
*Lot 28: 8,715-sq. ft.	6,626-sq. ft.
*Lot 29: 8,208-sq. ft.	8,106-sq. ft.

Prior to August 27, 2002, the minimum lot size requirement for a single-family residential lot was 7,800-sq. ft. (or 65-ft. wide x 120-ft. deep). The ordinance was amended to increase the minimum size requirement to 8,400-sq. ft. Also, as outlined in Article 4.42 of the Subdivision Regulations; **“minimum lot depth shall be one-hundred and twenty (120) feet”**.

As a result, the applicant is requesting a waiver to the lot depth requirement as well as the lot size requirement for Lots 26, 27, and 28.

The Planning Commission has authority to waive certain conditions of the Subdivision Regulations under Article 9.

### **STAFF RECOMMENDATION**

The Engineering Department has requested the replacement of the 15-ft. utility easement (u/e) which runs between Lots 27 & 28 and along the rear property boundary lines of Lots 28 & 29.

Fire, Community Development and Engineering staff, support the recommendation to approve the Re-plat of the Final Plat to adjust the original platted property boundary line to remove the southern portion of the Lots from a designated floodway.

### **PLANNING COMMISSION ACTION**

1. Motion to recommend approval/denial of the Re-Plat of the Fairway Ridge Estates Final Plat, to adjust the original platted property boundary line to remove the southern portion of the Lots from a designated floodway.
2. Motion to recommend approval/denial of a waiver to Article 4.42 of the Subdivision Regulations.
3. Motion to continue the case pending additional information.

### **ATTACHMENTS**

1. Final Plat (to be distributed at the meeting)
2. Engineering Drawings
3. Aerial Photographs
4. FEMA Maps (to be distributed at the meeting)



CASE #SUP09-10

SPECIAL USE  
PERMIT

TROPICAL SNO

**'TROPICAL-SNO'  
SPECIAL-USE PERMIT**

**BELTON PLANNING COMMISSION  
MONDAY, MAY 18, 2009 – 7:00 P.M.  
CITY HALL ANNEX COUNCIL ROOM – 520 MAIN STREET**

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*Presented by City Planner Robert Cooper*

**PUBLIC HEARING**

Formally open the public hearing  
Hear testimony  
Formally close the public hearing

**CASE #SUP 09-10**

Consider renewal of a Special-Use Permit to allow a portable shaved-ice stand to be operated at the corner of Chestnut Street and North Avenue, which is currently a vacant lot.

The operation consists of placing a 12-ft. x 8-ft. (96-sq. ft.) portable building used to store and serve the shaved-ice. The applicant wishes to conduct business between the months of May and October. The vacant lot is approximately 0.36-ac in size with access from Chestnut Street.

The applicant believes this location is more centrally located and will better serve the needs of the residents of Belton and will be more accessible to children by either walking or riding their bicycles. The applicant would like the Commission to consider a five (5) year extension of the special use permit, beginning in May 2009 and continuing to May 2014. The reason for a five-year request is to save the city time and expense in reconsidering this request on an annual basis, since there is currently not an ordinance that specifically deals with this type of a seasonal use.

**HISTORY**

On May 8, 2007, the Planning Commission reviewed and recommended approval of a Special-Use Permit to allow the applicant to operate a Tropical-Sno stand in the parking lot located at the Apple Valley shopping center.

Attached is a diagram showing the site location including the portable structure and available off-street parking. The property is currently vacant with an unimproved surface. The City's Future Land-Use Map shows this area to be C2 (General Commercial) District.

**LEGAL CONSIDERATIONS**

*Special-Use Criteria.* In the past, this case has been heard as a special use; however, if a use is not permitted in a district, then the proper procedure is to request a text amendment to the Ordinance, unless it is listed as a permitted temporary use, which it is not.

*Temporary Uses.* Article III, Section 13 of the Zoning Ordinance provides for eight (8) temporary uses:

1. Street Sales. The retail sale of merchandise not within an enclosed structure for a period not to exceed three (3) days. Street sale displays need not comply with the yard and setback requirements of these regulations, provided that no merchandise shall be displayed in the sight triangle.
2. Christmas Tree Sales.
3. Contractor's Office during construction.
4. Real Estate Offices.
5. Seasonal Sales Relating to Agriculture (State Statute).
6. Carnivals and Circuses.
7. Garage Type Sales, and
8. Fireworks

### **PLANNING COMMISSION OPTIONS**

- A. Motion to recommend approval of the portable "Tropical-Sno" business, to be located at the corner of Chestnut Street and North Avenue, with consideration for renewal in five-years; OR
  - B. A motion to recommend denial of the special-use permit for a portable "Tropical-Sno" cone business to be located at the corner of Chestnut Street and North Avenue.
2. Motion to continue the case pending additional information.

### **ATTACHMENTS**

1. Site Plan and Aerial



**CASE #TA09-08**

**TEXT AMENDMENT**

**CAR SALES LOTS**

**REGULAR MEETING  
BELTON PLANNING COMMISSION  
CITY HALL ANNEX, 520 MAIN STREET  
MONDAY, MAY 18, 2009 – 7:00 P.M.**

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*STAFF PRESENTATION: Robert G. Cooper, City Planner*

**CASE #TA09-08**

Consideration of a Text Amendment to the City's Zoning Ordinance; defining "Automobile Sales Lot" and to require a Special Use Permit for all New and Used Car Lots located within the C-2 (General Commercial) District.

**DISCUSSION**

The purpose of amending the Zoning Ordinance allowing new and used car lots within a C-2 (General Commercial) zoning district with a Special Use Permit is to address the numerous new and used car lots being located primarily along the North Scott corridor. Many of the existing car lots are situated side-by-side. The close proximity of these car lots has created nuisance issues and hazardous traffic concerns.

The Planning Commission has previously met with staff and discussed such issues as the compatibility and placement of car lots; and the visual characteristics of this type of use.

The need for a clear definition addressing "automobile sales lot" was also discussed. Currently, the Zoning Ordinance does not address the term. The Commission felt that by adopting a definition as established by the proposed ordinance will effectively enhance the review and approval process.

During the April 20<sup>th</sup> and May 4<sup>th</sup> Planning Commission meetings, the Commission directed staff to formally propose new language addressing the car lot issues and concerns. The Commission suggested that staff include Motorcycles; RV's and ATV's to the automobile sales lot definition.

It was the general consensus of the Commission that a Special Use Permit is required for any new and used car lot dealerships wishing to operate within a designated C-2 (General Commercial) zoning district. During this review of the Special Use Permit, staff and the Commission will evaluate each proposed location based on its own unique characteristics, using the guidelines already established in the Zoning Ordinance and Municipal Code.

**PROPOSED TEXT AMENDMENT**

**DEFINITION: "AUTOMOBILE SALES LOT"** *{add to Article I, Section 6(11)(A) / of the Zoning Ordinance.*

**"Premises on which new or used passenger automobiles; trailer; mobile homes; motorcycles; RV's; ATV's; or trucks in operating condition are displayed in the open for sale or trade."**

In addition, staff recommends amending 'Appendix A' of the Zoning Ordinance, indicating a Special Use Permit is required for – 1. New and Used Car Dealers (*Group No. 551*); and 2. Used Car Dealers (*Group No. 552*).

### **STAFF RECOMMENDATION**

Fire, Community Development and Engineering staff support a recommendation to approve the zoning text amendment to allow New and Used Car Lots in a C-2 (General Commercial) District with a Special Use Permit.

### **PLANNING COMMISSION ACTION**

1. Motion to recommend approval / denial of amending the zoning ordinance to accept the proposed definition of 'Automobile Sales Lot' and amend Appendix A of the Zoning Ordinance, requiring a Special Use Permit for new or used car sales lot in a C-2 (General Commercial) District.
2. Motion to continue the case pending additional information.

**CASE #TA09-09**

**TEXT AMENDMENT**

**ELECTRIFIED FENCES**

**REGULAR MEETING  
BELTON PLANNING COMMISSION  
CITY HALL ANNEX, 520 MAIN STREET  
MONDAY, MAY 18, 2009- 7:00 P.M.**

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STAFF PRESENTATION Jay C. Leipzig, AICP- Director

**Case # TA09-09**

Consideration of a Text Amendment to the City's Zoning Ordinance that would *prohibit electrified fences in Residential and Commercial zoning districts. Electrified fences would be allowed in Agricultural Zoning Districts. Electric fences would be allowed in Industrial Zoning Districts only by the approval of a Special Use Permit and review by staff. The Zoning Ordinance is currently silent on the prohibition of electric fences.*

**DISCUSSION**

The purpose of amending the Zoning Ordinance to specifically prohibit electric fences in all Residential and Commercial Zoning Districts is because the current Zoning Ordinance is silent on this issue. Staff is recommending adding a sentence of text to eliminate any discrepancy that may exist in the current code. Staff recommends adding the additional language which will allow electrical fences in Agricultural Zoning Districts if it is used for agricultural purposes.

In Industrial Zoning Districts, staff is recommending that electrical fences be approved only after obtaining a Special Use Permit for the fence. In this scenario, fences would only be approved after extensive staff review, and by recommendation of the Planning Commission and approval by the City Council. This review would consider basic elements to determine the overall dimensions of the proposed fence, its intended use, voltage and watt restrictions to minimize health risks, determine appropriate and clearly designated signage, emergency access and shut off procedures, and height restrictions. Regulating electrical fences in this manner will provide greater regulatory control, as well as enforcement capabilities.

**PROPOSED TEXT AMENDMENT (add to Article III, Section 12(8) of the Zoning Ordinance)**

***“Electric Fencing: The installation of aboveground electric fences shall be prohibited in all Residential and Commercial zoning districts. Electric fences shall be permitted in the A District when only used for agricultural purposes. Electric fences utilized in an Industrial Zoning District will require an approved Special Use Permit. Exemption: underground electrical fences located in residential zoning districts used to fence-in family pets.”***

**STAFF RECOMMENDATION**

The Community Development Department, Fire and Engineering recommend approving the proposed text amendment in regard to electric fencing which would allow electric fences under limited circumstances in Agricultural Zoning Districts, specifically prohibit electric fences in all Residential and Commercial Zoning Districts, and would require an approved Special Use Permit if they are utilized in Industrial Zoning Districts. A case by case consideration of all Special Use Permit applications may include a review of the following elements, however, other factors may also be considered. These factors will include the overall dimensions of the proposed fence, its

intended use, voltage and watt restrictions to minimize health risks, determine appropriate and clearly designated signage, emergency access and shut off procedures, and height restrictions.

**PLANNING COMMISSION ACTION**

1. Motion to recommend *approval/denial* of amending the zoning ordinance to accept the proposed text amendment concerning electric fencing and its uses.
2. Motion to continue the case pending additional information

**CASE #TA09-04**

**TEXT AMENDMENT**

**REGISTRATION OF**

**PROPERTIES IN FORECLOSURE**

**REGULAR MEETING  
BELTON PLANNING COMMISSION  
CITY HALL ANNEX, 520 MAIN STREET  
MONDAY, MAY 18, 2009 – 7:00 P.M.**

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*ASSIGNED STAFF: Robert G. Cooper, City Planner*

**CASE #TA09-04**

Discussion of a proposed amendment to the Zoning Ordinance regarding registration of properties which are in foreclosure.

**DISCUSSION**

With the recent increase in the number of properties entering foreclosure, and the potential negative impact that vacant and unmaintained properties may have on a neighborhood, City staff has investigated the adoption of an ordinance that would require the registration of property that is in the process of foreclosure.

The purpose of the registration ordinance is to provide City staff with contact information for the lender of party responsible for maintenance of a property that is in foreclosure. Determining who is responsible for maintenance of a property in foreclosure can be a significant problem for staff. When a responsible party can not be located, the cost for maintaining the property often becomes the responsibility of the City. Typically, maintenance issues that occur with foreclosure properties include mowing of tall grass, securing the structure or property, or removal of water from an unused pool.

Lee's Summit, Missouri adopted one of the first ordinances in the Country to combat this problem, and has become one of the model ordinances that communities have utilized. City staff has based the proposed Belton ordinance on this model. Similar ordinances have recently been adopted in several Kansas City metropolitan communities.

The requirements of the proposed ordinance are simple. Any property within the City which is in the foreclosure process must be registered with the City and inspected to ensure compliance with City codes. The registration form requires listing of contact information for the lender and any other responsible party, and for a local property management company, if one is hired, who is responsible for maintenance of the property. There is no fee to register the property. The City will maintain the listing of registered properties and the information will only be utilized when contact is necessary due to a code enforcement issue.

City staff believes adoption of a foreclosure property registration ordinance may be beneficial to the Code Enforcement Officer in their efforts to ensure all property in the City is being properly maintained. Having contact information available would reduce delays in having violations corrected.

During the May 4, 2009 Planning Commission meeting, it was suggested by the Commission that staff add language to Item G of the Registration Section to require the contracted property management company to pay for, any, and all fees/fines associated with ensuring that all the requirements of this Article, and other applicable laws are being met.

## **PROPOSED ORDINANCE**

### *REGISTRATION*

- A. If the property is found to be vacant or shows evidence of vacancy, it is, by this article, deemed abandoned and the beneficiary shall, within ten (10) days register the property with the Community Development Director or his/her designee on forms provided by the City.
- B. The registration shall contain the full legal name of the beneficiary and the registered representative, the direct street/office mailing address of the beneficiary and the registered representative (no P.O. Boxes), a direct contact name and phone number for the beneficiary and registered representative, and, if applicable, the local property management company responsible for the security, maintenance and/or marketing of the property.
- C. The registration shall be valid as long as the subject property remains vacant and shall be amended as needed.
- D. This section shall also apply to properties that have been subject of a foreclosure sale where title to the property was transferred to the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.
- E. Properties subject to this Article shall remain under the security and maintenance standards of this section as long as they remain vacant.
- F. Any person, firm or corporation that has registered a property under this Article must report any change of information contained in the registration within ten (10) days of the change.
- G. If the beneficiary is an Out of Area beneficiary, a local property management company shall be contracted to ensure that the requirements of this Article, and other applicable laws, are being met, including paying for all fines and/or fees.

### *MAINTENANCE REQUIREMENTS*

Properties subject to this Article shall be maintained so as to be in compliance with City code. Adherence to this section does not relieve the beneficiary or property owner of any

obligations set forth in any Covenants, Conditions and Restrictions or Home Owners Association rules and regulations which may apply to the property.

### SECURITY REQUIREMENTS

Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s). In the case of broken windows "securing" means the re-glazing or boarding of the windows.

### COMPLIANCE WITH OTHER AUTHORITY

The requirements of this Article are in addition to any other maintenance and security measures required by the Code of Ordinances. The requirements of this Article shall not serve to lessen or abrogate any other applicable provisions of the Code of Ordinances.

### VIOLATIONS

Any beneficiary, registered representative, or local property maintenance company that violates any provision of this Article shall be in violation of this Article, and summons may be issued against the beneficiary's representative for such violation. In addition to any other penalties which may be assessed for a violation of this Article, any person or entity who violates a provision of this Article shall be assessed a fine of \$500.00 per violation.

### **STAFF COMMENT**

It is the purpose and intent through the adoption of this Article, to establish a program for registration of properties which are in the process of foreclosure as a mechanism to protect residential neighborhoods and non-residential areas from becoming blighted through the lack of adequate maintenance and/or security of the property.

### **STAFF RECOMMENDATION**

Fire, Community Development and Engineering staff support a recommendation to approve the proposed Foreclosure Registry Ordinance.

### **PLANNING COMMISSION ACTION**

1. Motion to recommend approval / denial of the proposed Foreclosure Registry Ordinance.
2. Motion to continue the case if the Planning Commission deems additional information is needed.

**UNIFIED  
DEVELOPMENT  
CODE**

DATE: May 18, 2009

TO: Planning Commission

FROM: Robert G. Cooper, City Planner  
Jay Leipzig, Planning & Community Development Director

RE: **DISCUSSION: UNIFIED DEVELOPMENT CODE / Agricultural and Residential Zoning Districts**

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***Purpose of Meeting:***

*The purpose of the meeting is: 1) to discuss and establish a comprehensive development code as a Unified Development Ordinance. This meeting will be dedicated to discussing the different zoning classifications and associated use standards.*

**STAFF REPORT**

**A. A, Agricultural District**

The purpose of the A, Agricultural District is to accommodate agricultural activities and related uses on the fringe of the urbanized area of the City. Land within this district is likely to be developed with other land uses in the future. Because A districts will typically be located within close proximity to urban development, the agricultural activities conducted in the A district should not be detrimental to surrounding land uses. The type and intensity of uses permitted in this district will encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is requested by the property owner or initiated by the City.

**B. R-1, Single-Family Residential District**

The purpose of the R-1, Single-Family Residential District is to accommodate low-density residential development and limited institutional uses compatible with surrounding residential neighborhoods.

**C. R-1A, Single-Family Residential District**

The purpose of the R-1A, Single-Family Residential District is to accommodate low-density residential development. The R-1A district also provides for limited institutional uses compatible with surrounding residential neighborhoods, with slightly larger lot sizes and lower density than the R-1 Single Family District.

**D. R-1B, Single-Family Residential District**

This is the most restrictive residential district that provides for a larger minimum lot size and is the lowest density residential zoning district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.

**E. R-2, Single- and Two-Family Residential District**

The purpose of the R-2, Single- and Two-Family Residential District is to accommodate single- and two-family residential development. The R-2 district typically functions as a transition between arterial and collector streets, commercial and/or higher residential areas, and lower density single-family residential areas. The R-2 district also provides for limited institutional uses compatible with surrounding residential neighborhoods.

**E. R-3, Multiple Family Residential District**

The R-3, Medium-Density Residential District, is intended to accommodate a mix of two-family and attached single-family residential development. The R-3 district is typically located adjacent to an arterial or collector street and serves as a transition between commercial development or heavy automobile traffic and lower density residential development. The R-3 district also provides for limited institutional uses compatible with surrounding residential neighborhoods.

**F. R-3A, Apartment Community Residential District**

The R-3A, Apartment Community Residential District is intended to accommodate multiple family residential development where there are sufficient services and infrastructure to support higher density residential development. The principal use of the land in this district is multiple family development that is planned and developed only on a lot or tract under single ownership or unified control.

**G. PR, Parks, Recreation and Public Use District**

The PR, Parks, Recreation and Public Use District is a special purpose district that is intended to accommodate land uses that offer a variety of active and passive recreational opportunities and other public uses.

**Use Table**

**H. Use Groups**

The use table classifies land uses into five major groupings: Residential, Public and Civic, Commercial, Industrial and Other. These are referred to as "Use Groups."

**I. Use Categories**

Each Use Group is further divided into "Use Categories." These categories classify land uses based on common characteristics, such as the type of products sold, site conditions or the amount of activity on the site.

**J. Determination of Land Use Category**

When a land use cannot be classified into a Use Category or appears to fit into multiple categories, the Community Development Director is authorized to determine the most appropriate Use Category.

**K. Permitted Uses**

Uses identified with a "P" in the use table are permitted by-right in the designated zoning districts, subject to compliance with all other applicable provisions of this Code.

**L. Uses Subject to Special Conditions**

Uses identified with an "S" in the use table are permitted by-right in the designated zoning districts, subject to compliance with all conditions of this chapter and with all other applicable provisions of this Code.

**M. Conditional Uses**

Uses identified with a “C” in the use table may be allowed in the designated zoning districts if approved in accordance with the conditional use procedure. Approved conditional uses are subject to compliance with all other applicable provisions of this code.

**N. Prohibited Uses**

Uses identified with a “-” in the use table are expressly prohibited. Uses not listed in the use table are also prohibited unless the Community Development Director determines that the use fits into an existing use category.

**O. Use Standards**

The “Use Standard” column in the use table provides a cross-reference to additional standards that apply to some uses, whether or not they are allowed as a permitted use, use subject to special conditions or conditional use.

Use	A	R-1	R1A	R1B	R-2	R-3	R-3A	PR
<b>RESIDENTIAL USES</b>								
<b>Household Living</b>								
Single-family Dwelling, Detached (conventional)	--	P	P	P	P	P	P	-
Manufactured Home Residential Design	-	-	-	-	-	S	S	-
Single-family Dwelling, Attached	-	-	-	-	-	P	P	-
Two-family Dwelling (Duplex)	-	-	-	-	P	P	P	-
Multi-family Dwelling (3+ units)	-	-	-	-	-	P	P	-
Apartment Community	-	-	-	-	-	P	P	-
Cluster Residential Development	-	S	-	-	S	S	S	-
Manufactured Home Park	-	-	-	-	-	S	-	-
Employee Living Quarters	P	-	-	-	-	-	-	-
<b>Group Living</b>								
Assisted Living	-	-	-	-	-	S	S	-
Group Home	-	S	S	S	S	S	S	-
Nursing Care Facility	-	-	-	-	-	S	S	-
Transitional Living	-	-	-	-	-	S	S	-
Group Living Not Otherwise Classified	-	S	S	S	S	S	S	-
<b>PUBLIC AND CIVIC USES</b>								
Cultural Exhibit or Library	C	C	C	C	C	C	C	P
Government Buildings and Properties	P	C	C	C	C	C	C	P
Place of Public Assembly	C	C	C	C	C	C	C	C
Public Safety Services	C	C	C	C	C	C	C	P
Religious Assembly	P	P	P	P	P	P	P	P
School	P	P	P	P	P	P	P	P
<b>Utilities</b>								
Major	C	C	C	C	C	C	C	C
Minor	P	P	P	P	P	P	P	C
<b>COMMERCIAL USES</b>								
<b>Animal Services</b>								

Use	A	R-1	R1A	R1B	R-2	R-3	R-3A	PR
Kennel	-	-	-	-	-	-	-	-
<b>Day Care</b>								
Day Care Home	S	S	S	S	S	S	S	-
<b>Entertainment and Spectator Sports</b>								
Indoor	S	S	S	S	S	S	S	P
Outdoor	S	S	S	S	S	S	S	P
<b>Funeral and Interment Services</b>								
Cemetery	S	S	S	S	S	S	S	-
Funeral Home	-	-	-	-	-	-	-	-
<b>OTHER USES</b>								
<b>Accessory Uses</b>								
	S	S	S	S	S	S	S	S
<b>Agricultural Uses</b>								
Farming	P	-	-	-	-	-	-	-
Boarding Stables and Riding Schools	P	-	-	-	-	-	-	-
<b>Home Occupation</b>								
	P	P	P	P	P	P	P	-
<b>Parking</b>								
Accessory Parking	P	P	P	P	P	P	P	P
<b>Wireless Communication Facility</b>								
Colocated	S	S	S	S	S	S	S	S

### Bulk and Dimensional Standards

#### P. Bulk and Dimensional Standards Table

The following bulk and dimensional standards apply to the agricultural and residential districts unless otherwise specifically allowed by this code.

	A	R-1	R1A	R-1B	R-2	R-3	R-3A
<b>Minimum Lot Area</b>							
per lot	5 ac.	8400 sq. ft.	14500 sq. ft.	43500 sq. ft.	6000 sq. ft.	7800 sq. ft.	12,000 sq. ft.
<b>Minimum Lot Width (ft.)</b>	120	70	100	145	65	65	90
<b>Minimum Lot Depth (ft.)</b>	120	120	120	120	120	120	120
<b>Yards, Minimum (ft.)</b>							
Front [1]	30	30	40	50	25	30	30
Rear (or 20% of depth)	30	20	30	30	20	20	30
Side	15	10	15	15	5	5	5
<b>Maximum Building Height (feet)</b>	35	35	35	35	35	35	35
<b>Maximum Building Coverage (%) [2]</b>	25	25	25	25	25	25	25

**Q. Exceptions to Dimensional Standards Table**

**1. Projections into Required Yards**

Required yards must be unobstructed and unoccupied from the ground to the sky except that certain building features and structures are allowed to project into required yards to the extent expressly indicated in the following table:

<b>Obstruction/Projection into Required Yards</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
Accessory detached garages, and carports, set back at least 5 feet from side and rear property lines.	No	No	Yes
Air conditioning and other mechanical units projecting a distance of not more than 5 feet	Yes	Yes	Yes
Arbors, trellises, pergolas and similar customary landscape and yard improvements, set back at least 5 feet from any side or rear property line	No	Yes	Yes
Awnings and canopies projecting a distance of no more than 30% of the required yard dimension	Yes	Yes	Yes
Balconies projecting a distance of not more than 30% of the required yard dimension	No	Yes	Yes
Bay windows and dormers projecting a distance of not more than 30% of the required yard dimension	Yes	Yes	Yes
Breezeways	No	Yes	Yes
Chimneys projecting a distance of not more than 30% of the required yard dimension	Yes	Yes	Yes
Eaves and gutters projecting a distance of not more than 30% of the required yard dimension	Yes	Yes	Yes
Fences and walls.	Yes	Yes	Yes
Flagpoles	Yes	Yes	Yes
Gazebos, setback at least 5 feet from any side or rear property line	No	Yes	Yes
Laundry drying equipment	No	No	Yes
Ornamental and security lighting	Yes	Yes	Yes
Parking spaces, unenclosed	Yes	Yes	Yes
Patios and terraces, setback at least 5 feet from any property line	Yes	Yes	Yes
Porches and decks less than 30 inches above grade, open on at least 3 sides, with no roof or cover, projecting a distance of not more than 30% of the required front yard dimension and set back at least 5 feet from side and rear property lines.	Yes	Yes	Yes
Porches and decks greater than 30 inches above grade, open on at least 3 sides, with no roof or cover, projecting a distance of not more than 30% of the required yard dimension.	No	Yes	Yes
Recreation equipment including playground equipment, play houses, and sandboxes, setback at least 5 feet from any side or rear property line	No	Yes	Yes
Satellite dish antennas, not exceeding 1 meter in diameter	Yes	Yes	Yes
Satellite dish antennas, over 1 meter but not exceeding 2.4 meters in diameter	No	No	Yes
Sheds or other accessory storage structures, setback at least 5 feet from side and rear property lines	No	No	Yes

<b>Obstruction/Projection into Required Yards</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
Sills, belt courses, cornices, buttresses and other architectural features projecting a distance of not more than 30% of the required yard dimension	Yes	Yes	Yes
Swimming pools and bathhouses, setback at least 5 feet from side or rear property line.	No	Yes	Yes
Steps, stairs, stoops, landings and fire escapes (uncovered), projecting a distance of not more than 30% of the required yard dimension	Yes	Yes	Yes
Amateur radio antenna towers,	No	Yes	Yes
Utility poles and wires	Yes	Yes	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

### **Exception for Lots that Utilize Average Front Yard**

Where a building is to be constructed on a parcel of land that is within 100-feet of the existing buildings on both sides, the minimum front yard may be an average of the front yards as measured from the two closest front corners of the adjacent buildings on the two-sides; or

Where a building is to be erected on a parcel of land that is within 100-feet of an existing building of one side only, such building may be erected as close to the street as the existing adjacent building.

### **Additional Regulations**

#### **A. Only One Principal Building**

Only one principal building may be located, erected or moved onto any lot of record in the A, R-1, R-1A, R-1B, R-2, R-3, and R-3A districts.

#### **B. Lot Transition Regulations**

New single-family and two-family developments adjacent to existing platted single-family developments must comply with the subdivision standards.

#### **C. Operational Performance Standards**

All uses in the residential districts must comply with the operational performance standards.

#### **R. Keeping of Animals**

Cattle, cows, horses, sheep, goats and similar domestic animals are permitted in the A, and R-1B districts only. In the R-1B district, maximum number of animals permitted per grazing acre, excluding building coverage, ponds and yard area around the principal dwelling, are:

1. 2 head of cattle; or
2. 2 sheep; or

3. 2 goats; or
4. 2 horses.

Limits for other animals not enumerated herein shall be determined based upon type or size of animal.

#### **S. Outdoor Storage**

1. Storage of all materials including junk material, inoperable vehicles, used appliances or furniture must be stored within a fully enclosed building. This requirement does not apply to porch/patio furniture, garden/horticulture equipment and associated supplies, recreational vehicles or accessory structures.
2. All outdoor storage areas for multi-family residential and all non-residential uses must be permanently screened from view on all sides by a fence of 100 percent opacity and a minimum height of six feet. The fence must be constructed to prevent accidental dispersal of material within the storage area.

#### **T. Vehicle Parking**

1. In the A, R-1A, and R-1B districts, parking or storing of recreational vehicles, boats and trailers is allowed anywhere on the property. In all other residential districts, parking or storing of recreational vehicles, boats, and trailers is permitted only:
  - a. on a driveway; or
  - b. inside a completely enclosed structure; or
  - c. behind the front of the residence in the side or rear yard. The vehicle be upon a paved or impervious surface.
2. Parking of the following vehicles is prohibited in residential districts, except as specifically permitted by this Code:
  - a. Semi-trailer truck, also known as a semi-tractor truck or road tractor.
  - b. Cargo trailer, cargo containers, semi-trailer, or similar vehicle that can be connected to or pulled by a semi-trailer truck.
  - c. Any truck licensed with a gross vehicle weight rating (GVWR) exceeding 10,000 pounds.
  - d. Overnight parking of a school bus, charter bus or similar vehicle.
3. No vehicle may be parked or stored on the grass in the front yard area of a residential lot for more than 24 hours unless approval is granted by the City Council.

#### **COMMISSION OPTIONS:**

1. Discuss and accept the proposed Unified Development Code, Agricultural and Residential Districts.
2. Continue to the next regularly scheduled meeting for further discussion.