



**AGENDA  
CITY OF BELTON  
PLANNING COMMISSION  
MEETING AND PUBLIC HEARING  
MONDAY, SEPTEMBER 21, 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 AUGUST 17, 2009 PLANNING COMMISSION MEETING
- IV. CASES WITH PUBLIC HEARING
  - A. CASE #SUP09-15: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A USED CAR LOT TO OPERATE AT 604 N. SCOTT, UNIT AA
- V. CASES
  - A. DISCUSSION: UNIFIED DEVELOPMENT ORDINANCE (UDO)
- VI. DIRECTOR'S REPORT
- VII. NEXT MEETING:

Regular Meeting – October 5, 2009 at City Hall Annex, 520 Main Street
- VIII. ADJOURNMENT

Minutes of Meeting  
Belton Planning Commission  
City Hall Annex, 520 Main Street  
August 17, 2009

CALL TO ORDER

Vice-chairman Holly Girgin called the meeting to order at 7 p.m.

ATTENDANCE

- Commissioners: Vice-chairman Girgin, Mayor Pro Tem Lathrop, Commissioners Sally Davila, Tim McDonough, Scott VonBehren, Roger Horne, and Larry Thompson.
- Staff: Jay Leipzig, Director of Community Planning and Development; Robert Cooper, City Planner; Jason Webb, Fire Marshal; and Ann Keeton, Community Development Secretary.
- Absent: Chairman Paul Myers and Councilman Bobby Davidson

REPORT – NORTH CASS PARKWAY

Brian Baker, Cass County Commissioner, was present to report on the North Cass Parkway. The Interchange at 187<sup>th</sup> Street is proceeding as planned, but proposals to extend that road to 169 Highway in Kansas have been dropped. During public hearings, it was determined by MoDOT and KDOT that too many homeowners would be displaced by the project. Early in the project a moratorium was placed on properties in the unincorporated areas of the County, so a “sight line” could be developed. Since the project has been halted, the County Commission would like to lift the moratorium. Communication with the Cities is a priority of the County Commission according to Commissioner Baker, so he asked for the Planning Commission’s support in lifting the moratorium. He further explained there are preliminary talks of an east/west highway extension around 211<sup>th</sup> Street.

Mayor Pro Tem Lathrop asked for clarification about the first mile of the project that is in Belton City limits and extends to Mullen Road. Commissioner Baker explained the County is lifting the moratorium in the County portion only; their actions will not affect the section within the City limits. He went into detail about the property owners that would be affected if the road went through and the resulting decision by MoDOT and KDOT to halt development of the road project.

According to Commissioner Baker, the County Commissioners have voted to lift the moratorium once a letter of support from the Mayor is received from the City. There was discussion about the consequences of the moratorium on the affected land owners. **Commissioner Horne moved the Belton Planning Commission recommend the Cass County Commission proceed with lifting the moratorium placed on property located in the County along the North Cass Parkway, and release that land for future development considerations.** Commissioner Thompson seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Vice-chairman Girgin, Mayor Pro Tem Lathrop, Commissioners Davila, McDonough,

VonBehren, Horne, and Thompson. Noes: none. Absent: 2 - Chairman Myers and Councilman Davidson. The motion carried.

#### MINUTES

Commissioner Davila moved to approve the minutes of the July 6, 2009, Commission meeting. Commissioner Horne seconded the motion. All members present voted in favor and the motion carried.

#### ELECTION OF OFFICERS

Mayor Pro Tem Lathrop moved to nominate Paul Myers as chairman of the Planning Commission. Commissioner Davila seconded the motion. All members present voted in favor of the motion and the motion carried.

Commissioner Davila moved to nominate Holly Girgin as vice-chairman of the Planning Commission. Commissioner VonBehren seconded the motion. All members present voted in favor of the motion and the motion carried.

#### PARK MASTER PLAN PRESENTATION

Todd Spalding, Director of the Belton Parks & Recreation Department, presented information regarding the Belton Trails Master Plan. He introduced Steve Bennett, Vice-President of the Park Board, who he said has participated in the trails project from the beginning.

He reported there are several small mixed use trails in the City parks but there is no connectivity to surrounding neighborhoods. The Master Plan goal is to connect all of Belton Parks with pedestrian and bike trails. Reasons given for creation of a trails system were:

- Lack of connectivity of trails and neighborhoods
- Congestion on 58 Highway
- People must drive to parks if they want to walk on a trail
- No safe bike routes on City streets
- Overall health concerns

Mr. Spalding provided a list of the benefits derived from a trails system.

It was reported by Mr. Spalding that plans for a trail under 71 Highway is moving along. The site has been marked with flags and will be surveyed next week. He anticipates the trail will be open by Spring of 2010 which will alleviate the obstacle of traveling between each side of the City. Mayor Pro Tem Lathrop made Commissioners aware there are a couple of residents in wheelchairs that are forced to travel on busy highways to get to Wallace Park.

Mr. Spalding told of the Longview Lake trail system and other significant connected trails that are part of the Metro Green system. If Belton can connect to the Metro Green system at Longview Lake, residents would become connected to hundreds of miles of trail systems according to Mr. Spalding.

Commissioner Horne initiated a discussion about pet stops on trails. It was reported that throughout the trails system there will be pet stations, benches and water fountains. Mr. Spalding

stated an off-leash pet park is part of the overall master plan for the park system. He went on to say there will be security lighting along the trail system. There was a discussion about types of grants available to fund trail projects. The benefits of a trail system for Belton citizens and the trail events that could be held in the City were topics of discussion. Mayor Pro Tem Lathrop noted that MARC made an attempt to acquire right-of-way (ROW) for trails from an area railroad, but the effort failed due to lack of funds.

Mr. Bennett spoke about the importance of the trails master plan. He acquainted the Commission with the challenges associated with the master plan, which he said are green space standards, connectivity, and existing infrastructure. He encouraged the Commission to ask questions and provide input for the trails project. Mayor Pro Tem Lathrop will provide the park with names of agencies that have grant money which has not been awarded.

Mr. Leipzig suggested the City's Comprehensive Plan be amended to include the trails master plan. He also recommended the Commission discuss requiring developers to dedicate park land for projects early in the process. Meetings in October were talked of as possible public hearing dates for amending the Comprehensive Plan. **Commissioner Horne moved the Commission take this under advisement and hold a public hearing on October 19, 2009, to discuss the inclusion of the Belton Trails Master Plan into the City of Belton's Comprehensive Plan.** Mayor Pro Tem Lathrop seconded the motion. When a vote was taken, the following was recorded: Ayes: 7 – Vice-chairman Girgin, Mayor Pro Tem Lathrop, Commissioners Davila, McDonough, VonBehren, Horne, and Thompson. Noes: none. Absent: 2 - Chairman Myers and Councilman Davidson. The motion carried.

#### CASE # SUP09-15

Mr. Leipzig introduced the Special Use Permit (SUP) request to allow a used car lot to operate at 604 N. Scott. It was stated the DRC committee members met with the applicant July 15 at which time the review process was explained to the applicant. Surrounding land use was mentioned as one of the issues connected to this application.

Mr. Cooper presented the staff report. The address of the SUP request for an automobile sales lot is 604 N. Scott, Suite AA. The sales lot parking area is approximately 3,600 sq. ft. according to Mr. Cooper. He reported there are auto repair shops on the same property in separate tenant spaces. The criteria used to evaluate an SUP application was presented by Mr. Cooper and it included:

*Welfare and Convenience of the Public* – He stated staff believes the proposed use and location would contribute to the proliferation of car lots along North Scott and could have a negative influence on the welfare and convenience of the public.

*Injury to Surrounding Property* – The use will not have an adverse affect on the neighboring properties due to the similarity in type.

*Domination of the Neighborhood* - The proposed used car lot will add to the predominance of that use in the neighborhood.

Parking requirements and driving aisle size were topics covered by Mr. Cooper in the staff report. According to the staff report, the single point access, the 24-ft. driving aisle, multiple tenants in the building, and high volume of traffic, all create a safety hazard for travel along N.

Scott. A timeline of the occupation license application process completed by Mr. Manohar was given. It was reported Mr. Manohar met with the DRC committee and was provided with a list of requirements necessary to open a car lot, and those included lighting, signage, paved and striped parking, dealer's license and licensed cars. He was advised the business cannot operate until the occupation license and the SUP have been approved. A list of conditions was provided by Mr. Cooper as guidelines should the Commission decide to approve the SUP.

Referring to photos of the property, Mr. Leipzig pointed out there were vehicles at the proposed business on August 11, 2009. A sign has been installed that does not comply with the sign ordinance according to Mr. Leipzig. The applicant was told the only vehicles that can be repaired at the business are the vehicles for sale, not vehicles of people coming in off the street. Mr. Leipzig stated it appears the building is being occupied.

Vice-chairman Girgin opened the public hearing at 7:47 p.m. The hearing was being held to receive public input regarding an application for a Special Use Permit to allow a used car lot to operate at 604 N. Scott.

Harium Manohar, the applicant, 9418 Leslie Avenue, Kansas City, Missouri was present to speak in favor of the SUP. Mr. Manohar praised the SUP process for car sales lots and indicated he wants to work with the City to follow the regulations for car dealerships. Mr. Manohar confirmed that he allowed the business sign to be erected in an attempt to comply with the Missouri Dealer Licensing requirements. He explained that a SUP was applied for to operate a used car dealership on the site and he would follow all the City requirements. He went on to say there will be an auto repair business adjacent to the car sales lot. Mr. Manohar reported that brake work and other "small things" will take place in the shop to get "for sale" cars ready to pass inspection.

Commissioner Davila initiated a discussion to clarify the intent of the "auto repair" part of the business. Mr. Manohar said the initial plan is to only repair cars that will be sold on the lot. Mr. Manohar clarified several aspects of the site drawing he submitted showing the proposed car lot, garage and office space. He explained the layout of the customer parking and he said the shop can hold approximately 10 cars.

Commissioner McDonough pointed out the sign on the business shows "Belton Value Auto Sales and Repair," and he asked why the sign advertises auto repair if he does not intend to do auto repair for the public. Mr. Manohar answered that Belton Auto Repair will be a different entity and he reiterated that repairs will be done on sale cars only. He was questioned further about the need for the word "repair" on the sign, if he is only repairing sale cars. Mr. Manohar implied that he was required to put the word "repair" on the sign but when questioned further, he contradicted his earlier declaration and stated it was something they thought would work out better. It was explained to Mr. Manohar the sign is misleading and may lead the public to believe car repairs are a service provided at the business. Mr. Manohar then acknowledged a mechanic will be applying for a permit to start his own repair business inside the car sales shop, but he has not applied yet. He stated there is room on the south side of the building for cars patronizing the future repair shop and they would make sure the business only has five parking spaces.

Commissioner Horne pointed out the site appears to be too crowded for a sales lot, and the overcrowding will be compounded with the addition of a repair shop. Mr. Manohar declared he will make sure everything works and he will address any complaints he receives from the City. It was mentioned the car sales business will not be outside only, but it will include the building. Mr. Cooper reported the City ordinance will not allow a second business in the same building as a licensed car lot without City Council review. He went on to say the future auto repair shop vehicle parking has to be fully screened with a six foot privacy fence and there will be no outside storage allowed. Again, Mr. Manohar indicated he is willing to work with the City to do whatever it takes to make sure everything is in proper order.

Fire department access was discussed. According to Mr. Webb, there are some access issues along N. Scott and the department typically stages the fire apparatus on the street. It was stated a hand lettered sign adjacent to the proposed used car business is not connected to the SUP.

It was reported on August 12 that code enforcement went to this property and cited the building for a business being operated without an occupation license. Mr. Leipzig noted that auto repair was taking place at the proposed business when code enforcement went to the site. The signage was not addressed by code enforcement on August 12 because the SUP application was in progress. **Commissioner McDonough moved to deny the Special Use Permit application allowing a car sales lot to operate at 604 N. Scott.** Commissioner VonBehren seconded the motion.

Before Vice-chairman Girgin called for a vote, she continued with the public hearing. Mr. Manohar requested the SUP be approved because he has spent money on the Missouri dealer's license and he recently got married. He stated that he is willing to do whatever it takes to "obey" the City laws.

There was no further input and the public hearing was closed at 8:05 p.m. The motion was restated by Commissioner McDonough and the second by Commissioner VonBehren.

During discussion it was made clear the motion on the floor is to deny the SUP for a car sales lot on the property at 604 N. Scott, so if approved this car sales lot could not operate at that address. There was further Commission dialogue to determine if there are any options open to the applicant that would allow the SUP to be approved. Five conditions listed in the staff report in the Commission agenda were mentioned as possible stipulations that must be followed if the SUP were to be approved. Mr. Cooper added the SUP is for the used car lot only and a future car repair business at the site should not be considered in this motion. Commissioner VonBehren indicated he does not want to stand in the way of a new business, but the Commission has spent a great deal time on used car issues and approval of a car lot at this location will perpetuate those issues.

Bario Saddiqui, a friend of the applicant, commented that when Adesa Auto Auction came to Belton, the elected officials welcomed dealers and businesses to the City of Belton. He said when the Auction was welcomed to the City the used car dealers and repair shops follow. Mr. Saddiqui indicated Mr. Manohar would like to start a small business and will not create traffic issues with a few cars. Mr. Manohar is obtaining a temporary license good for one year

according to Mr. Saddiqui, and if the business works out, he will move to a larger lot. He went on to say a lot of money has been spent. He stated Mr. Manohar is an honest, educated man and will not make trouble for the City of Belton. The State of Missouri required the sign to be put up before they inspected the building according to Mr. Saddiqui. Mr. Cooper agreed the State does require the sign to be erected for their licensing procedures, but he said Mr. Manohar could have contacted staff to find out the City requirements pertaining to signs. Other dealerships have been licensed by the State and have applied for a City sign permit also.

Commissioner McDonough made it clear the motion is not a reflection on the applicant, but the motion to deny the SUP is based on the location of the building, the building/parking layout and past uses of the building. He added that the site is not a good location for a used car lot. Commissioner Horne agreed the location is not adequate for a used car lot, and he then called for the question. **At this time a vote was taken on the motion to deny the SUP**, and the following was recorded: Ayes: 7 – Vice-chairman Girgin, Mayor Pro Tem Lathrop, Commissioners Davila, McDonough, VonBehren, Horne, and Thompson. Absent: 2 – Chairman Myers and Councilman Davidson. The motion carried and the SUP was denied.

#### UNIFIED DEVELOPMENT ORDINANCE (UDO)

Mr. Leipzig reported City staff is in the process of looking at the Unified Development Ordinance in detail. Tonight's discussion concerns performance standards, subdivision design and regulations, and signs. He pointed out the sign ordinance has been extensively revised over the years, but it is difficult for staff to enforce. It is his hope the UDO will make it easier to understand and will include diagrams.

Mr. Cooper presented the UDO staff report. He reviewed section headings and went into details about several to the subjects.

#### SIGNS:

Mr. Cooper covered section headings titled "Permits Required," "Signs Exempt from Regulation," and "Prohibited Signs."

*Signs allowed without a Permit:* These types of signs include real estate, real estate directional, garage sales, and political. If these signs are placed in prohibited locations such as the City ROW or on utility poles, staff will confiscate those signs according to Mr. Cooper.

*Sign Measurement and Interpretation:* This subject explains how sign size will be calculated and diagrams are shown.

*Sign Material & Construction:* He said there is a section about the types of approved materials that can be used to construct signs.

*Obstruction:* This section specifies locations where placement of signs will be unacceptable.

*Landscaping:* Mr. Cooper reported the UDO specifies that all monument signs must be landscaped.

*Master Signage Plan:* This section deals with site plans for new developments and displays a table to clarify sign regulations in all zoning districts.

*Off-Premise Signs:* Mr. Cooper summarized the subsection of this type sign and those included: Off-premise signs are permitted only along state and federal highways; no off-premise sign may be located within 1,000 feet of any existing off-premise sign; a letter of authorization from the property owner is required for application of any off-premise sign; and site plans and sign permits are required for off-premise signs.

*Subdivision Entrance Signs:* Staff will take the existing regulations that were recently updated by the Commission and incorporate them into the proposed UDO language for subdivision entrance signs according to Mr. Cooper.

*Electronic Message Center Signs:* The UDO designates this type of sign will be subject to review through the Special Use Permit process.

*Temporary Signs:* Mr. Cooper stressed this section is very clear in the UDO, and he read a few sentences from this section.

It was stated by Mr. Leipzig that hand-painted signs are addressed peripherally in the UDO, but they will also be covered in the Property Maintenance Code.

*Outdoor Lighting:* Mr. Cooper covered the UDO sections pertaining to lighting. Section titles included "Outdoor Recreational Uses," "Flashing Lights," and "Parking and Loading Areas."

*Fences:* The existing fence language will be incorporated into the UDO fence section according to Mr. Cooper. Once again he pointed out there are diagrams and tables to make it easy to determine what is allowed in each zoning district.

*Subdivision Design and Improvements:* It was reported the UDO is being extensively reviewed by staff, and changes are made by incorporating staff and Commission input. This section deals extensively with the City Engineer. Details about a new "mud deposit" were discussed. This subject has to do with construction projects that do not clean mud/dirt they deposit on City streets. Mr. Leipzig added, this subject is dealt with in the erosion control portion of the Ordinance.

*Yard Matching:* Mr. Cooper spoke of yard matching between two subdivisions requiring residential yard lines to lineup with each other.

*Buffer Strips:* Mr. Cooper provided details about residential subdivisions that back onto arterial or major collectors and how a buffer strip must be provided. He went on to explain two buffering options included in the UDO.

The section to be reviewed at the next meeting by the Commission deals primarily with engineering. Mr. Leipzig pointed out that throughout the UDO there is an emphasis on sustainability. He went on to state there are many references to landscaping buffers, trees, and

there is a tree ordinance in the UDO. Mr. Leipzig reported there are approximately 10 – 12 cities in the metro area that are in the process or have recently adopted a UDO. One firm in the region has prepared several area UDO documents and it appears they are all basically the same with only a few details that differ. These similarities between cities may help developers because a large number of cities will have the same development process.

Mr. Leipzig mentioned he would like the Site Plan Review Committee to go through and examine the UDO in detail. To be consistent with what is currently in the code is a goal announced by Mr. Leipzig.

Mayor Pro Tem Lathrop suggested there be a provision inserted in the subdivision buffer zone section dealing with tree longevity, and he related an example of a subdivision where the buffer trees have died. There is a provision in the section covering landscape escrow that stipulates the trees must live for two years according to Mr. Leipzig.

Signs in the ROW were a subject initiated by Mayor Pro Tem Lathrop. He told of a developer that placed the subdivision sign on a rock in the ROW. A letter was sent to the developer advising him the sign must be removed, but the rock is still in the ROW. Mr. Cooper reported there is a dedicated sign easement in the subdivision he spoke of. There is not a sight line problem associated with the rock/sign according to Mayor Pro Tem Lathrop. He went on to say the last director of community development sent a letter to the developer stating the sign/rock was illegal and must be removed, but years later the rock is still in place.

It was explained that a “snipe sign” is a sign attached to either a pole or tree.

#### DIRECTOR'S REPORT:

The next regularly scheduled Commission meeting will be held September 21. A special meeting will be scheduled for September 14 at Fire Station #2 to help the Commission members understand planning from the fire department's perspective.

Mr. Webb further explained the proposed agenda for the September 14 meeting at the fire station. One hour will be devoted to learning the fire marshal's perspective of new projects that are under review. Cul-de-sac lengths, turning radius and residential sprinkler systems will be some of the topics focused on according to Mr. Webb. He reported that later the Commission will be given a ride through the City to observe firsthand some areas of concern encountered by the fire department.

Mr. Webb spoke of development tradeoffs and he gave an example of approving a smaller turn radius, if parking is not allowed on the street. Mayor Pro Tem Lathrop expressed concern about approving developments with smaller turn radii and Mr. Webb announced those topics will be discussed at the special meeting. Mr. Webb voiced his pleasure with the UDO document and indicated the long process will be worth the effort.

Mr. Leipzig announced staff has met with the developer of Boardwalk and he is hoping a concept plan can be brought to the Commission in September.

Staff is internally reviewing a site plan for a grocery store that will be located at Y Highway and 58 Highway. That case will be presented to the Commission at a future date.

Mayor Pro Tem Lathrop announced Councilman Davidson was ill and could not attend tonight's meeting.

#### ADJOURNMENT

Mayor Pro Tem Lathrop moved to adjourn the meeting. Commissioner VonBehren seconded the motion. When a vote was taken, all members present voted in favor and the meeting adjourned at 8:55 p.m.

Ann Keeton  
Community Development Secretary

**BELTON MISSOURI - PLANNING COMMISSION  
REGULAR MEETING – CITY COUNCIL ROOM  
CITY HALL ANNEX, 520 MAIN STREET  
MONDAY, SEPTEMBER 21, 2009 – 7:00 P.M.  
CONTINUED**

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

**CASE #SUP09-15**

**Request:** Special Use Permit to allow a used car lot to operate in a C-2 (General Commercial) District.

**Location:** The west side of N. Scott Avenue between King Street and Myron Avenue. The street address is 604 N. Scott Avenue, Suite AA.

**Legal Description:** Kingsland, Lot 7, Tract 1

**Owner / Applicant:** Marion Biondo (building owner) / Harium Manohar (applicant)

**Size of Site:** 130-ft. x 200-ft. (26,000-sq. ft.) / 0.60-acre (Lot 7)

**Sales Lot Surface Area:** 60-ft. x 60-ft. (3,600 sq. ft.)

**Existing Zoning / Land Use:** C-2 / General Commercial

**Proposed Use:** Used Car Lot

**Surrounding Zoning / Land Use:**

North: C-2 / General Commercial

East: C-2 / General Commercial

South: C-2 / General Commercial

West: C-2 / General Commercial

**Comprehensive Plan:** Commercial

**Nature of Current Request**

The applicant, Hariom Manohar, owner of Belton Value Auto, originally presented an application for a Special Use Permit to the Planning Commission on August 17, 2009, to operate a used car lot. Following the presentation of the staff report and discussion, the Commission voted 7-0 to deny the Special Use Permit due to the required findings of fact in accordance with Section 2 of the Zoning Ordinance could not be made.

On August 21, 2009, the applicant met with the planning staff and indicated he wished to withdraw the special use permit application before it was to be presented before the City Council for review. Following the applicants request for withdrawal, he questioned staff

whether it would make any difference, should he decide to sell vehicles from the inside of the building with no display vehicles outside.

Staff's recommendation was to have the applicant re-present the request before the Planning Commission for review and final recommendation to the City Council.

## **STAFF REPORT**

### **Welfare and Convenience of the Public**

Staff believes that by permitting a used car lot in the proposed location would contribute greatly to an ongoing proliferation of used car lots along the North Scott corridor, which appears to staff, could have a negative influence on the welfare and convenience of the general public.

### **Injury to Surrounding Property**

Staff believes that the proposed use will not have an adverse affect on the immediate surrounding or abutting properties due in part to the similarity in use type and intensity.

### **Domination of the Neighborhood**

The site on North Scott Avenue is a commercial building with multiple tenant users, primarily auto repair shops. The space (Suite AA) which will be used by the applicant is located at the south end of the building.

It appears to staff, the proposed use as a used car lot will add to the predominance of that particular use within the neighborhood.

### **Code Citation**

In accordance with Article IV, Section 7(15) of the Zoning Ordinance, "one (1) parking space for each 3,000-sq. ft. of open sales lot area devoted to the sale, display and rental of such vehicles, plus one (1) parking space for each employee".

### **Off-Street Parking / Access**

The Zoning Ordinance requires, *"one (1) parking space for each 3,000-sq. ft. of open sales area"*. Based on the total size of the lot, it appears there will be ample parking.

There is a single-point access from North Scott Avenue, which is the primary source of ingress/egress to the site, with a driving aisle of 24-ft. The other uses of the adjoining tenant are basically auto repair shops with their own customer traffic and typically, used car lots produce large volumes of traffic.

Taking into consideration this site has multiple tenants which produce high volumes of vehicle traffic with a single-point of access for ingress and egress, appears to exacerbate a safety hazard for motorists and pedestrians traveling along North Scott Avenue and therefore, would not be a suitable location for a used car lot.

**NOTE:** On July 9, 2009, the applicant Harium Manohar, applied for an occupational license to operate a used car lot at 604-AA North Scott Avenue. On July 15, 2009, Mr. Manohar met with the Development Review Committee (DRC) to discuss the new city ordinance which requires new used car lot applicants to obtain a special use permit with Planning Commission review. It was explained to Mr. Manohar that the occupational license can not be approved until the Planning Commission approved the special use permit and that no business activity can take place on site until final approval.

### **Staff Recommendation**

Should the Planning Commission wish to approve the Special Use Permit, the following conditions shall apply:

1. That no Certificate of Occupancy is issued for 'Belton Value Auto' until the site has had a final inspection for compliance with applicable city codes.
2. That the Special Use Permit be renewed by the Planning Commission in one (1) year to ensure compliance.
3. The applicant shall not exceed two (2) sales vehicles at any given time.
4. No vehicle(s) displayed as 'For Sale' shall be placed outside of the building at any time.
5. No material, supplies, or merchandise shall be stored outdoors.

### **Planning Commission Alternatives**

The Planning Commission has the following options available in the consideration of this application:

1. Approve the application as submitted upon finding that the requirements of Section 2, Special Use Permits, of the Belton Code have been satisfied.
2. Approve the application subject to specified conditions.
3. Table the application if additional information is needed, such as time of use or other related factors.
4. Deny the application if the required findings cannot be made or if the proposed use is found to be incompatible with the neighborhood.

DATE: September 21, 2009

TO: Planning Commission

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

RE: **DISCUSSION: UNIFIED DEVELOPMENT ORDINANCE (UDO) / Storm-Water Management; and Flood Protection.**

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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 storm-water management, and flood protection.*

**STAFF REPORT**

**Storm Water Detention Requirements**

**A. Applicability**

The provisions of this chapter apply to all land disturbance construction activities including residential (single-family and multi-family), commercial and industrial development. Storm water detention facilities shall be constructed and in operation prior to any construction of impervious surface and so noted on the engineering drawings.

**B. Developer Responsibility**

There are many methods and/or combination of methods, which may be utilized to provide the amount of storage required. It is the responsibility of the developer to choose which method or combination of methods he/she will use. All required improvements must be designed and built according to the latest edition of the Kansas City Metropolitan A.P.W.A. unless otherwise required by the City of Belton.” Whenever these two are in conflict, the more restrictive applies.

**C. Methods of Storage**

The following is a list of various methods of detention including conditions and limitations, which shall be observed in the selection of a method of detention.

**1. Rooftop Storage**

- a. Building Codes require roof load designs for rain and snow. The design load may be converted to an equivalent water depth in inches, which can be safely contained on flat roofs.
- b. The maximum storage allowed for design purposes should not exceed this depth unless a building is designed to withstand a greater roof-load. The depth of water can be controlled by proper sizing of downspouts and by constructing scuppers through the parapet walls.
- c. Overflow drains should be used to protect against possible roof overloading. Roof-water tightness is required to prevent leakage from water accumulation.

## 2. **Parking Lots**

- a. Considerable area in commercial areas is occupied by parking lots. Planned correctly these paved areas can provide adequate detention with minimum inconvenience to the public and without functional interference. This method involves storage of runoff in depressions constructed near drains.
- b. In parking lots, detention is permitted to a maximum depth of seven inches. The maximum limits of ponding may not be designed closer than 10 feet from a building unless waterproofing of the building and pedestrian accessibility are properly documented. The minimum freeboard from the maximum ponding elevation to the lowest sill elevation of a building is one foot.

When detention is used on parking lots by means of retaining walls or curbs, these retaining walls and curbs must be constructed with reinforced concrete

## 3. **Recreation Areas**

- a. Recreation areas, such as open space or sports fields, generally have a substantial area of grass cover which can have high infiltration rates. A secondary use of such recreation areas can be made by providing for limited detention storage of runoff from adjacent areas. Because these areas are not used during periods of precipitation, detention ponding should not impede their primary use.
- b. To minimize the effects of detention, the recreation area should be designed so that it will thoroughly drain. Additionally, the vegetation used on the area should be tolerant of periodic inundation and wetness. The developer and the Parks and Recreation Department should work closely to provide open space that can also be used for limited detention storage.

## 4. **Dry Reservoirs**

Dry reservoirs shall be designed in accordance with the latest revision of the Standard Specifications of the Kansas City Metropolitan Chapter of the American Public Works Association as modified below:

### a. **Earth Bottoms**

All dry detention facilities shall be constructed with earth bottoms unless there is not sufficient runoff to support a plant community as determined by the Director of Public Works. The pond bottom shall be designed as a wetland and plantings shall be installed in accordance with wetland design criteria as specified in the latest revision of the Mid-America Regional Council and American Public Works Association "Manual for Best Management Practices for Storm Water Quality."

### b. **Maintenance**

- (1) Storm water facilities shall be maintained by the owner or other responsible party as outlined in a maintenance agreement approved by the City Council at the time of final plat approval.

- (2) Disposal of waste from maintenance of facilities shall be constructed in accordance with applicable federal, state and local laws and regulations.
- (3) Records of installation and maintenance and repair shall be retained by the owner or other responsible party for the current five year period and shall be made available to the City Public Works Department upon request.
- (4) Any failure to maintain a storm water facility in accordance with City requirements or to correct problems with a storm water facility as required by the City after receipt of due notice shall be handled under the procedure for nuisances as outlined in the Belton City Code.

**c. Inspection**

- (1) Storm water systems shall be inspected by the City Public Works Department during and after construction and annually thereafter to assure consistency with the approved storm water management plan.
- (2) All storm water systems shall be subject to the authority of the on-site detention inspection program of the City Public Works Department to ensure compliance with this code and may be inspected when deemed necessary.
- (3) Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to, random sampling and/or sampling in areas with evidence of storm water pollution, illicit discharges, or similar factors.

**d. Existing Dry Reservoirs**

- (1) In residential subdivisions where dry reservoirs/wet weather ponds currently exist, if a majority of the lot owners in that subdivision file a written request with the City Council to have the reservoir/pond either filled in or converted to another method of storm water detention and there are curbs and gutters and a storm water inlet located nearby to safely control the volume of a 100-year storm event, the City Council shall hold a public hearing and vote on the request.
- (2) In residential subdivisions where dry reservoirs/wet weather ponds have been approved but are less than 25 percent constructed, if a majority of lot owners file a written request with the City Council asking that another method of storm water detention be used, then the City Council shall hold a public hearing and vote on the request.
- (3) For commercial property, if a majority of the owners of that property file a written request with the City Council asking that another method of storm water detention be used, then the City Council shall hold a public hearing and vote on the request.

**5. Permanent Lakes**

Permanent lakes must be constructed according to the Kansas City Metro A.P.W.A. standards and specifications.

## 6. **Underground Storage**

- a. Storm water runoff may be controlled by a holding tank or large size pipe. This method should be limited to areas where surface ponding is prohibited due to lack or high cost of available land or areas where the surface topography is not conducive to above-ground storage.
- b. These systems must be designed so that the water surface from the 25-year storm does not exceed the elevation of the top of the storage pipe or vault or come within six inches of the bottom of any inlet grate or exceed the top of any upstream pipe; and provision must be made to safely control the 100-year storm.
- c. Underground storage systems must be designed to be relatively maintenance free by using adequate trash screens at all inlets to the system and at the control structures avoiding the use of moving parts and avoiding the use of small control pipes and narrow weir openings.
- d. Privately maintained underground storage systems located on private property must be constructed of materials which have a similar expected life as that of the project. Tanks, vaults or oversized pipes and multiple parallel pipes may be used in these private systems.
- e. All underground storage systems must have a reasonable number and type of access locations to allow easy inspection and maintenance.

## **Land Disturbance and Erosion Control**

### **Applicability**

All land disturbances, including residential, commercial and industrial development projects, must provide adequate erosion control to protect public streets, public storm sewer systems, adjacent property and streams from being polluted with mud and silt.

### **Land Disturbance Permit**

1. A land disturbance permit is required for any entity, including all public or private entities, that intends to cause or causes a condition that allows for erosion including, but not limited to, stripping vegetation, clearing and grubbing land or creating any type of land disturbance. The contractor, permittee or owner that intends to cause or causes a condition that allows for erosion must apply for a land disturbance permit. A land disturbance permit may only be issued by the City after a preliminary plat or site plan has been approved by the Planning and Zoning Commission and, when required, a land disturbance permit has been issued by the Missouri Department of Natural Resources.
2. All applications for a land disturbance permit must be submitted to the Director of Public Works. Applications for a land disturbance permit must be accompanied by an erosion control plan, a preliminary grading plan, and other information required by the permit application. Where practical, drawings may be combined to contain all the required plans.
3. A permit fee in the amount of \$500.00 must be submitted with the land disturbance permit application. This fee may be adjusted from time to time by the City Council.

4. The following exceptions do not require a land disturbance permit:
  - a. any grading or excavation for basements, footings, retaining walls or other structures authorized by a valid building permit;
  - b. any land disturbance activity of 2,000 square feet or less;
  - c. refuse disposal sites controlled by other regulations;
  - d. agricultural activities in connection with the production, harvesting, storage, drying or raising of agricultural products and livestock; and
  - e. mining, quarrying, excavating, processing, stockpiling of rock, sand, aggregate or clay where established and provided by law.
5. Nothing in this section may be deemed to supersede permitting requirements imposed by any law, rule or regulation of other Federal, State or local agencies or of the City. In the event of conflict between these requirements and any other such law, rule or regulation, the more restrictive laws, rules or regulations apply.

### **Grading Plan**

The grading plan must contain all of the information set forth below.

6. Existing and proposed contours of the entire site taken at two foot intervals to define existing and proposed topography of the entire site. The maximum allowable slope is one foot of vertical rise for three feet of horizontal run (3:1).
7. Contour lines that extend a minimum of 100 feet off site or sufficient to show on- and off-site drainage.
8. Property lines shown in true location with respect to the plan's topographic information.
9. Location and graphic representation of all existing and proposed natural and manmade drainage facilities including both piped and overland facilities. Overland swales must have a minimum grade of two percent.
10. Name(s), address(es) and telephone number(s) of the person(s) responsible for the preparation of the site plan and grading plan.
11. Location of final surface runoff, erosion and sediment control measures.
12. Location and elevation of any building or structure located within 50 feet of the property boundaries.
13. Other information required by the Director of Public Works or their designee.
14. Show any significant natural resources as identified in the Growth Management Plan.
15. Demonstrate compliance with any natural feature preservation requirements of the Growth Management Plan.

### **Erosion/Sediment Control Plan**

16. Erosion and sediment control must be an integral component of any construction project. Erosion and sediment control devices must be installed and functional prior to site clearing and grading.

17. The contractor, permittee or owner must at all times maintain all erosion and sediment control measures in good order and compliance with erosion and sediment control plan for the site and with the City's adopted standards for the duration of the permit. Products resulting from erosion, such as silt and mud, must be contained within the individual lot boundaries or project boundaries.
18. Best management practices (BMP) must be performed throughout the life of the project to prevent water pollution. This work must consist of furnishing, installing, maintaining and removing temporary erosion and sediment control measures as shown on the plans or ordered by the Director of Public Works and/or their designee. The control of water pollution through the use of berms, slope drains, ditch checks, sediment basins, seeding and mulching, straw bales, silt fences and other erosion control devices or methods must be used in accordance with the Missouri Department of Natural Resources, Division of Environmental Quality. Construction of permanent drainage facilities as well as performance of other work that may effectively limit siltation must be accomplished at the earliest practicable time. The Director of Public Works and/or their designee may require the immediate implementation of permanent or temporary erosion and sediment control measures to prevent pollution of adjacent streams or other watercourses, streets, storm sewer systems, lakes, ponds or other areas of water impoundment.
19. The surface area of earth material exposed at one time by clearing and grubbing, by excavation, by fill or by borrow operations may not exceed 750,000 square feet (17.2 acres) without separate written approval of the Director of Public Works. Clearing and grubbing operations must be scheduled and performed so that grading operations and permanent erosion control features will follow immediately thereafter.
20. Additional erosion prevention control measures must be used to correct conditions that develop during construction which were not foreseen during the design stage; that are needed prior to installation of permanent pollution prevention features; or that are needed temporarily to control erosion that develops during normal construction practices but are not associated with permanent erosion and sediment control features on the project.

All material stockpiles and storage areas will be subject to all erosion and sediment control provisions in accordance with the Missouri Department of Natural Resources, Division of Environmental Quality.

The following information must be provided as part of the erosion and sediment control plan:

- a. a description of, specifications and detailed plans for surface runoff and erosion control devices;
- b. a description of vegetative measures and timetable for restoring all disturbed areas;
- c. a graphic representation of the location of all specified erosion and sediment control measures;
- d. an implementation schedule for installing and subsequently removing devices described above;

- e. a maintenance schedule for all sediment and erosion control measures specified; and
  - f. a list of parties responsible for constructing and maintaining the erosion control measures as shown on the plan and as approved by the Director of Public Works and/or their designee. The list must have the phone numbers and addresses of at least two persons indicating how they may be contacted at all times (days, nights, weekends, etc.) regarding repairing and maintaining the erosion control measures.
21. The erosion control plan and calculations must be prepared using Best Management Practices adopted by the Missouri Department of Natural Resources. The plan shall minimize any adverse flood impact. Storm water detention/retention must be provided to comply with the City's adopted storm water regulations and to the extent possible to correct any existing on-site storm water issues.
  22. Erosion control measures such as silt fencing shall be removed from the property when no longer necessary to provide erosion control.

**Implementation of Erosion Control Plan**

Prior to the start of earthwork activities, the permittee must have in place and functional all erosion controls as outlined on the approved plan and any additional controls that may be required as directed by the Director of Public Works and/or their designee. No earthwork activities may commence until the erosion controls have been field inspected by the City of Belton. All erosion control measures must be maintained by the permittee in a functioning and acceptable condition until turf is established and/or structural surfaces are constructed to protect the soil from erosion.

**Financial Security**

Prior to issuance of a permit, the permittee must provide financial security for performance of the work in the amount of \$1,000.00 per gross acre. The form of the securities must be one or a combination of the following to be determined by the City of Belton:

1. The first \$5,000.00 of the financial security must be by cash deposit to the City of Belton. If at any time during the course of the work this amount falls below the original amount of the deposit, the permittee must deposit the necessary funds to return the cash deposit to a balance of \$5,000.00.
2. The remaining financial security balance may be in the form of cash deposit, letter of credit or bond.
3. The financial security will be released:
  - a. at the time turf is established; and all temporary erosion control measures have been removed.

## **Erosion Control Enforcement**

### **Erosion and Sediment Control**

1. The Department of Public Works, Engineering and the Department of Community Development will handle erosion control/tracking of mud and debris enforcement through the normal routine activities that include inspecting the site, communicating with the contractor, permittee or owner, and issuing written warnings to the contractor, permittee or owner to resolve issues of non-compliance.
2. Upon the Director of Public Works or the designee's determination that erosion control measures are deficient, but not hazardous, or that the contractor, permittee or owner did deposit, spill, drop or track any dirt, earth, mud, rock, sand, shale, debris, rubbish or other material on any right-of-way, the Director of Public Works will notify the contractor, permittee or owner to take remedial action to correct the deficiencies within two regular business days. If the deficiencies have not been corrected within two business days, the Director of Public Works or the designee may:
  - b. issue a stop work order for the site;
  - c. suspend land disturbance permit(s);
  - d. remedy the deficiencies and bill the contractor, permittee or owner for the actual and administrative costs. If the contractor, permittee or owner fails to reimburse the City for correcting the deficiencies within 30 days, the City of Belton will draw upon any and all financial securities to cover the actual and administrative costs; and
  - e. refer the case to the City Attorney for prosecution.
3. If erosion attributable to deficient erosion control measures or the tracking, depositing or spilling of mud dirt or debris poses an immediate danger to life or property or substantial flood or fire hazards, the Director of Public Works or the designee will cause the City to immediately abate the hazardous condition. The contractor, permittee or owner must pay all actual and administrative costs incurred by the City in correcting the hazardous condition within 30 days. If the contractor, permittee or owner fails to pay the City for correcting the hazardous condition, the Director of Public Works may take any or all of the actions listed above.

### **Dams, Retention Basins and Siltation Control**

Where dams are proposed in any subdivision, they must be designed by a professional engineer registered in the State of Missouri. A preliminary engineering report including soil investigations and design procedures must be submitted to the Director of Public Works for review. When a dam is planned on private property, the engineer must certify that the dam is constructed according to the approved plans and specifications.

## **Stream Buffer Protection**

### **Applicability**

This section applies to all land or new development within the stream corridor, as defined by this section and applied to designated stream segments identified on the Belton Stream Order Map and incorporated as a part of this section. No development shall occur on a parcel of land that is within or partially within the defined stream corridor, except in accordance with this section. This section does not apply to land or to development which:

- a. is on land covered by an approved, unexpired final plat, preliminary plat, memorandum of understanding (MOU) or preliminary plan, where such approval was given prior to the effective date of this section;
  - b. is covered by an unexpired building permit issued prior to the effective date of this section, in accordance with City Code, and platting was not required prior to issuance of a building permit;
  - c. is being used for agricultural operations; or
  - d. If a development obtains a Federal Clean Water Act Individual 404 Permit allowing a stream to be relocated or otherwise altered, this section will apply to the new stream location and order. A copy of the approved 404 Permit shall be submitted with the Buffer Plan.
1. No development shall be approved that proposes development on any parcel of land wholly or partially within the defined stream corridor unless the proposed development is in compliance with the applicable provisions of this section.
  2. Except as otherwise provided by this section, the Director of Public Works shall administer, implement and enforce the provisions of this section. The director may delegate any powers or duties granted by this code to other City personnel or authorized representatives.
  3. The City is authorized to develop administrative policies and guidelines to implement this section.
  4. Stream buffers, as required by this section, are a part of the City's Storm Water Management Program.

### **Buffer and Stream Setback Requirements**

All land development activity subject to this chapter shall meet the following requirements:

#### **Plan Requirements**

- a. A buffer plan approved by the Director of Public Works is required for all projects where development or redevelopment is to occur on property that includes or is adjacent to a stream. The plan shall set forth an informative, conceptual, and schematic representation of the proposed activity so as to enable the City an opportunity to make a reasonably informed decision regarding the proposed activity.
- b. The delineation of the stream buffer and its component zones shall be shown on any building construction plans, preliminary plat and final plat, as may be

required by City Code. The buffer plan shall be submitted in conjunction with the required preliminary plat and engineering plans for any development and the boundaries of the stream buffer shall be clearly delineated.

- c. A buffer plan shall contain the following information:
  - (1) A location or vicinity map showing the limits of the FEMA-delineated 100-year flood limits.
  - (2) Field-delineated and/or surveyed streams, springs, bodies of water (include a minimum of 150 feet into adjacent properties).
  - (3) Labels for the stream buffer zones and any structures or activities by the zone where they are to be located.
  - (4) An inspection and maintenance plan.
  - (5) A planting palette in accordance with the latest revision of the Kansas City APWA Best Management Practices Manual.

**Boundary Markers**

Boundary markers shall be installed prior to final approval of the required clearing and grading plan.

**Construction Fencing**

Construction fencing shall be placed to delineate the buffer and shall be maintained throughout the construction of the project.

**Final Plats**

All final plats and survey documents prepared for recording shall clearly:

- d. show the extent of any stream buffer on the subject property.
- e. provide a note to reference any stream buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation."
- f. provide a note to reference any conservation easements governing all stream buffer areas stating: "Any stream buffer shown hereon is subject to conservation easements that restrict disturbance and use of these areas."

**Design Standards for Stream Buffers**

- 1. A buffer for a stream shall consist of a strip of land extending along both sides of a stream.
- 2. The required width for all stream buffers shall be a minimum average of 50 feet on each side of the stream beginning at the stream centerline and shall comply with the following. All buffers are measured from the stream centerline and are required on each side of the stream.

Stream	Minimum Average Buffer Width (feet)
First order	50
Second order	90

Third order	100
Fourth order	140
Fifth order	185
Sixth order	300

3. In no case shall the buffer be less than the flood plain limits as shown on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) Cass County Panels.
4. If stream buffers, or stream channels, are disturbed or destroyed during development or construction activities, they shall be restored using native vegetation or plantings.
5. The following structures, practices, and activities are permitted in the stream buffer, with specific design or maintenance features, subject to the review and approval of the City:
  - a. Activities for the purpose of building one of the following:
    - (1) a stream crossing by a driveway, transportation route or utility line;
    - (2) public water supply intake or public wastewater outfall structures;
    - (3) public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
    - (4) paved foot trails and paths;
    - (5) activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
  - b. Crossings for roads, bridges and utilities, subject to the following:
    - (1) the right-of-way should be the minimum width needed to allow for maintenance access and installation;
    - (2) the angle of the crossing shall be as close to perpendicular to the stream or buffer as is practicable to minimize clearing requirements; and
    - (3) the minimum number of road crossings should be used within each subdivision, and no more than one crossing is allowed for every 1,000 feet of buffer.
  - c. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
  - d. Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.

- e. Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the Director of Public Works on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Director of Public Works to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
- f. Placement of structures for the control and monitoring of water quality and water quantity within a stream buffer, as required by the City.

#### **Variance Procedures**

Any variance request to the requirements of this chapter shall be filed in accordance with this Unified Development Ordinance.

#### **Compatibility with Other Buffer Regulations and Requirements**

This chapter is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

#### **Additional Information Requirements for Development on Buffer Zone Properties**

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

A site plan showing:

- a. The location of all streams on the property;
- b. Limits of required stream buffers and setbacks on the property;
- c. Buffer zone topography with contour lines at no greater than two foot contour intervals;
- d. Delineation of forested and open areas in the buffer zone; and,
- e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;

A description of all proposed land development within the buffer and setback.

Any other documentation that the Director of Public Works may reasonably deem necessary for review of the application and to ensure that the buffer zone ordinance is addressed in the approval process.

#### **Responsibility**

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this chapter shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon the City of Belton, its officers or employees, for injury or damage to persons or property.

### **Ownership and Maintenance Responsibility for Stream Buffers**

The stream buffer areas must be established and recorded by the developer or property owner. Particular zones may be established and protected by different methods. One or more of the following methods shall be used to provide for the preservation of the buffer area in perpetuity:

- a. A drainage or conservation easement; or
- b. Inclusion in a development common area; or
- c. Dedication to the City of Belton with the City's acceptance.

Developments and projects must be designed so that all established stream buffers are accessible to facilitate inspection, construction, maintenance and other activities related to the stream and City infrastructure in the buffer area. Nothing contained in this paragraph shall establish an independent right of ownership.

### **Inspection**

1. The City's Engineering and Building Inspections divisions may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the City in making such inspections. The City shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this chapter, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.
2. No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

### **Violations, Enforcement and Penalties**

Any action or inaction which violates the provisions of this chapter or the requirements of an approved plan may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

### **Notice of Violation**

If the City of Belton determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this chapter, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this chapter without having first secured the appropriate approvals therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this code and the date for the completion of such remedial action;
5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
6. A statement that the determination of violation may be appealed to the Director of Public Works by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

### **Penalties**

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, anyone or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Director of Public Works shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than 10 days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Director of Public Works may take anyone or more of the following actions or impose anyone or more of the following penalties.

### **Stop Work Order**

The Director of Public Works may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

### **Withhold Certificate of Occupancy**

The City of Belton may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

### **Suspension, Revocation or Modification of Permit**

The Director of Public Works may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such

conditions as the Director of Public Works may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

### **Civil Penalties**

In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days (or such greater period as the Director of Public Works shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the Director of Public Works has taken one or more of the actions described above, the Director of Public Works may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

### **Criminal Penalties**

For intentional and flagrant violations of this ordinance the Director of Public Works may issue a citation to the applicant or other responsible person, requiring such person to appear in (appropriate municipal, magistrate or recorder's) court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

## **Administrative Appeal and Judicial Review**

### **Administrative Appeal**

Any person aggrieved by a decision or order of the City, may appeal an enforcement action in writing within 10 days after receipt of such action to the Director of Public Works of the City of Belton and shall be entitled to a hearing before the City Council of the City of Belton within 30 days of receipt of the written appeal.

### **Judicial Review**

Any person aggrieved by a decision or order of the City, after exhausting all administrative remedies, shall have the right to appeal de novo to the Municipal Court of the City of Belton.

## **Wetland Protection**

All land disturbance activities shall be conducted in accordance with all state and federal laws.

In its review of all applications, the City will utilize the U.S. Fish and Wildlife Inventory Map to determine if further study is necessary by an applicant to determine if a wetland is located on property to be developed or upon property included in a land disturbance permit application.

## **Flood Protection**

### **Introductory Provisions**

#### **Statutory Authorization**

The Legislature of the State of Missouri has in RSMo., 79.010 et. seq., delegated the responsibility to local governmental units, to adopt floodplain management regulations designed to protect the health, safety, and general welfare.

#### **Findings of Fact**

##### **Flood Losses Resulting from Periodic Inundation**

The special flood hazard areas of the City of Belton, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

##### **General Causes of the Flood Losses**

These flood losses are caused by:

- a. the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
- b. the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

##### **Methods Used to Analyze Flood Hazards**

The Flood Insurance Study (FIS) that is the basis of this chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

- a. Selection of a base flood that is based upon engineering calculations which permit a consideration of flood factors such as its expected frequency of occurrence, the area inundated and the depth of inundation. The base flood selected for this chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this chapter. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's Flood Insurance Study and illustrative materials for Cass County, Missouri dated March 16, 2006, as amended, and any future revisions thereto.
- b. Calculation of water surface profiles is based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- c. Computation of a floodway required to convey this flood without increasing flood heights more than one foot at any point.

- d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
- e. Delineation of flood fringe, i.e., the area outside the floodway encroachment lines that is still subject to inundation by the base flood.

### **Purpose**

It is the purpose of this chapter to:

- 1. promote the public health, safety, and general welfare;
- 2. to minimize losses;
- 3. to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and
- 4. to meet the requirements of 44 CFR 60.3(b) by applying the provisions of this chapter to:
  - a. restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
  - b. require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
  - c. protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

### **Applicability**

This chapter applies to all lands within the jurisdiction of the City of Belton identified as unnumbered A zones and AE zones on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM) Cass County panels, dated March 16, 2006, as amended, and any future revisions thereto. In all areas covered by this chapter, no development is permitted except through the issuance of a floodplain development permit granted by the City of Belton or its duly designated representative under such safeguards and restrictions as the City of Belton or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community.

### **Compliance**

No development located within the special flood hazard areas of this community may be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

### **Abrogation and Greater Restrictions**

It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

## **Interpretation**

In their interpretation and application, the provisions of this chapter will be held to be requirements, will be liberally construed in favor of the governing body, and will not be deemed a limitation or repeal of any other powers granted by State Statutes.

## **Warning and Disclaimer of Liability**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes. This chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This chapter does not create a liability on the part of the City of Belton or any officer or employee thereof, for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made under this chapter.

## **Administration**

### **Floodplain Administrator**

#### **Designation**

The Director of Public Works is hereby designated as the Floodplain Administrator and is appointed to administer and implement the provisions of this chapter.

#### **Powers and Duties**

The duties and responsibilities of the Floodplain Administrator include, but are not limited to:

- a. review of all applications for floodplain development permits to assure sites are reasonably safe from flooding and that the floodplain development permit requirements of this chapter have been satisfied;
- b. review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
- c. review all subdivision proposals and other proposed new developments, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- d. issue floodplain development permits for all approved applications;
- e. notify adjacent communities and the Missouri Department of Natural Resources prior to any significant alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- f. assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished;
- g. verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been flood-proofed; and/or when flood-proofing techniques are utilized for a particular non-residential structure, the Floodplain Administrator must require certification from a registered professional engineer or architect.

### **Floodplain Development Permit**

A floodplain development permit is required for all proposed construction or other development, including the placement of manufactured structures.

If any portion of a parcel is within the 100-year floodplain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management Agency (FEMA) requirements. All FEMA, the Missouri Department of Natural Resources (MDNR) and/or United States Army Corps of Engineers (USCOE) approvals must be in place prior to any review by staff or the Planning and Zoning Commission.

### **Amendments**

The regulations, restrictions and boundaries set forth in this chapter may be amended to reflect changes in the National Flood Disaster Protection Act of 1973. A copy of any amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this chapter are in compliance with the National Flood Insurance Program (NFIP) regulations.

### **Variations**

Any variance request to the requirements of this chapter shall be filed in accordance with the Uniform Development Ordinance.

### **General Standards**

No permit for floodplain development will be granted for new construction, substantial improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zone or AE zone, unless the conditions of this chapter are satisfied.

All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this chapter. If flood insurance study data is not available, the community must obtain, review, and reasonably utilize any base flood elevation or floodway data available from Federal, State or other sources.

Until a floodway is designated, no new construction, substantial improvements or other development, including fill, is permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

All new construction, subdivision proposals, substantial improvement, pre-fabricated buildings, placement of manufactured homes, and other development requires:

1. design or adequate anchorage to prevent floatation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. construction of materials resistant to flood damage;
3. utilization of methods and practices that minimize flood damage;
4. all electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designated and/or located as to prevent water from entering or accumulating within the components during conditions of flooding;
5. new or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
6. subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
  - a. all such proposals are consistent with the need to minimize flood damage;
  - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - c. adequate drainage is provided so as to reduce exposure to flood hazards; and
  - d. all proposals for development, including proposals for manufactured home parks and subdivisions, of five acres or 50 lots, whichever is lesser, include within such proposals base flood elevation data.

#### **Storage, Material and Equipment**

1. The storage or processing of materials within the special flood hazard area that are, in time of flooding, buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
2. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent floatation, or if readily removable from the area within the time availability after a flood warning.

#### **Agricultural Structures**

Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-flood-proofed, provided:

1. there is no human habitation or occupancy of the structure;
2. the structure is of single-wall design;
3. there is no permanent retail, wholesale or manufacturing use included in the structure;
4. a variance has been granted from the floodplain management requirements of this chapter; and
5. a floodplain development permit has been issued.

### **Accessory Structures**

Structures used solely for parking and limited storage purposes, not attached to any other structure, of limited investment value and not larger than 400 square feet may be constructed at-grade and wet-flood-proofed provided:

1. there is no human habitation or occupancy of the structure;
2. the structure is of single-wall design;
3. a variance has been granted from the standard floodplain management requirements of this chapter; and
4. a floodplain development permit has been issued.-

### **Specific Standards**

In all areas identified as numbered and unnumbered A zones and AE zones, where base flood elevation data have been provided, the following provisions are required:

#### **Residential Construction**

- a. New construction or substantial improvement of any residential structure, including manufactured homes, must have the lowest floor, including basement, elevated to or one foot above base flood level and no platted lots may encroach in the Federal Emergency Management Agency (FEMA) floodplain or the 100-year flood elevation for areas not identified as special flood hazard areas.
- b. This subsection does not apply to any land development activity for which a preliminary plat or other phased development has been previously approved as of February 28, 2005 or to any land development activity which has been submitted for preliminary plat approval as of February 28, 2005.

#### **Non-residential Construction**

New construction or substantial improvement of any commercial, industrial or other non-residential structure, including manufactured homes, must have the lowest floor, including the basement, elevated to or one foot above the base flood level or, together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect must certify that the standards of this subsection are satisfied.

#### **All Construction**

Require for all new construction and substantial improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a minimum of two openings having a total net of not less than one square inch for every square foot of enclosed area subject to flooding must be provided; and

the bottom of all openings must be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### **Manufactured Homes**

All manufactured homes to be placed within all unnumbered and numbered A zones and AE zones on the community's FIRM must be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

Require that manufactured homes that are placed or substantially improved within unnumbered or numbered A zones or AE zones on the community's FIRM on sites:

1. outside of manufactured home park or subdivision;
2. in a new manufactured home park or subdivision;
3. in an expansion to an existing manufactured home park or subdivision; or
4. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or one foot above the base flood level and be securely attached to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered or numbered A zones and AE zones on the community's FIRM, that are not subject to the provisions of this section, be elevated so that either:

- a. the lowest floor of the manufactured home is at or one foot above the base flood level; or
- b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely attached to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

### **Floodway**

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions apply:

1. the community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designated to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point;
2. the community shall prohibit any encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
3. if requirements are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter; and
4. in unnumbered A zones, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
5. **Recreational Vehicles**

Recreational vehicles placed on sites within unnumbered A zones on the community's FIRM must either:

1. be on site for fewer than 180 consecutive days;
2. be fully licensed and ready for highway use, meaning that it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions; or
3. meet the permitting, elevating, and the anchoring requirements for manufactured homes of this chapter.

### **Stream Buffer Requirement**

#### **Additional Buffer Requirements**

All land development activity subject to this chapter shall meet the following requirements:

1. A buffer plan approved by the Director of Public Works is required for all projects where development or redevelopment is to occur on property that includes or is adjacent to a FEMA designated flood plain or land subject to flooding during a 100 year storm event. The plan shall set forth an informative, conceptual, and schematic representation of the proposed activity so as to enable the City an opportunity to make a reasonably informed decision regarding the proposed activity.
2. The delineation of the buffer and its component zones shall be shown on any building construction plans, preliminary plat and final plat, as may be required by this Code. The buffer plan shall be submitted in conjunction with the required preliminary plat and engineering plans for any development and the boundaries of the stream buffer shall be clearly delineated.

A buffer plan shall contain the following information:

- c. A location or vicinity map showing the limits of the FEMA-delineated flood plain and 100-year flood limits.
- d. Field-delineated and/or surveyed streams, springs, bodies of water (include a minimum of 150 feet into adjacent properties).
- e. Labels for the buffer zones and any structures or activities by the zone where they are to be located.
- f. An inspection and maintenance plan as outlined in the latest revision of the Mid-America Council and American Public Works Association Manual of Best Management Practices for Storm-water Quality.

**Boundary Markers**

Boundary markers shall be installed prior to final approval of the required clearing and grading plan.

**Construction Fencing**

Construction fencing shall be placed to delineate the buffer and shall be maintained throughout the construction of the project.

**Final Plats**

All final plats and survey developments prepared for recording shall clearly:

- g. show the extent of any buffer on the subject property;
- h. provide a note to reference any buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation"; and
- i. provide a note to reference any conservation easements governing all stream buffer areas stating: "Any buffer shown hereon is subject to conservation easements that restrict disturbance and use of these areas."

**Design Standards for Buffers**

- 1. A buffer for a stream shall consist of a strip of land extending along both sides of a stream.
- 5. The required width for all stream buffers shall be a minimum average of 40 feet on each side of the stream beginning at the stream centerline.
- 6. In no case shall the buffer be less than the flood plain limits as shown on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) Cass County Panels dated March 16, 2006, as amended, and any future revisions thereto.
- 7. If stream buffers, or stream channels, are disturbed or destroyed during development activities, they shall be restored using native vegetation or plantings as outlined in required 'Planting Palette'
- 8. The following structures, practices, and activities are permitted in the stream buffer, with specific design or maintenance features, subject to the review and approval of the City:
  - a. Activities for the purpose of building one of the following:
    - (1) a stream crossing by a driveway, transportation route or utility line;

- (2) public water supply intake or public wastewater outfall structures;
  - (3) public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
  - (4) paved foot trails and paths;
  - (5) activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
- b. Crossings for roads, bridges and utilities, subject to the following:
- (1) the right-of-way should be the minimum width needed to allow for maintenance access and installation
  - (2) the angle of the crossing shall be as close to perpendicular to the stream or buffer as is practicable to minimize clearing requirements; and
  - (3) the minimum number of road crossings should be used within each subdivision, and no more than one crossing is allowed for every 1,000 feet of buffer.
- c. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
- d. Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
- e. Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the Director of Public Works on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Director of Public Works to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
- f. Placement of structures for the control and monitoring of water quality and water quantity within a stream buffer, as required by the City.

### **Penalties for Violation**

Any person who violates this chapter or fails to comply with any of its requirements will, upon conviction thereof, be subject to the penalties.

Nothing herein contained will prevent the City of Belton or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

**COMMISSION OPTIONS:**

1. Discuss and accept the proposed Unified Development Code, specifically, Storm-Water Management and Floodplain Protection.
2. Continue to the next regularly scheduled meeting for further discussion.