AGENDA
CITY OF BELTON
PLANNING COMMISSION MEETING
MONDAY, OCTOBER 5, 2009 - 7:00 P.M.
BELTON CITY HALL ANNEX, 520 MAIN STREET

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 21, 2009 PLANNING COMMISSION MEETING

IV. DISCUSSION OF UNIFIED DEVELOPMENT CODE: REVIEW & DECISION-MAKING BODIES & OFFICIALS

V. PRESENTATION OF REVISED UDC DRAFT & SUMMARY MEMO: To be distributed at the meeting.

VI. DIRECTOR'S REPORT

VII. NEXT MEETING DATE: OCTOBER 19, 2009

VIII. ADJOURNMENT

MEETING MINUTES

SEPTEMBER 21, 2009

Minutes of Meeting
Belton Planning Commission
City Hall Annex – 520 Main Street
September 21, 2009

CALL TO ORDER
Chairman Paul Myers called the meeting to order at 7:07 p.m.

ATTENDANCE

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

MINUTES
Mayor Pro Tem Lathrop moved to approve the minutes of the August 17, 2009, Commission meeting. Commissioner Horne seconded the motion. All members present voted in favor and the motion carried.

CASE # SUP09-15: Consideration of a Special Use Permit to allow a used car lot to operate at 604 N. Scott, Unit AA.

Chairman Myers opened the public hearing at 7:07 p.m. Mr. Leipzig explained the reason Case SUP09-15 is on tonight's agenda after the Commission voted to recommend the application be denied at the August 17, 2009, Commission meeting. The applicant, Harium Manohar, was going to withdraw the application after the last meeting, but decided to investigate the possibility of selling cars from inside the building. It was stated the applicant would now like to keep a maximum of two cars for sale inside the building.

Staff Report: Mr. Cooper presented the staff report on the Special Use Permit (SUP) application for Belton Value Auto. He reported the Commission voted 7-0 to recommend the SUP application be denied at the August 17, 2009, meeting. The applicant indicated he wished to withdraw his application on August 21, 2009, during a meeting with staff, but he later reconsidered and decided to present the request again. He changed his original request for outdoor vehicle sales and requested the SUP application be for vehicle sales inside the building.

According to Mr. Cooper, the technical aspects of the original SUP request remain the same. He emphasized there is a single access point from North Scott to the property and the building has multiple tenants which could create a safety hazard for motorists.

One item noted by Mr. Cooper concerning the occupational license application was that Mr. Manohar was told at a meeting on July 9, 2009, the license could not be approved until the SUP was approved. Additionally, he was told that no business activity can take place on site until final approval. City staff has witnessed some type of business activity taking place on site prior to approval. Mr. Cooper gave a list of recommended conditions that should be applied if the Commission approves the SUP.

COMMISSION DISCUSSION

During discussion staff was asked what type of business is operating in Unit AA at the present time. Mr. Cooper answered that it appears to staff there is some type of auto repair taking place at the site and no occupational license has been issued for that business. Staff is not aware of the identity of the person(s) operating the repair business, but it is taking place in the unit Mr. Manohar has requested to put the automobile sales lot.

Harium Manohar, the applicant was present and Chairman Myers invited Mr. Manohar to provide input regarding the application. Mr. Manohar identified Ronnie McGowan, as the business mechanic, and also as the person repairing cars in unit AA. It was stated Mr. McGowan will be leaving the state so Mr. Manohar's automobile sales business will be the only one occupying the space. He went on to say the only vehicles on the site will be his two vehicles for sale. The site was rented by Mr. Manohar, but Mr. McGowan was paying a portion of the rent while working on his own cars according to Mr. Manohar. It was stated that Mr. Manohar will now be renting the site alone.

Mr. Cooper announced that Mr. McGowan applied for a business license but there were outstanding building code issues that needed to be resolved before the license could be approved. Mr. McGowan has been violating city code by working on vehicles at the site according to Mr. Cooper.

There was a brief discussion about the rental agreement for the site. In answer to a question about two businesses operating at one site, Mr. Leipzig explained the same business owner cannot run two businesses from the same address/location. He went on to say that currently there are two businesses that want to operate out of the same address with the same owner, and that is a violation of the City code. There was a question of tenant responsibility for the rental site and Ms. Marcano suggested there was no need for discussion of private agreements between parties, but the bigger concern for the City would be the codes and permit violation issues. It was recommended by Mr. Cooper that future SUP applicants for car sales lots be required to provide a copy of the lease agreement with the property owner(s).

Mr. Manohar was asked if he can make a profit selling only two cars from inside a building. Mr. Manohar described the proposed business as an automobile locating business and he indicated it would not create a large amount of traffic. Attention was called to the fact that Mr. Manohar told the Commission the business building can hold up to 20 cars. The dealer's license has not been approved and the license approval is dependent upon the SUP approval according to Mr. Manohar.

Concerns about an indoor car sales lot were discussed. Policing the business for compliance with City Codes was one issue mentioned, along with "Section 314.4 Vehicles" of the International Fire Code (IFC). Mr. Leipzig explained this IFC section deals with the regulation of liquid and gas fueled vehicles located indoors, and he gave a description of a few of the stipulations that must be observed. Chairman Myers asked Mr. Webb how businesses are monitored for code compliance. Mr. Webb described the difficulty staff has enforcing those codes due to limited personnel and resources. Chairman Myers questioned how this type of indoor car sales business can be approved if code compliance cannot be adequately enforced. Mr. Webb reminded the Commission how the SUP process benefits the City by considering each case individually to see what burdens will be placed on the Community as a whole.

It was clarified that Mr. Manohar's business will be a used car locator service. Mayor Pro Tem Lathrop voiced concerns about the number of cars that would be for sale inside the building and he mentioned other businesses in the City that did not abide by City codes. Additional concerns about the number of cars at the site were discussed and Mr. Manohar reported that he will move cars quickly. He went on to say he already has customer contracts for cars. Furthermore, it was stated by Mr. Manohar that he will drive one car and have one car for sale. The indoor car sales/locating business proposed by Mr. Manohar was compared by him to another business currently operating on North Scott. Mr. Cooper explained the other car sales businesses located along North Scott were operating before the new ordinance was adopted regulating car sales lots. Mr. Manohar's proposed business is the first SUP application received since the ordinance was adopted according to Mr. Cooper.

When asked if the auto repair business would operate from the site, Mr. Manohar stated repairs would not be done at the business unless one of his cars for sale needs repairs. It was reported by Mr. Manohar the car repair business owner previously mentioned at an earlier meeting, will be moving out of town. **Commissioner McDonough moved to recommend to the Council the Special Use Permit application for 604 N. Scott, unit AA be denied**. The motion was seconded by Commissioner Thompson. When a vote was taken, the following was recorded: Ayes: 5 – Chairman Myers, Mayor Pro Tem Lathrop, Commissioners McDonough, Thompson and Horne. Noes: none. Absent: 4 – Councilman Davidson, Commissioners Davila, Girgin and VonBehren. The motion to deny carried.

Being no further input, Chairman Myers closed the public hearing at 7:30 p.m.

UNIFIED DEVELOPMENT ORDINANCE (UDO)
Mr. Leipzig reported the UDO sections to be covered tonight were concerning stormwater management, natural resource and flood protection. This section of the UDO is stipulated in the American Public Works Association (APWA) manual. Additionally, items in this section are primarily managed through the Public Works Department.

Mr. Leipzig mentioned several methods of stormwater storage such as detention, retention and reservoirs. Other topics listed by Mr. Leipzig included land disturbance and erosion control, stream buffer requirements, and floodplain management guidelines.

Mr. Leipzig recommended adding language to the UDO that would require developers to record final plats within a certain period of time. In addition he would like to include a section explaining the administrative procedures used by the City for decision making.

He reported staff is working on a detailed review of the UDO draft document and making changes. This revised document will be presented to the Commission at the October 5, 2009, meeting, including a memo highlighting changes between the Zoning Ordinance and the draft UDO. Mr. Leipzig's stated goal is to send the UDO to the City Council for review by the end of the year.

A question was asked by Commissioner Horne regarding a reference in the UDO about floodplain maps. It was stated by Mr. Leipzig the National Flood Disaster Protection Act was passed in 1973 and the FEMA floodplain maps were last amended about 2006. It was clarified that building in the floodplain would not be allowed unless certain approved steps are followed.

Mr. Leipzig proposed an informal joint work session be scheduled for early December, with the Commission and the Council attending, to review the draft UDO document. An explanation of the language in the UDO that refers to "numbered and unnumbered A zones or AE zones" was given. It was stated those designations are on the FEMA flood maps and deal with flooding probability. A definition section will be included in the UDO according to Mr. Leipzig.

DIRECTOR'S REPORT
Mr. Leipzig reported that at the October 19, 2009 meeting the Commission will consider amending the Comprehensive Plan to include the Trails Master Plan.

The Dalmark group, an affordable housing developer, has withdrawn their proposal to rezone a portion of the Sunrise Gardens subdivision, to create a development of multi-family senior housing units according to Mr. Leipzig.

Chairman Myers described the Site Plan Review Committee as a beneficial tool for the Commission. When asked for remarks about the Dalmark Group project, Commissioner McDonough reported that he was against the project at first, but he changed his mind. He visited and was impressed by one of the projects developed by Dalmark. Commissioner Thompson agreed and thought the proposed project would have been a nice addition to the area. He went on to explain the benefits of the Site Plan Review Committee meetings to the developer and the Commission. He indicated that he believes the meeting with the DRC staff eliminates a lot of potential problems. Chairman Myers thanked the Committee members for their help working on the Committee.

Mr. Leipzig thanked the fire marshal for hosting the September 14, 2009, Commission work session.

Mayor Pro Tem Lathrop reported that at the Cass County League of Cities meeting, he learned County Parks & Tourism is investigating a county-wide park plan that includes a County trail system that would connect cities. In addition, he reported the Cass County Commissioners are working on making the Harrisonville Airport a corporate airport.

ADJOURNMENT

Mayor Pro Tem Lathrop moved the meeting be adjourned. Commissioner Thompson seconded the motion. All members present voted in favor, and the meeting adjourned at 7:50 p.m.

Ann Keeton
Community Development Secretary

UNIFIED DEVELOPMENT

CODE

Decision Making Bodies & Officials

DATE: October 5, 2009

TO: Planning Commission

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

RE: **DISCUSSION: UNIFIED DEVELOPMENT ORDINANCE (UDO) / Decision Making Bodies and Officials**

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 Decision Making Bodies and Officials

STAFF REPORT

Review and Decision-Making Bodies and Officials

City Council

Establishment

The City Council of the City of Belton, Missouri, was established in accordance with Article III of the City Charter.

Powers and Duties

In addition to the powers and duties set forth elsewhere in the City Code, the City Council has the following powers and duties related to the Unified Development Code:

1. to make decisions on zoning map and text amendments;
2. to make decisions on conditional uses;
3. to make decisions on special use permits;
4. to make decisions on planned unit developments;
5. to make decisions on preliminary and final plats;
6. to make decisions on vacations of streets or reservations; and
7. to decide appeals on site plan reviews.

Planning and Zoning Commission

Establishment

By authority vested to the City of Belton, the City Council previously established the Planning and Zoning Commission.

Membership

The Planning and Zoning Commission shall be composed of a total of nine members, one of which will be a representative from the City Council, and two citizen members from each ward who have been appointed by the Mayor with the advice and consent of a majority of the City Council.

Terms

1. The term of each of the citizen members is four years.
2. The term of each citizen member begins November first of each year.
3. At its first November meeting, or the first meeting after November if no meeting is held in November, the Commission must annually elect one of its citizen members to act as Chair, another of its members to act as Vice-Chair, and another of its members to act as Secretary. The terms are for one year with eligibility for re-election.
4. All citizen members of the Commission will serve without compensation.
5. The City Council may remove any citizen member for cause stated in writing and after public hearing. The Mayor may, with the consent of the majority of the Council members, remove any member for misconduct or neglect of duty. A member's unexcused absence from three consecutive regular meetings in a 12 month period constitutes neglect of duty.

Vacancies

Any vacancy in a membership will be filled through appointment by the City Council.

Rules of Procedure

The Planning and Zoning Commission has the authority to make rules and regulations for the proper conduct of its business.

Quorum

A majority of the members of the Commission constitutes a quorum and no action of the Commission is binding unless authorized by a majority of the full membership of the Commission at a regular meeting or at a duly called special meeting. Special meetings may be called by the Chair or by any two members of the Commission upon giving written notice to the members of the Commission at least three days before the date of the special meeting.

Meetings

The Planning and Zoning Commission meets on the first and third Tuesday of each month in the City Hall.

All meetings are open to the public, except as permitted by law.

The Commission must keep minutes of its proceedings, showing the vote of each member upon each question, as well as any members that are absent. The records of the Commission proceedings and actions must be immediately filed in the office of the City Clerk and these will be a public record.

Public Hearings

The Planning and Zoning Commission will hold public hearings in accordance with this Code.

Powers and Duties

The Planning and Zoning Commission has the following powers and duties:

the powers and duties as authorized by Sections 89.300 through 89.491 of the Revised Statutes of Missouri, as amended;

a) to hold public hearings and make recommendations on zoning map and text amendments;

b) to hold public hearings and make recommendations on conditional uses;

c) to hold public hearings and make recommendations on planned unit developments;

d) to hold public hearings and make recommendations on preliminary plats;

e) to hold public hearings and make recommendations on easement and right-of-way vacations;

f) to make recommendations on final plats;

g) to hear appeals from certain subdivision requirements; to make decisions on site plan reviews;

h) to make recommendations on special use permits;

i) to place reasonable conditions upon approval;

j) to plan for the future development of the City by preparing the City Growth Management Plan, including an annual review and update;

k) to hold public hearings and consider adoption of special plans, including corridor studies and neighborhood plans;

l) to request City Staff to conduct research on planning issues and questions and provide any necessary reports;

m) to study and propose plans and ordinances that would improve the public health, safety or general welfare of the citizens of Belton;

n) to consider all public comments and testimony provided at public hearings during its deliberations of a development application;

o) to represent the citizenry of the City of Belton when reviewing development applications; and

p) to protect the public health, safety and welfare from any potential impacts of new development.

Board of Zoning Adjustment

Establishment

By authority vested to the City of Belton, the City Council has established the Board of Adjustment.

Membership

The Board of Adjustment consists of five members and up to three alternate members who are citizens and residents of the City of Belton, Missouri, and have been appointed as provided in Article VIII, Section 8.1 of the City Charter of the City of Belton, Missouri.

Terms

1. The term of each of the members is five years.
2. At its August meeting, or the first meeting after August if no meeting is held in August, the Board must annually elect one of its members to act as Chair, another as Vice-Chair, and another of its members to act as Secretary. The terms are for one year with eligibility for re-election.
3. Alternate members will serve in the order of their appointment in the event a member(s) of the Board of Adjustment is not able to participate in a meeting due to absence or disqualification. If an alternate member begins as a member of the Board for a particular case, they must serve as a member of the Board until the case is concluded, even if the case is continued.
4. All members of the Board will serve without compensation.
5. The City Council may remove any member only for cause stated in writing and after public hearing. The Mayor may, with the consent of the majority of the Council members, remove any member for misconduct or neglect of duty. A member's unexcused absence from three consecutive regular meetings in a 12 month period constitutes neglect of duty.

Vacancies

The Mayor, with the approval of the City Council, may fill vacancies for the remainder of any vacant term.

Rules of Procedure

The Board of Adjustment has the authority to make rules and regulations for the proper conduct of its business.

Quorum

The presence of three members constitutes a quorum. A concurring vote of four members of the Board is required to reverse any order, requirement, decision or determination of the Community Development Director, or to decide in favor of the applicant on any matter upon which it is required to vote.

Meetings

Meetings of the Board will be held at the call of the Chair and at such other times as the Board may determine necessary. The Board must conduct a meeting on all requested appeals or variances within 60 days of submission of a completed application.

All meetings of the Board are open to the public.

The Chair, or in his/her absence the Acting Chair, may administer oaths and compel the attendance of witnesses.

The Board must keep minutes of its proceedings, showing the vote of each member upon each question, as well as any members that are absent. The records of the Commission proceedings and actions must be immediately filed in the office of the City Clerk and these will be a public record.

Public Hearings

The Board of Adjustment will hold public hearings according to_0.

Powers and Duties

The Board of Adjustment has the following powers and duties:

Unless otherwise specifically stated, to hear and make decisions on variances from the specific terms of this Code; and

Unless otherwise specifically stated, to hear and decide appeals of decisions of the Community Development Director, or any other official charged with making administrative decisions, interpreting, or enforcing the Unified Development Code.

Community Development Director

Establishment

The position of Community Development Director was previously established and appointed by the City Administrator.

Powers and Duties

The Community Development Director has the following powers and duties:

1. to enforce the Unified Development Ordinance;
2. to approve and issue all zoning and occupancy certificates and make and maintain records thereof;
3. to conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of the Unified Development Ordinance;
4. to render interpretations of the Unified Development Ordinance;
5. to schedule meetings of the Development Review Committee, as needed;
6. to receive, file and transmit applications for site plans, preliminary and final plats, rezonings, PUDs, variances, conditional use permits, special use permits and vacations as designated in the Unified Development Ordinance;
7. to maintain permanent and current records of the Unified Development Ordinance, including but not limited to, all zoning text and map amendments, conditional uses, plats, variances, appeals and other development review applications;
8. to maintain and update the Unified Development Ordinance, on or before March 31st of each year, for distribution to the public.

   This includes the following:

   i. the compiled text of the Unified Development Ordinance, including all amendments adopted through the preceding December 31st; and

   ii. a Zoning Map or maps, showing the zoning districts, divisions and classifications in effect on the preceding December 31st.

9. to provide such clerical, technical and consulting assistance as may be required by the Planning and Zoning Commission, Board of Adjustment and other boards,

commissions and officials in the exercise of their duties relating to the Unified Development Ordinance; and

10. to maintain the rules of the Planning and Zoning Commission and Board of Adjustment.

Director of Public Works

Establishment

The position of Director of Public Works was previously established and appointed by the City Administrator.

Powers and Duties

In addition to the powers and duties set forth elsewhere in the City Code, the Director of Public Works has the following powers and duties related to the Unified Development Ordinance:

to make recommendations on preliminary and final plats;

to make recommendations on vacations of streets or reservations;

to make recommendations that adequate public facilities have been provided;

to make decisions on floodplain development permits; and

to advise the City Council when public improvements are ready for acceptance.

Development Review Committee

Establishment

The Development Review Committee has been previously established as an advisory committee that provides initial feedback on development proposals and site plans.

Membership

The Development Review Committee consists of the Community Development Director and representatives from City departments and other government agencies deemed necessary by the Director to provide input on development proposals.

Meetings

Meetings will be held at the request of the Community Development Director as a part of the City's regular internal staff meetings.

Powers and Duties

The Development Review Committee has the following powers and duties:

1. to review and provide input on site plans, zoning map amendments, conditional uses, special uses, planned developments, preliminary plats, final plats, and
2. to review and provide input on other applications, when requested by the Community Development Director.

Development Review Procedures

General Requirements

Summary of Procedures

The following table provides a summary of the review and approval procedures of this chapter. In the event of conflict between this summary table and the detailed procedures contained elsewhere in this chapter, the detailed procedures govern.

	Community Development Director and Engineering Staff	Board of Adjustment	Planning & Zoning Commission	City Council
Zoning map amendments (rezoning)	R		[R]	[D]
Text amendments	R		[R]	[D]
Conditional uses	R		[R]	[D]
Uses subject to special conditions	D			
Planned unit development (PUD)	R		[R]	[D]
Variances	R	[D]		
Administrative appeals		[D]		
Minor subdivision plat	R		R	D
Preliminary subdivision plat	R		[R]	[D]
Final subdivision plat	R		R	D
Zoning certificate	D	A		
Sign permit	D			A
Site plan review	D or R		A or D	A
Vacation of streets or reservations	R		[R]	[D]
Interpretations	D	A		
Administrative adjustments	D	A		

R = Recommendation Required *D = Decision* *A = Appellate authority* *[ ] Public Hearing*

Pre-application Conferences

Purpose and Applicability

a. Before submitting a formal application for a map amendment, preliminary plat, conditional use, planned unit development, or site plan, the applicant or his/her agent and the applicant's engineer and/or land planning consultant must confer with the Development Review Committee. The purpose of this conference is to inform the applicant of the requirements of development regulations as they apply to the property in question and to alert the applicant to potential problems with the location or design of the subdivision or proposed development. The purpose of the inquiry is for the owner to become familiar with procedures required by the City of Belton, and potential challenges with the project, including:

(1) procedure for filing plans;

(2) availability of public infrastructure;

(3) Growth Management Plan requirements for improvements such as arterial and collector streets, land use, parks, schools and public open spaces;

(4) anticipated need to submit technical studies, such as a traffic study or preliminary storm-water study;

(5) zoning requirements for the property in question and adjacent properties;

(6) special setback requirements for arterial, collector and local streets; and

(7) citizen concerns.

Conference Procedure

The Development Review Committee will hold a conference with the applicant to discuss the proposed development. Areas of discussion will include the adequacy of sanitary and other services, streets, pavement, storm water drainage, and provisions for maintenance of public or common property, or sanitary and water supply services, and of the character of the subdivision, minimum dwelling size, and other proposed lot characteristics and such other matters relevant to the preparation of a preliminary plat or complete plan application.

Applications

Contents

1. All applications required under this chapter must be submitted in a form and the number required by the Community Development Director, unless otherwise specified.

2. Officials responsible for accepting applications must maintain a list specifying the materials and information to be submitted with each application filed. The list must be made available to all applicants and to any other person who requests a copy.

3. All applications shall include the submission requirements as identified in the application packet.

Completeness

An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information, and is accompanied by the required fee. The Community Development Director has the authority to determine whether the application is complete.

If an application is determined to be incomplete, written notice explaining the deficiencies must be provided to the applicant.

No further processing of incomplete applications will occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 90 days, the application will be considered withdrawn.

Filing Fees

Applications must be accompanied by the fee amount that has been established by the City Council, and may be adjusted from time to time. Fees are not required with applications initiated by the Planning and Zoning Commission or City Council. Application fees are nonrefundable.

Multiple Applications

Multiple applications may be filed for the same property for consideration at the same meeting. Final plat applications may not be considered at the same meeting that an application for a map amendment or preliminary plat is considered for residentially zoned property.

Submission of Technical Studies

The Community Development Director, Director of Public Works, Planning and Zoning Commission or City Council may require applicants for rezoning, conditional use permits, special use permits, preliminary plats and site plans to submit technical studies that may be necessary to enable the staff, Planning and Zoning Commission or City Council to evaluate the application. Examples of technical studies that may be required include, but are not limited to; traffic studies, storm-water studies, engineering studies, hydrologic studies, environmental impact assessments, noise studies, or market studies. The costs of all studies shall be borne by the applicant.

Any decision by the Community Development Director or Director of Public Works to require any such study may be appealed to the Planning and Zoning Commission. The appeal shall be heard by the Commission at its next available meeting. Any decision of the Planning and Zoning Commission to require any such study may be appealed to the City Council. The decision of the City Council shall be final. If an appeal is filed, the application shall not be considered by the Commission until the appeal process is completed.

Upon the submission of any technical or related studies and/or upon further determination by City staff, certain easements and related improvements such as streets, drainage, water courses, erosion control, utilities, tree preservation, open areas, or recreational amenities may be required as a condition of approval of the rezoning, conditional use permit, preliminary plat, or site plan.

Public Hearings

Public Notice

Whenever a public hearing is required by this chapter, public notice must be provided in accordance with this section.

Informational Notice ("Good Neighbor Notice")

This sub-section applies to rezoning, preliminary plat, and PUD applications.

An informational notice providing a date, time and location of a neighborhood meeting to discuss the proposed project shall be prepared by the City and mailed within three days of filing the application to the following interested parties:

(a) all property owners within 185 feet of the boundaries of the property for which the zoning change is requested;

(b) the President of any Property Owners' Association of which the subject property in an application before the Planning and Zoning Commission is included or is adjacent to; and

(c) City Council ward representatives.

Published Notice

All published notices for public hearings must be placed at least once in a newspaper of general circulation in the City, at least 15 days prior to the hearing. Published notices must contain:

(d) the date, time and location of any upcoming public hearings on the matter;

(e) where an application will affect a particular property, a legal description, address or general description sufficient to identify the subject property;

(f) a description of the nature and purpose of the application;

(g) the name and address of the applicant; and

(h) contact information for additional information on the application.

Published notice is all that is required for comprehensive text amendments to the Unified Development Code.

Mailed Notice

All mailed notices must be provided and mailed via first-class mail at least 15 days before the hearing to all owners of property located within at least 185 feet of the subject property. Mailed notices must contain:

(i) the date, time and location of any upcoming public hearings on the matter;

(j) where an application will affect a particular property, the address or general description sufficient to identify the subject property, and a statement that a complete legal description is available for public inspection;

(3) a description of the nature and purpose of the application;

a. the name of the applicant; and

b. contact information for additional information on the application.

2. When the notice has been deposited in the mail, failure of a party to receive such notice will not invalidate any subsequent action taken by the Planning and Zoning Commission, Board of Adjustment, and/or the City Council.

3. Such notice is sufficient to permit the Planning and Zoning Commission, Board of Adjustment, and/or City

Council to consider applications that will affect only a portion of the land described in the notice.

Posted Sign Notice

The City will post a sign informing the general public that a hearing will be held concerning the pending application. The sign will be furnished by the City and must be posted at least 15 days prior to the date of the public hearing.

A sign must be posted along each road frontage in a conspicuous place on the property upon which action is pending. The sign must be placed within five feet of the right-of-way line in a central position on the property and placed so that the sign is clearly visible from the street.

The applicant is responsible for maintaining the sign on the property for at least the 15 days prior to the hearing, through the hearing, and through any continuances of the hearing.

Public Meetings

When a public meeting is required by the provisions of this chapter, it must be conducted as follows:

b. **Neighborhood Meeting**

(1) When a neighborhood meeting is required, the meeting shall be held prior to consideration of the application by the Planning and Zoning Commission.

(2) A summary of the neighborhood meeting will be prepared by staff and included in the staff report submitted to the Planning and Zoning Commission.

c. **Public Hearing**

(1) A record of the public hearing proceedings must be preserved in such manner and conducted in accordance with the applicable rules and procedures adopted by the Planning and Zoning Commission or Board of Adjustment.

(2) Any interested person or party may appear and be heard at the hearing as follows:

(a) in person;

(b) by agent or representative;

(c) by attorney; and/or

(d) by submitting comments in writing to be read in its entirety and entered into the record.

Zoning Map and Text Amendments

Authority

The City Council may, by ordinance, amend, supplement, change, modify or repeal the Unified Development Ordinance and the zoning district boundaries.

Initiation of Amendments

Zoning Map amendments may be initiated by the City Council, the Planning and Zoning Commission or upon application by the owner(s) of a property proposed to be affected. Text amendments may be initiated by the City Council or the Planning and Zoning Commission.

Pre-Application Conference

Prior to filing of an application for a map amendment, the applicant must attend a pre-application conference.

Applications

When the owner of the property affected initiates an amendment to the district boundaries, an application for such amendment must be obtained from the Community Development Director. The application must be completed in its entirety and filed with the Community Development Director so that a public hearing date can be established.

Memorandum of Understanding

A Memorandum of Understanding (MOU) may be required by the City for any zoning map amendment request.

Procedure

Planning and Zoning Commission Public Hearing

All proposed text and map amendments first must be submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission must hold a public hearing on the application. The public hearing must be held at the next regular meeting of the Planning and Zoning Commission for which the application may be scheduled given public notice deadlines, unless the applicant has consented to an extension of this time period. The Community Development Director or other appointed official as designated by the Planning and Zoning Commission must prepare a written summary of the proceedings, and give notice of the hearing.

Planning and Zoning Commission Recommendation

Upon conclusion of the public hearing, the Planning and Zoning Commission will submit a recommendation to the City Council to approve, approve with modifications or disapprove the proposed amendment. If no majority vote of the full membership of the Commission can be obtained on a recommendation to be made, the application will be forwarded to the City Council with no recommendation. The Commission must submit its recommendation along with a record of the public hearing thereon, to the City Council. The Planning and Zoning Commission may include reasonable conditions as a part of its recommendations.

City Council Public Hearing

The Belton City Council must hold a public hearing on the application.

City Council Action

The City Council must consider the request for an amendment within 60 days of receipt of written recommendation of the Planning and Zoning Commission. Upon receipt of the recommendation of the Planning and Zoning Commission and any protest petitions that have been submitted, the City Council must consider the application and may take final action to approve or disapprove it.

If final action is not taken by the City Council within 120 days after the recommendation of the Planning and Zoning Commission is submitted to it, the proposed amendment will be deemed to have been defeated and denied, unless the applicant has consented to an extension of this time period. Whenever a proposed amendment is defeated, either by vote of the City Council or by inaction described in this section, such amendment cannot be passed without another public hearing that is noticed in accordance with this chapter.

If the City Council approves an application, it will adopt an ordinance to that effect. If the Official Zoning Map has been adopted by reference, the amending ordinance will define the change or boundary as amended, will order the Official Zoning Map to be changed to reflect such amendment and will amend the section of the Unified Development Ordinance incorporating the same and reincorporate the zoning map as amended.

Whenever a proposed map amendment is denied, a map amendment for the same lot or parcel shall not be filed by the same applicant for at least one year.

Findings of Fact

Findings of Fact for Map Amendments (Rezoning)

In its deliberation of a request, the Planning and Zoning Commission and City Council must make findings of fact taking into consideration the following:

the character of the surrounding neighborhood, including the existing uses and zoning classification of properties near the subject property;

the physical character of the area in which the property is located;

consistency with the goals and objectives of the Growth Management Plan and other plans, codes and ordinances of the City of Raymore;

suitability of the subject property for the uses permitted under the existing and proposed zoning districts;

the trend of development near the subject property, including changes that have taken place in the area since the subject property was placed in its current zoning district;

the extent to which the zoning amendment may detrimentally affect nearby property;

whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;

the suitability of the property for the uses to which it has been restricted under the existing zoning regulations;

the length of time (if any) the property has remained vacant as zoned;

whether the proposed zoning map amendment is in the public interest and is not solely in the interests of the applicant; and

the gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

Findings of Fact for Text Amendments

In its deliberation of a request, the Planning and Zoning Commission and City Council must make findings of fact taking into consideration the following:

whether such change is consistent with the intent and purpose of the Unified Development Ordinance and plans adopted by the City of Belton;

whether the proposed text amendment corrects an error or inconsistency in the code;

the areas which are most likely to be directly affected by such change and in what way they will be affected;

whether the proposed amendment is made necessary because of changed or changing conditions in the areas and/or zoning districts affected by it; and

whether the proposed text amendment is in the best interests of the City as a whole.

Protest

In the event that a protest petition against any application for a zoning map amendment is presented to the City Clerk prior to the date scheduled for the City Council to take action and is properly signed and notarized by the deeded owners of 30 percent or more of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed, such amendment will not become effective except by the favorable vote of two-thirds of all the members of the City Council.

Conditional Uses

Purpose

Conditional uses are those types of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where product, process, mode of operation or nature of business may prove detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs. Some conditional uses may also be permitted only after complying with additional requirements.

Pre-Application Conference

Prior to filing of an application for a conditional use, the applicant must attend a pre-application conference.

Applications

An application for a conditional use may be obtained from the Community Development Director. The application must be completed in its entirety and filed with the Community Development Director so that a public hearing date can be established.

Procedure

Planning and Zoning Commission Public Hearing

All proposed conditional use applications first must be submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission will hold a public hearing on the application. The public hearing must be held at the next regular meeting of the Planning and Zoning Commission for which the application may be scheduled given public notice deadlines, unless the applicant has consented to an extension of this time period. The Community Development Director or other appointed official as designated by the Planning and Zoning Commission must prepare a written summary of the proceedings, and give notice of the hearing.

Planning and Zoning Commission Recommendation

Upon conclusion of the public hearing, the Planning and Zoning Commission will submit a recommendation to the City Council to approve, approve with modifications or disapprove the proposed conditional use. If no majority vote of the full membership of the Commission can be obtained on a recommendation to be made, the application will be forwarded to the City Council with no recommendation. The Commission must submit its recommendation along with a record of the public hearing thereon, to the City Council. The Planning and Zoning Commission may include reasonable conditions as a part of its recommendation.

City Council Public Hearing

The Belton City Council must hold a public hearing on the application in accordance with City Code.

City Council Action

The City Council must consider the request for a conditional use permit within 60 days of receipt of written recommendation of the Planning and Zoning Commission. Upon receipt of the recommendation of the Planning and Zoning Commission, the City Council must consider the application and may approve, approve with conditions or disapprove the application. If the City Council approves an application, it will adopt an ordinance to that effect.

Conditions of Approval

(3) In approving a conditional use, the City Council may impose conditions, safeguards and restrictions upon the applicant and the premises that will benefit from the conditional use as may be necessary.

(4) The City Council may place time limits on conditional use permits. Such permits will be for a time period, transferable and renewable by the City Council, upon termination and subject to the rules and restrictions prescribed by the City Council.

Findings of Fact

In its deliberation of a request, the Planning and Zoning Commission and City Council must make findings of fact taking into consideration the following:

the proposed conditional use complies with all applicable provisions of this Unified Development Ordinance;

it is in the interest of the public welfare or convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community;

the proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;

it is compatible with the character of the surrounding property in terms of site planning, building scale and project design;

it is compatible with the character of the surrounding property in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation;

whether the location, size, nature or intensity of the proposed conditional use would prevent the development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will adversely affect the immediate neighborhood, consideration must be given to:

d. the location, nature and height of buildings, structures, walls, and fences on the site, and

e. the nature and extent of landscaping and screening on the site.

off-street parking and loading areas will be provided in accordance with the standards, such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect;

existing public facilities (infrastructure) and services are adequate to accommodate the additional demands of the proposed use or will be made to accommodate such demands without substantially increasing public expenditures;

it will not have a significant adverse impact on pedestrian safety and comfort;

adequate access roads or entrance and exit drives will be provided and will be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys; and

Special Uses

Purpose

The division of the City into zoning districts is based upon the principle that similar conditions prevail throughout a particular zoning district. Some uses of land would not normally appear as uses permitted outright in various zoning districts, but it would be beneficial to allow such uses, under certain conditions, without changing the base zoning district.

Applications

An application for a use subject to special conditions may be obtained from the Community Development Director. The application must be completed in its entirety and filed with the Community Development Director.

Procedure

Uses subject to special conditions are reviewed and approved or disapproved by the Community Development Director. A building permit or certificate of occupancy will not

be issued for any permitted use subject to "special conditions" until all of the required conditions have been met.

Required Conditions

The Use Tables specify uses subject to special conditions and identifies the special conditions under which these uses are permitted in a zoning district.

Planned Unit Development (PUD)

Purpose

The purpose of a Planned Unit Development (PUD) District is to encourage the unified design of residential, commercial, office, professional services, retail and institutional uses and facilities or combinations thereof in accordance with an approved comprehensive development plan. This district provides for greater flexibility in the design of buildings, yards, courts, and circulation that is provided by other districts.

Pre-Application Conference

Prior to filing of an application for a planned unit development, the applicant must attend a pre-application conference.

Preliminary Plan Applications

An application for a planned unit development may be obtained from the Community Development Director. The application must be completed in its entirety and filed with the Community Development Director so that a public hearing date can be established.

Memorandum of Understanding

A Memorandum of Understanding (MOU) shall be prepared for all Planned Unit Development applications. The MOU will be prepared by the City and included with the application when submitted to the Planning and Zoning Commission for consideration. The applicant shall sign the MOU prior to submittal of the application of the City Council.

Preliminary Plan Procedure

Planning and Zoning Commission Public Hearing

All proposed planned unit development applications must first be submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission will hold a public hearing on the application. The public hearing must be held at the next regular meeting of the Planning and Zoning Commission for which the application may be scheduled given public notice deadlines, unless the applicant has consented to an extension of this time period. The Community Development Director or other appointed official as designated by the Planning and Zoning Commission must prepare a written summary of the proceedings, and give notice of the hearing.

Planning and Zoning Commission Recommendation

Upon conclusion of the public hearing, the Planning and Zoning Commission will submit a recommendation to the City Council to approve, approve with modifications or disapprove the proposed planned unit development preliminary plan. If no majority vote of the full membership of the Commission can be obtained on a recommendation to be made, the application will be forwarded to the City

Council with no recommendation. The Commission must submit its recommendation along with a record of the public hearing thereon, to the City Council. The Planning and Zoning Commission may include reasonable conditions as a part of its recommendation.

City Council Action

Upon receipt of the recommendations of the Planning and Zoning Commission, the City Council must within 60 days consider the application and recommendations of the Planning and Zoning Commission. The City Council may approve or modify the recommendations of the Planning and Zoning Commission and may approve, approve with modifications or disapprove the preliminary plan with or without conditions. In the event the application is not acted upon by the City Council within 120 days following receipt of the recommendations of the Planning and Zoning Commission, and unless the applicant has consented to an extension of time, the application will be deemed denied.

Protest

In the event that a protest petition against any application for a planned unit development is presented to the City Clerk prior to the date scheduled for the City Council to take action and is properly signed and notarized by the deeded owners of 30 percent or more of the areas of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed, such amendment will not become effective except by the favorable vote of two-thirds of all the members of the City Council.

Findings of Fact

In its deliberation of a request, the Planning and Zoning Commission must make a report to the City Council setting forth its reason for approval of the application, along with specific evidence and facts showing that the proposed planned unit development meets the following criteria and City Council must make findings of fact taking into consideration the following:

1. the preliminary development plan's consistency with the Growth Management Plan and all other adopted plans and policies of the City;
2. the preliminary development plan's consistency with the PUD standards, including the statement of purpose;
3. the nature and extent of common open space in the PUD;
4. the reliability of the proposals for maintenance and conservation of common open space;
5. the adequacy or inadequacy of the amount and function of common open space in terms of the densities and dwelling types proposed in the plan;
6. whether the preliminary development plan makes adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment;
7. whether the preliminary development plan will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area;

8. whether potential adverse impacts have been mitigated to the maximum practical extent;

9. whether the preliminary development plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional Unified Development Code; and

10. the sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a period of years.

Effect of Preliminary Development Plan Approval

Approval of the Preliminary Development Plan constitutes approval of a preliminary plat. A preliminary plat review fee is not required.

Status of Preliminary Development Plan After Approval

1. The applicant and the applicant's agent will be given written notice of the action of the City Council.

2. Approval of a preliminary development plan does not qualify as a plat of the planned unit development for recording purposes.

3. An unexpired approved preliminary development plan, including one that has been approved subject to conditions provided that the landowner has not defaulted on or violated any of the conditions, may not be modified or revoked by the City without the consent of the landowner.

4. Prior to final plat approval, a landowner may choose to abandon a plan that has been given preliminary approval provided that the Planning and Zoning Commission is notified in writing.

5. Major changes in the planned unit development may be made only if an application to amend the approved preliminary plan has been approved by the City. The application to amend an approved preliminary plan shall be submitted and reviewed. What constitutes a major change is determined by the Community Development Director, but would include changes to the land use, street layout, and substantial change in building location or design.

Expiration of Preliminary Plan Approval

1. In the event the landowner fails to file an application for final plat approval within one year after final approval of the Preliminary Development Plan has been granted then such approval will expire.

2. In the event the landowner fails to file a subsequent application for final plat approval in accordance with the approved phasing schedule then such approval will expire.

3. For good cause shown, the expiration date may be extended by the City Council. The request for extension may be made by letter to the Community Development Director and will be considered only if received before the expiration date of the approval. The Community Development Director will forward the request to the City Council for consideration at its next available meeting.

4. If the approval of the preliminary development plan for a phased development expires after the completion of one or more phases, the preliminary development plan will remain in full effect as to those portions of the development that are subject to final plats in which the developer has acquired vested rights, but the remaining portions of the preliminary development plan will expire.

5. No action by the City will be necessary to cause the approval to expire. Its expiration will be considered a condition of the original approval. After the expiration date or extended expiration date, no application for final plat or for other development activity on the site will be considered until a new preliminary development plan has been approved.

6. After expiration of a preliminary development plan or any portion thereof, the PUD will remain in effect for the affected property, but further development on the property will require the approval of a new preliminary development plan, in accordance with the procedures and standards in effect at the time of the new application. If a preliminary development plan has expired as to part of a phased development, consistency with the developed parts of the preliminary development plan will be an additional criterion for consideration of a new proposed preliminary development plan.

7. Approval of a preliminary development plan does not, in itself, vest any rights.

Final Plat Application

After approval of a preliminary plan and prior to the issuance of any building permit or zoning certificate, an application for a final plat may be obtained from the Community Development Director. The application must be completed in its entirety and filed with the Community Development Director. The final plat may include the entire planned unit development or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application must include covenants, easements, conditions and form of performance bond as set forth in the approval of the preliminary plan and in accordance with the conditions established in this Code.

Contents of the Final Plan

The final plan must include all information required for final plats.

Final Plan Procedure

Final Plans will be approved and recorded according to the final plat procedure.

Effect of Approval

All final plans filed will:

1. be binding upon the applicants, their successors and assigns;
2. control the issuance and validity of all building permits; and
3. limit the construction, location, use and operation of all land, land improvements and structures to be located on the subject site.

Enforcement and Modification of Final Development Plans

To further the mutual interest of the residents and owners of the planned unit development and of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modifications, if any, in the plan will not impair the

reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, will be subject to the following provisions:

Enforcement by the Municipality

The provisions of the plan relating to:

a. the use of land and the use, bulk, and location of buildings and structures;

b. the quality and location of common open space;

c. the intensity of use or the density of residential units will run in favor of the municipality and will be enforceable in law or in equity by the municipality, without limitation on any powers or regulation otherwise granted the municipality by law; and

d. the owner(s) will be responsible for the payment of attorney's fees, costs, and expenses incurred by the City in its' successful enforcement of the provisions of the plan.

Enforcement by the Residents and Owners

All provisions of the plan will run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, covenant, easement or otherwise may be enforced by the law or equity by said residents and owners, acting individually, jointly or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan will be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

Modification by the City

All those provisions of the plan authorized to be enforced by the City under paragraph (1) of this section may be modified, removed or released by the City (except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:

a. No such modification, removal or release of the provisions of the plan by the municipality will affect the rights of the residents and owners of the planned unit development to maintain and enforce those provisions, at law or equity, as provided in paragraph (2) of this section.

b. No modification, removal or release of the provision of the plan by the municipality will be permitted except upon a finding by the municipal authority, following a public hearing called and held in accordance with the provisions of this section; that the same is consistent with the efficient development and preservation of the entire planned unit development and does not adversely affect either the enjoyment of the land abutting upon or across a street from the planned unit development for the public interest; and is not granted solely to confer a special benefit upon any person.

Modification by the Residents

Residents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provision of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action will affect the right of the municipality to enforce the provisions of the plan in accordance with the provisions of paragraph (1) of this section.

Amendments

A planned unit development district ordinance or any approved preliminary development plan may be amended in the same manner prescribed in this chapter for approval of the initial preliminary plan. Application for amendment may be made by the subdivision developer, homeowner's association or 51 percent of the owners of property within the PUD.

Zoning Variances

Authority and Applicability

The zoning variance procedures of this section authorize the Board of Adjustment to approve, in specific cases, variances from specific zoning standards of this Code that will not be contrary to public interest and where, owing to special conditions, a literal enforcement of zoning standards would result in unnecessary hardship. In approving variances where there are practical difficulties or unnecessary hardship, the Board may vary or modify the application of any provisions of such ordinance relating to construction or alteration of use of land if it determines the public safety and welfare will be secured and substantial justice will be done.

Prohibited Variances

The Board of Adjustment may grant variances from all requirements of this Code except:

1. the requirements for public improvements;
2. uses permitted within a particular district
3. any provision in Flood Protection; and
4. any provision in Natural Resource Protection.

Applications

An application for a variance may be obtained from the Community Development Director. The application must be completed in its entirety and filed with the Community Development Director so that a public hearing date can be established in accordance with City code.

Procedure

Board of Adjustment Public Hearing

All proposed variance applications must be submitted to the Board of Adjustment. The Board of Adjustment will hold a public hearing on the application. The public hearing must be held at the next regular meeting of the Board of Adjustment for which the application may be scheduled given public notice deadlines, unless the applicant has consented to an extension of this time period. The Community Development Director or other appointed official as designated by the Planning and

Zoning Commission must prepare a written summary of the proceedings, and give notice of the hearing.

Board of Adjustment Action

Upon conclusion of the public hearing, the Board of Adjustment must approve, approve with conditions or disapprove the requested variance. A concurring vote of at least four members of the Board of Adjustment is required to approve any variance request.

Findings of Fact

A request for a variance may be granted upon a finding of the Board that all of the following conditions have been met. The Board will make a determination on each condition, and the finding will be entered into the record.

1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner, applicant, or their agent, employee or contractor.
2. The strict application of the provisions of the Unified Development Code of which the variance is requested will constitute an unnecessary hardship or practical difficulty upon the property owner represented in the application and that such unnecessary hardships or practical difficulties are not generally applicable to other property in the same district.
3. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
4. The granting of the variance will not result in advantages or special privileges to the applicant or property owner that this code denies to other land, structures or uses in the same district.
5. Whether the requested variance is the minimum variance necessary to provide relief.
6. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
7. The granting of the variance desired will not be opposed to the relevant purposes and intents of this Unified Development Ordinance.
8. The variance will result in substantial justice being done, considering both the public benefits intended to be secured by this code and the individual hardships or practical difficulties that will be suffered if the variance request is denied.

Conditions of Approval

1. In making any decision varying or modifying any provisions of the Unified Development Ordinance, the Board may impose such conditions, restrictions, terms, time limitations, landscaping, screening and other appropriate safeguards as needed to protect adjoining property.
2. The Board may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond will be based on a general estimate of cost for the improvements as

determined by the Board and will be enforceable by, or payable to, the City Council in the sum equal to the cost of constructing the required improvements.

3. In lieu of the performance bond requirement, the Board may specify a time limit for the completion of such required improvements and in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

Appeal of Board's Decision

Any person or persons jointly or severally aggrieved by any decision of the Board, any neighborhood organization as defined in Section 32.105, RSMo. representing such person or persons, or any officer, department, board or bureau of the municipality may present to the Circuit Court of the County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the Court within 30 days after the filing of the decision in the office of the Board.

Floodplain Development Permit

Applicability

A floodplain development permit is required for all proposed construction or other development, including the placement of manufactured structures, within the lands described. No person, firm, corporation or unit of government may initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

Application

To obtain a floodplain development permit, the applicant must first file an application in writing on a form furnished for that purpose. Every floodplain development permit application must:

1. describe the land on which the proposed work is to be done by lot, block and tract, house and street address or similar description that will readily identify and specifically locate the proposed building or work;
2. identify and describe the work to be covered by the floodplain development permit;
3. indicate the use or occupancy for which the proposed work is intended;
4. indicate the assessed value of the structure and the fair market value of the improvement;
5. specify whether development is located in designated flood fringe or floodway;
6. identify the existing base flood elevation and the elevation of the proposed development;
7. give such information as reasonably may be required by the Floodplain Administrator;
8. be accompanied by plans and specifications for proposed construction; and
9. be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.

Appeals of Administrative Decisions

Applicability

This section sets forth the required review and approval procedures for appeals of administrative decisions.

Right to Appeal

Unless an alternative appeal process is specified herein, the Board of Adjustment is authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Community Development Director or other official of the City in the administration or enforcement of this Code.

Application

An application for an appeal of an administrative decision may be obtained from the Community Development Director. The application must be completed in its entirety and filed with the Community Development Director. An application for an appeal must be filed within 10 days after a ruling by the applicable City official.

The filing of a complete application for an appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Board of Adjustment, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, proceedings cannot be stayed other than by a restraining order which may be granted by a court of record.

Procedure

Action by Community Development Director

The Community Development Director, or the official whose decision is being appealed, will transmit to the Board of Adjustment all papers constituting the record upon which the action appealed is taken.

Board of Adjustment Action

The Board of Adjustment will grant to the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. In exercising the appeal power, the Board of Adjustment will have all the powers of the official from whom the appeal is taken, and the Board of Adjustment may reverse or affirm wholly or partly or may modify the decision being appealed. If the Board of Adjustment determines that it is necessary to obtain additional evidence in order to resolve the matter, it will remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

Findings of Fact

An appeal will be sustained only if the Board of Adjustment finds that the administrative official erred. Every decision of the Board of Adjustment must be accompanied by written findings of fact that specify the reason for the decision.

Appeals of Board of Adjustment Decisions

Any person aggrieved by a decision of the Board of Adjustment may present to the Circuit Court of the County a petition, duly verified, setting forth that such decision is

illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the Court within 30 days after the date on which the Board of Adjustment's written decision on the matter is filed in the office of the City Clerk.

Subdivision Review and Platting, Generally

Application

1. Application for subdivision review may be obtained from the Community development Director. The application must be completed in its entirety and filed with the Community Development Director. The applicant must submit copies in accordance with the submission schedule regularly adopted by the Planning and Zoning Commission.
2. With the exception of a final plat for residentially zoned property, multiple applications may be filed for the same property for consideration at the same meeting.

Unlawful to Record Plat without Final Plat Approval

No owner or agent of the owner, of any land located within the City of Belton may transfer, sell, agree to sell or negotiate to sell land by reference to or by other use of a plat of any proposed subdivision of the land before the plat has been approved by the City Council and recorded with the Cass County Office of the Recorder of Deeds.

Approval Procedures

Subdivision review and plat approvals will be completed according to the established procedures.

Minor Subdivisions

Applicability

A subdivision may qualify as a "minor subdivision" if:

1. the proposed plat of subdivision or re-subdivision will create no more than five lots, tracts or parcels or land; or
2. no public street or easement of access is sought to be dedicated, or is projected, through (as opposed to adjacent to) the lot, tract or parcel proposed to be subdivided or re-subdivided; and
3. the proposed plat of subdivision is in compliance with all requirements of the Unified Development Ordinance.

Applications

An application for a minor subdivision may be obtained from the Community Development Director. The application must be completed in its entirety and filed with the Community Development Director.

No preliminary plat is required for a minor subdivision.

Contents of the Minor Subdivision Plat

The contents of the minor subdivision plat must include all the data, information and certifications required on final plats as specified.

Procedure

Planning and Zoning Commission Recommendation

All proposed minor subdivision plats first will be submitted to the Planning and Zoning Commission for review and recommendation. If a proposed minor subdivision complies with the applicable requirements of the Unified Development Code, then the Planning and Zoning Commission may recommend approval, approval with conditions or disapproval.

City Council Action

Following review and recommendation by the Planning and Zoning Commission, the final plat will be transmitted to the City Council for final action. The City Council will either approve, approve with conditions or disapprove the minor subdivision plat. If the final plat is disapproved, the subdivider will be notified of the reasons for such disapproval.

Findings of Fact

The Planning and Zoning Commission will recommend approval, and the City Council will approve the minor subdivision plat if it finds the minor subdivision plat:

1. complies with the Unified Development Ordinance, RSMo Chapter 445, and all other applicable standards;
2. there are sufficient public safety, transportation, and utility facilities and services exist to serve the subject property, while maintaining sufficient levels of service to existing development.; and
3. will not have a significant adverse impact on the environment.

Recording; Effect of Approval

Upon approval of the minor subdivision plat by the City Council, the subdivider will be responsible for recording the plat with the Cass County Recorder of Deeds and returning the required copies of the plat to the Community Development Director. Preliminary Plat

Applications

An application for a preliminary plat may be obtained from the Community Development Director. The application must be completed in its entirety in accordance with 0 and submitted at least 60 days prior to the date of the meeting where it will be considered.

For property in commercial or industrial zoning districts, the application must be submitted at least 30 days prior to the date of the meeting.

Memorandum of Understanding

A Memorandum of Understanding (MOU) may be required by the City for any preliminary plat application request.

Procedure

Pre-Application Conference

Prior to filing an application for a preliminary plat, the applicant must attend a pre-application conference.

Development Review Committee and Other Agency Review

a. Upon receipt of a complete application, the Community Development Director will distribute copies of the preliminary plat and supportive information to the Development Review Committee. The application will be reviewed by the Development Review Committee for compliance with applicable regulations of this Code.

b. The Community Development Director will also distribute copies of the preliminary plat to the following governmental agencies, departments, and other persons as may be deemed appropriate for the particular proposed subdivision:

(1) Fire District;

(2) Police Department;

(3) School District;

(4) State Highway Department (if the subdivision is adjacent to a State highway); and

(5) any utility companies providing gas, electric or telephone service in or near the subdivision.

c. The agencies, departments and persons identified in this section will have a minimum of 10 working days to review the preliminary plat and to make their report and recommendations to the Planning and Zoning Commission.

d. If a report has not been returned to the office of the Community Development Director within 10 working days after receiving a plat for review, the proposed plat will be deemed to be in conformance with the laws, rules or policies of the reviewing agency or department.

Planning and Zoning Commission Public Hearing

All proposed preliminary plats must be submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission will hold a public hearing on the application.

Planning and Zoning Commission Recommendation

1. The Planning and Zoning Commission will consider the preliminary plat within 60 days of its receipt by the Community Development Director, or at the next regular meeting for which the plat may be scheduled.

2. The Planning and Zoning Commission will review and consider the reports and recommendations of the agencies, departments and persons to whom the preliminary plat has been submitted for review.

3. If the preliminary plat does comply with all requirements, the Planning and Zoning Commission will forward the application to the City Council with a recommendation of approval.

4. If the preliminary plat is in general, but not complete compliance, the Planning and Zoning Commission may recommend conditional acceptance of the preliminary plat. The conditions of such acceptance will specify the modifications necessary to achieve full compliance. The

Planning and Zoning Commission will forward the application to the City Council with a recommendation of approval, subject to conditions.

5. If the preliminary plat is not in compliance with all requirements, the Planning and Zoning Commission will recommend disapproval of the preliminary plat. Within 10 days of its final action, the Planning and Zoning Commission must notify the subdivider in writing of the reasons for its recommendation for disapproval.

6. If the preliminary plat is not recommended for approval, the subdivider may modify the preliminary plat and re-submit it to the Planning and Zoning Commission. If the plat is amended and re-submitted within 60 days of the disapproval of the original preliminary plat, no additional filing fee will be required. The Planning and Zoning Commission may reconsider the preliminary plat at a regular meeting for which the plat may be scheduled by the Community Development Director.

City Council Public Hearing

The Belton City Council must hold a public hearing on the application.

City Council Action

1. The City Council must consider the request within 60 days of receipt of written recommendation of the Planning and Zoning Commission. Upon receipt of the recommendation of the Planning and Zoning Commission, the City Council must consider the application and may take final action to approve or disapprove it.

2. If final action is not taken by the City Council within 120 days after the recommendation of the Planning and Zoning Commission is submitted to it, the preliminary plat will be deemed to have been defeated and denied, unless the applicant has consented to an extension of this time period. Whenever a preliminary plat is defeated, either by vote of the City Council or by inaction described in this section, such preliminary plat cannot be passed without another public hearing that is noticed in accordance with this chapter.

3. If the City Council approves an application, it will adopt a resolution to that effect.

Findings of Fact

In its deliberation of a request, the Planning and Zoning Commission and City Council must make findings of fact taking into consideration the following:

a. the preliminary plat will not adversely affect the appropriate use of neighboring property;

b. the preliminary plat is in compliance with all applicable regulations of the Unified Development Code, Comprehensive Plan, and other City regulations and plans;

c. the preliminary plat will not impose undue burden upon existing public services and facilities; and

d. the preliminary plat will make adequate provision to accommodate resulting additional demands which may be imposed upon roads and streets, water

supply and storage, storm sewerage, sanitary sewerage, and wastewater treatment without substantially increasing public costs and expenditures.

Effect of Approval of Preliminary Plat

Approval of the preliminary plat does not constitute final acceptance of the subdivision by the City Council, but will be considered permission to prepare and submit a final plat. Preliminary plat approval will be effective for no more than one year from the date approval was granted unless:

(1) a final plat is application is submitted within one year of the date of preliminary plat approval;

(2) upon the request of the subdivider, the City Council grants an extension; or

(3) final plat applications are submitted in accordance with the requirements for staged development of final plats.

If preliminary plat approval expires, the preliminary plat must be re-submitted as if no such plat had ever been approved.

Extension of Preliminary Plat

An applicant must request that the City Council grant an extension of an approved preliminary plat prior to the expiration date of the preliminary plat. An extension of the preliminary plat can only be requested if it remains unchanged from last acceptance. A request for extension does not require submission of a new application fee or a public hearing.

Construction Plans

Submittal

The subdivider or developer must have plans and engineering drawings, complete with other engineering information, prepared for required improvements by a registered engineer. Following the approval of the preliminary plat, the applicant shall submit two copies of the complete plans, drawings, and other engineering information to the Director of Public Works with an application for final plat approval.

Content of Engineering Drawings

Engineering plans, drawings, and other engineering information must contain the following information and must conform to the following requirements:

1. All plans, profiles, and details of proposed improvements shall be on standard plan and profile sheets or other appropriate sheets. Each sheet of the drawings shall be a minimum size of 24 inches by 36 inches and a maximum size of 30 inches by 42 inches and include an appropriate border and a title block in the lower right hand corner. The title block shall contain at least the name of the subdivision, a brief description of the information shown on the individual sheet, the name and address of the developer, the name, address, and professional seal of the engineer, the date of the original drawing, and the date of any revisions to the drawing. A_vicinity shall be shown on the cover sheet. Plans and profiles shall be shown to a horizontal scale of one inch equals 100 feet and a vertical scale of one inch equals 10 feet, or a horizontal scale of one inch equals 50 feet and a vertical scale of one inch equals five feet. The scale and north point shall be clearly indicated on each sheet. If the

drawings consist of three or more sheets there shall also be an appropriate cover or title sheet showing the entire subdivision at a suitable scale, the subdivision name, a brief description of the nature of the drawings, an index to the drawings, and other applicable information.

2. Plans, profiles, and details for roadway and sidewalk construction shall show profiles of the existing topography elevations, profiles of proposed sidewalk, curb, and street centerline elevations, intersection control elevations, paving geometrics, typical cross-sections and other data required for staking and construction. Construction specifications and cost estimates shall be submitted with the plans.

3. Plans, profiles, and details of storm sewer and storm drainage improvements shall show existing profiles, proposed flow-line profiles, grades and elevations, manhole details, drainage structure details and inlet details, plus any other data necessary for staking and construction. Construction specifications and cost estimates shall be submitted with the plans. Copies of engineering calculations may also be required to be submitted for review.

4. Plans and details of the proposed water distribution system and water supply facilities shall show all information necessary for review and construction of the systems, including line sizes, fire hydrant locations and valve locations. Construction specifications and cost estimates shall be submitted with the plans. Copies of engineering calculations may also be required to be submitted for review.

5. Plans, profiles, and details for sanitary sewer systems and sewage treatment facilities shall show line sizes, grades, flow line elevations, and other information necessary for plan review and construction. Construction specifications and cost estimates shall be submitted with the plans. Copies of engineering calculations may also be required to be submitted for review.

6. All plans shall be based on USGS datum. Benchmark descriptions and elevations shall be shown on the plan sheets.

7. All plans for underground wiring shall be prepared by or at the direction of the agency involved.

Final Plat

Applications

1. An application for a final plat may be obtained from the Community Development Director. The application must be completed in its entirety in accordance with 0 and submitted at least 60 days prior to the date of the meeting. Final plats must be submitted in form, size and number as required by the Community Development Director, and must include all information required by the application packet.

2. For commercial or industrial zoned property, the developer has the option of submitting the application 30 days prior to the date of the meeting on which the plat is to be heard.

3. The date of the regular meeting of the Planning and Zoning Commission at which the final approval of the subdivision plat, (including any adjourned date thereof) is recommended, will constitute the official submittal date of the plat at

which the 60 day period required by Section 89.420, RSMo., for formal approval or disapproval of the plat commences.

Review of Plans

The Director of Public Works shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with the design standards. If such drawings are consistent and so comply, the Director of Public Works shall forward to the Planning and Zoning Commission a notice that they so conform and comply. In the event that the drawings do not so conform and comply, the Director of Public Works shall notify the sub-divider of the specific manner in which such drawings do not so comply, and the sub-divider may then correct such drawings. If such drawings are not corrected, the Director of Public Works shall forward to the Planning and Zoning Commission a notice as to the items of non-conformity or non-compliance. The Planning and Zoning Commission shall not consider a final plat until the Director of Public Works has approved the plans and engineering drawings.

Procedure

Development Review Committee Review

Upon receipt of a complete application, the Community Development Director will distribute copies of the final plat and supportive information to the Development Review Committee. The application will be reviewed by the Development Review Committee for compliance with applicable regulations of this Code.

Planning and Zoning Commission Recommendation

Within 30 days after consideration of the final plat, the Planning and Zoning Commission will submit a recommendation to the City Council to approve, approve with conditions or disapprove the final plat. If the Planning and Zoning Commission recommends disapproval of the final plat, it must advise the sub-divider in writing of the reasons for such recommendation within 10 days after such action. If the Planning and Zoning Commission fails to act on the final plat within 60 days after it has been considered for final approval, it will be deemed to have been recommended for approval.

City Council Action

Following review and recommendation by the Planning and Zoning Commission, the final plat will be transmitted to the City Council for final action. The City Council will either approve or disapprove the final plat and accept or reject the dedication of land for public purposes within 30 days after the first meeting of the City Council following submittal of the plat to the City Clerk.

The action of the Planning and Zoning Commission and the City Council will be conveyed to the sub-divider in writing within 10 days of the meeting of the City Council at which the plat was considered. If the final plat is disapproved, the sub-divider will be notified of the reasons for such disapproval. Acceptance of dedications will be indicated over the signature of the Mayor and attested by the City Clerk. If the City Council rejects any dedications on the final plat, it will advise the sub-divider in writing of the reasons for the rejection.

Findings of Fact

The Planning and Zoning Commission will recommend approval, and the City Council will approve a final plat if it finds that the final plat:

1. is substantially the same as the approved preliminary plat;
2. complies with all conditions, restrictions and requirements of this Code and of all other applicable ordinances and design standards of the City; and
3. complies with any condition that may have been attached to the approval of the preliminary plat.

Phased Submittal of Final Plat

An approved preliminary plat may be submitted for final plat approval in separate geographic units rather than as a whole, provided the following conditions are met:

1. the preliminary plat must include a proposed phasing plan. The phasing plan may be amended at the time of any final plat application. Amendments to the phasing plan are subject to review by the City staff and Planning and Zoning Commission and approval by the City Council.
2. an application for final plat approval must be filed within one year of approval of the preliminary plat. If the application is withdrawn and the time elapses prior to another final plat application being filed, the preliminary plat is null and void;
3. application for one final plat meeting the criteria stated above must be submitted for approval every two years from the date that the most recent final plat was approved or the preliminary plat will become null and void. If the application is withdrawn and the time elapses prior to another application being filed, the preliminary plat is null and void;
4. if an initial final plat has not been submitted within the time period set forth in this subsection, and subsequent phase final plats are not submitted according to this subsection, the preliminary plat will be null and void and the sub-divider will be required to submit a new preliminary plat in accordance with this Code; and
5. all steps and criteria required by this Code for the approval of final plats at the time of final plat application, including the recording thereof, must be adhered to with respect to each final plat submitted.

Recording of the Final Plat

No plat may be recorded or filed with the Cass County Recorder of Deeds until such plat has been approved by the City Council; all dedications of rights-of-way, easements and other property have been accepted by the City Council; and the design and financing of all improvements has been agreed to by both the sub-divider and the City Council. The financial responsibility for the cost of recording the plat with the Recorder of Deeds will be borne solely by the sub-divider. The sub-divider must record the final plat within one year from the date of approval or such plat is null and void.

Within 15 days of recordation of the final plat, the sub-divider must submit a minimum of three copies of the final plat, of which two will be paper prints and one will be opaque linen or mylar prints, to the Community Development Director, along with a recorded copy of the development agreement, declaration of covenants and restrictions and articles of incorporation establishing a property owners association if required by this Code. No

building permit shall be issued until the required copies of the recorded final plat and development agreement are submitted to the Community Development Director.

The approved plat shall be recorded at the Cass County Recorder of Deeds Office at the subdivider's expense.

Effect of failure to timely record a final plat

If a final plat is not recorded within one (1) year of the date of the Governing Body's approval of the final plat, the approval shall become null and void and a new final plat must be submitted to the Commission and the Governing Body for their consideration.

Lot Splits

Applicability

A lot may be divided as a lot split provided the following conditions are met:

1. no nonconforming lot shall be created as a result of the lot split.
2. a previously platted lot zoned "R-2" or "R-3" may be divided as a lot split by re-platting provided the flowing conditions are met:
   a. for a two-family dwelling in a "R-2" district, a lot split may only occur where the common wall between the two units exist. The lot split must, as closely as possible, divide the property into equal halves.
   b. for an attached single-family dwelling in a "R-3" district, a lot split may only occur where the common wall between the units exist. The lot split will only be permitted within a building area identified on a recorded final plat. The lot split process permits the units to be surveyed and individually sold.
   c. two-family residential and attached single family lot splits are only permitted on lots contained within an approved final plat.

Application

An application for a lot split shall be obtained from the Community Development Director. The application must be completed in its entirety.

Community Development Director Action

1. The Community Development Director has the authority to approve or disapprove lot splits.
2. Upon approval, the Community Development Director must sign and date the survey or plat.

Condominium Plat Review

A condominium plat in compliance with RSMo. Chapter 448, Condominium Property, shall be reviewed in accordance with the subdivision review and platting procedures of this chapter. The Planning and Zoning Commission is authorized to make waivers and modifications to otherwise applicable standards for a plat that fully complies with RSMo. Chapter 448.

Site Plan Review

B. Purpose

The City of Belton recognizes that the nature of land development creates the potential for traffic congestion, overcrowding, adverse visual and environmental impacts, and health problems. The City strives to promote growth in Belton while stabilizing the established residential character of the area. Site plan review regulates the development of structures and sites in a manner that takes into consideration the following considerations:

1. the balancing of landowners' rights to use their land, with the corresponding rights of neighboring landowners, residents and the general public, to live without undue disturbances (e.g., noise, smoke, vibration, fumes, dust, odor, glare, stormwater runoff, etc.);
2. the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas or roads;
3. the adequacy of waste disposal methods and protection from pollution of surface or ground water;
4. the protection of historic and environmental features on the site under review and in adjacent areas;
5. the stability of the built environment, particularly residential neighborhoods, by promoting urban development which is compatible with clearly identified natural resources; and
6. the adequacy of provisions for resulting additional system demands which may be imposed by the development upon roads and streets, water supply and storage, storm sewerage, and sanitary sewerage and wastewater treatment and the consistency of the development with the City's Comprehensive Plan.

Applicability

1. All applications for building permits for developments in the multi-family, commercial and industrial zoning districts are subject to site plan review in accordance with this section. All nonresidential uses in residential districts require site plan review.
2. No building permit will be issued without being granted site plan approval when it is required by this subsection.

Application

Applications for site plan review may be obtained from the Community Development Director. The application must be completed in its entirety and filed with the Community Development Director. The applicant must submit copies in accordance with the submission schedule regularly adopted by the Planning and Zoning Commission.

Procedure

Community Development Director Action

a. All site plans will be reviewed by the Community Development Director.

b. The Community Development Director has the authority to take final action (approve, conditionally approve or deny) on applications for:

(1) developments that have an approved site plan on file where the application proposes to expand the existing use by less than 10 percent or 5,000 square feet, whichever is less; or

(2) developments that have an approved site plan on file where the application proposes to modify signage, parking, landscaping or other minor feature and the proposed modifications will be in compliance with all requirements of this Code.

c. The Community Development Director must complete the review within 20 days of receiving a complete application.

Planning and Zoning Commission Action

With the exception of those cases identified in paragraph 1 above, all other applications for site plan review will be reviewed by the Community Development Director, and forwarded to the Planning and Zoning Commission for review and action. The Commission has the authority to take final action, and may approve, approve with conditions or disapprove the application.

Conditions of Approval

In approving a site plan, the Planning and Zoning Commission or, when applicable the Community Development Director, may impose reasonable conditions, safeguards and restrictions upon the applicant and the premises.

Findings of Fact

In order to be approved, the Community Development Director or Planning and Zoning Commission must find that the following conditions are met:

d. the plan complies with all applicable standards of this code and all other applicable City ordinances and policies;

e. the plan does not conflict with the adopted plans of the City of Belton or the purpose and intent of this code;

f. the proposed use is allowed in the district in which it is located;

g. vehicular ingress and egress to and from the site, and circulation within the site provides for safe, efficient, and convenient movement not only within the site but also on adjacent roadways;

h. the plan provides for safe, efficient, and convenient movement of pedestrians on and to the site;

i. the arrangement of structures and buildings on the site allows for efficient use of the land, is compatible with development on adjacent property, and minimizes potential adverse impacts on existing or planned municipal infrastructure and services;

j. open space and natural features on the site are arranged in such a way that unique natural resources are preserved and creates a desirable and functional environment for site users;

k. the plan avoids unnecessary or unreasonable alterations to existing topography, preserves existing healthy, mature trees and woodlands, and designs drainage facilities to promote the use and preservation of natural watercourses;

l. provides adequate parking for the use, including logical and safe parking and circulation;

m. provides landscaping and screening as required by this code that creates logical transitions to adjoining uses, screens incompatible uses, minimizes the visual impact of the development on adjacent roads and properties, and utilizes native plant materials selected to withstand the local climate and individual site microclimates; and

n. includes site illumination that has been designed and located to minimize adverse impacts on adjacent properties.

Effect of Approval

If the Planning and Zoning Commission or, when applicable, the Community Development Director approves a site plan, it will be considered permission to prepare and submit a building permit application that complies with the approved site plan and conditions of approval.

Appeals

The applicant may appeal the decision of the Community Development Director to the Planning and Zoning Commission.

a. The applicant must notify the Community Development Director of their intent to appeal within 10 days of the date of decision from the Community Development Director.

b. The Community Development Director will schedule the appeal for the next regularly scheduled Planning and Zoning Commission meeting which is no sooner than 15 days from the date the intent to appeal was filed.

c. The applicant must provide an additional 15 review copies of the drawings and the additional required fee along with the intent to appeal.

The applicant may appeal the decision of the Planning and Zoning Commission to the City Council.

a. The applicant must notify the Community Development Director of their intent to appeal, in writing, within 10 days of the date of the Planning and Zoning Commission meeting when the application was considered.

b. The Community Development Director will schedule the appeal for the next regularly scheduled City Council meeting provided it is at least 15 days from the date the intent to appeal was filed.

c. The applicant will provide an additional 15 review copies of the drawings along with the intent to appeal.

Vacation of Streets, Easements or Plats

Applicability

This section sets forth the required review and approval procedures to vacate a plat, part of a plat, street, alley or platted utility easement. No vacation may take place, unless the consent of the persons owning two-thirds of the property immediately adjoining thereto is obtained in writing.

Application

The application must be filed with the Community Development Director. The application will be accompanied by a legal description and survey or other drawing acceptable to the Community Development Director depicting the street, alley or public reservation proposed to be vacated and the properties and property owners surrounding the street, alley or public reservation.

Procedure

City Council Public Hearing

All proposed requested vacations must be submitted to the City Council for review and final action. The City Council will hold a public hearing on the application in accordance with the uniform development ordinance with the exception that only published and mailed notices are required. The notice will state that an application for vacation has been filed, describing the property fully, and that a hearing thereon before the City Council will be held on a date certain after the completion of such publication notice, naming the day on which the hearing will be held, and that at such time and place all persons interested can appear and be heard concerning the application.

The City Council or Community Development Director may determine that it would be advisable to obtain the recommendation of the Planning and Zoning Commission concerning a vacation application prior to the public hearing before the City Council. In that event, the Planning and Zoning Commission will hold its own public hearing on the application following publication notice and notice to surrounding property owners in accordance with the provisions for public hearings. At the conclusion of any such hearing, the Planning and Zoning Commission will submit its recommendation on the application to the City Council.

City Council Action

The City Council will approve or disapprove the application for the vacation.

Review Criteria

The City Council may approve the application if it determines from the evidence that:

1. due and legal notice has been given by publication as required herein;
2. no private rights will be injured or endangered by the vacation;
3. the proposed vacation is not contrary to the Growth Management Plan or any other transportation plans for the City; and
4. the public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.

Building Permits

Applicability

In accordance with Chapter 500 of the City Code, it will be unlawful to commence or to proceed with the erection, construction, reconstruction, structural conversion, structural alteration, enlargement, extension, razing or moving of any building or structure or any portion thereof until a building permit has been granted therefore. This Section sets forth the required review and approval procedures for building permits.

Application

An application for a building permit may be obtained from the Building Inspections Division of the Community Development Department. The application must be completed in its entirety.

Procedure

The procedure for review and issuance of building permits is set forth General Provisions of the City Code.

Sign Permits

Applicability

No sign may be erected, moved or structurally altered without a permit approved by the Community Development Director.

Application

An application for a sign permit may be obtained from the Community Development Director. The application must be completed in its entirety. All sign permit applications must provide information regarding the location, materials, size, color and illumination. Master sign plan applications will be required as part of a site plan.

Procedure

A sign permit will be either issued or refused by the Community Development Director within 10 days after the receipt of an application or within an extended time period as may be agreed to by the applicant. When the Community Development Director refuses to issue a sign permit, he/she must advise the applicant in writing of the reasons for the refusal.

Inspections

As soon as a sign has been erected, the permittee must notify the Community Development Director or their designate who will inspect the sign and approve it if it complies with the provisions of this Code. The Community Development Director may from time to time inspect all signs or other structures regulated by this chapter for the purpose of ascertaining compliance with this code. If the sign does not comply with the provision of this chapter, the Community Development Director or their designate must notify the applicant in writing of such non-compliance and give the applicant 10 days, or less if the Community Development Director or their designate determines a hazardous situation exists, to comply.

Permit Revocable At Any Time

All rights and privileges acquired under the provisions of this code, or any amendments thereto, are mere licenses revocable at any time by the City Council. Installation must be

completed within six months after date of issuance of the sign permit or the permit becomes null and void.

Interpretations

Authority

The Community Development Director will have the authority to make written interpretations of this Code.

Request for interpretation

Requests for written interpretations of this Code must be submitted to the Community Development Director.

Procedure

Within 10 working days of receipt of a written request for interpretation, the Community Development Director will:

1. review and evaluate the request for an interpretation with the purpose and intent of this Code and consistency with the Comprehensive Plan and any other relevant documents;
2. consult with other staff, as necessary;
3. request additional information or documentation, as necessary; and
4. render a written interpretation.

Notice of Decision

Written notice of the decision will be provided to the applicant within five days of the decision and a copy will be filed in the official record of interpretations.

Official Record of Interpretations

An official record of interpretations will be kept on file by the Community Development Director. The record of interpretations will be available for public inspection during normal business hours.

Appeals

Appeals of the Community Development Director's written interpretation may be taken to the Board of Adjustment in accordance with stated procedures. If the appeal results in a change of interpretation, the new interpretation will be filed in the official record of interpretations.

Administrative Adjustments

Purpose

This section sets out the required review and approval procedures for administrative adjustments, which are minor deviations from otherwise applicable standards that may be approved by the Community Development Director.

Applicability

The Community Development Director is authorized to approve the following types of administrative adjustments:

1. modifications of 10 percent or less of any zoning district setback, lot size, lot width, building coverage or height standard.

2. modifications of 10 percent or less of any of the landscaping and screening standards.

Application

An application for an administrative adjustment may be obtained from the Community Development Director. The application must be completed in its entirety.

Community Development Director Action

The Community Development Director will review each application for an administrative adjustment and act within 10 days of the date of application to approve, approve with conditions or disapprove the application.

Review Criteria

Administrative adjustments may be approved by the Community Development Director only upon a finding that all of the following criteria have been met:

1. the requested adjustment is consistent with the stated purposes of this Code;

2. the requested adjustment eliminates an unnecessary inconvenience to the applicant and will have no appreciable adverse impact on the health, safety or general welfare of surrounding property owners or the general public; and

3. any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum practical extent.

Conditions of Approval

In granting an administrative adjustment, the Community Development Director may impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the neighborhood and to carry out the stated purposes of the Comprehensive Plan and this Code.

Notice of Decision

Within five days of the Community Development Director's decision on an administrative adjustment, he/she will mail notice of the decision to the applicant and all other parties who have made a written request for notification.

Appeals

Appeals of the Community Development Director's decision on an administrative adjustment may be taken to the Board of Adjustment. The appeal will be considered an application for an appeal of Administrative decision processed in the manner prescribed in.

Natural Resource Protection Variances

Variances from the buffer and stream setback requirements may be granted by the Board of Appeals in accordance with the following provisions:

Permitted Variances

For any parcel of land whose shape, topography or other existing physical condition prevents land development consistent with this code, the Board of Appeals may grant a

variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.

The Board of Appeals shall grant no variance from any provision without first conducting a public hearing on the application. The City of Belton shall give public notice of each such public hearing in a newspaper of general circulation within the City of Belton.

Application Contents

At a minimum, a variance request shall include the following information:

a site map that includes locations of all streams, wetlands, floodplain boundaries, slope, topography and other natural features, as determined by field survey;

a description of the size, shape, soils, vegetation and other physical characteristics of the property;

a detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;

documentation of unusual hardship should the buffer be maintained;

the applicant shall submit at least one alternative plan, which complies with the provisions of this section and an explanation of why the site can not be developed in accordance with the alternative plan;

a calculation of the total area and length of the proposed intrusion;

a stormwater management plan, if applicable; and

proposed mitigation for the intrusion. If no mitigation is proposed, the request shall not be granted.

Review and Approval Criteria

The following factors shall be considered in determining whether to issue a variance:

1. the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
2. the locations of all streams on the property, including along property boundaries;
3. the location and extent of the proposed buffer or setback intrusion;
4. whether alternative designs are possible which require less intrusion or no intrusion; and
5. whether or not the proposed mitigation offsets the intrusion.

Floodplain Management Variances

Establishment of Board of Appeals

The Board of Appeals shall hear and decide appeals and requests for variances from the floodplain management requirements of this code.

Responsibility of Board of Appeals

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Floodplain Administrator, the applicant may appeal such floodplain development permit or variance directly to the Board of Appeals.

The Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this code.

Further Appeals

Any person aggrieved by the decision of the Board of Appeals or any taxpayer may appeal such decision to the Circuit Court of Cass County as provided in Section 89.110, RSMo.

Floodplain Management Variance Criteria

In passing upon such applications for variances, the Board of Appeals shall consider all technical data and evaluations, all relevant factors, standards and the following criteria:

1. The danger to life and property due to flood damage;
2. The danger that materials may be swept onto other land to the injury of others;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flood damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems; streets; and bridges.

Conditions for Approving Floodplain Management Variances

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.

3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Variances shall only be issued upon:

1. A showing of good and sufficient cause,

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

A community shall notify the applicant in writing over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage, and

2. Such construction below the base flood level increases risks of life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

Conditions for Approving Variances for Agricultural Structures

1. Any variance granted for an agricultural structure shall be decided individually based on a case-by- case analysis of the building's unique circumstances.

2. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-flood-proofed:

   a. All agricultural structures considered for a variance from the floodplain management, shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farmhouses, cannot be considered agricultural structures.

   b. Use of the varied structures must be limited to agricultural purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

c. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials.

d. The agricultural structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structures. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

e. Any mechanical, electrical or other utility equipment must be located above the base flood elevation or flood-proofed so that they are contained within a watertight, flood-proofed enclosure that is capable of resisting damage during flood conditions.

f. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters.

g. The agricultural structures must comply with the floodplain management floodway encroachment provisions. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

h. Major equipment, machinery or other contents must be protected from any flood damage.

i. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.

A community shall notify the applicant in writing over the signature of a community official that:

(1) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and

(2) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

a. Wet-flood-proofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

Conditions for Approving Variances for Accessory Structures

1. Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions.

2. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-flood-proofed.

   a. Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

   b. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials.

   c. The accessory structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structure. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

   d. Any mechanical, electrical or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with **Error! Reference source not found.**4.

   e. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with **Error! Reference source not found.**3.

   f. The accessory structures must comply with the floodplain management floodway encroachment provisions of **Error! Reference source not found.**. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

   g. Equipment, machinery or other contents must be protected from any flood damage.

   h. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.

   A community shall notify the applicant in writing over the signature of a community official that:

   1. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and

   2. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

Inflatable Sign Permits

Applications

An application for an inflatable sign permit may be obtained from the Community Development Director.

Procedure

Planning and Zoning Commission

All proposed inflatable sign permit applications must be submitted to the Planning and Zoning Commission. The Planning and Zoning Commission will make a recommendation to the City Council for its consideration.

City Council

All inflatable sign permit applications must be submitted to the City Council for final approval. The City Council may approve an inflatable sign permit by motion.

Review

Factors to consider when reviewing an application for an inflatable sign permit include:

1. proximity to other inflatable signs;
2. size and height of inflatable sign;
3. proposed location upon the property;
4. length of time requested to display the inflatable sign;
5. compliance with City requirements on any previous inflatable sign
6. permit or temporary sign permit issued; and
7. any other reasonable factor or condition related to the public health, safety and general welfare.

Conditions of Approval

In approving an inflatable sign permit, the City Council may impose reasonable conditions, safeguards and restrictions upon the applicant.

Purpose & Nonconforming

The regulations of this chapter govern uses, structures, lots and other situations that came into existence lawfully but do not comply with one or more requirements of this Code. These types of situations are said to be nonconforming. The intent of this chapter is to clarify the effect of such nonconforming status and avoid their confusion with illegal buildings and uses. These regulations recognize the interests of landowners in continuing to use and maintain their properties for uses and activities that were lawfully established. The regulations also seek to encourage continued maintenance, rehabilitation, and reuse of existing buildings and structures. However, these

regulations also place limitations on nonconformities that have the potential to adversely affect surrounding properties.

Scope
This chapter applies to nonconformities created by the adoption of this Code or subsequent amendments to it and to those nonconformities lawfully existing at the time of adoption of this Code.

Provisions of General Applicability

Continuation Permitted
Any nonconformity that lawfully existed on the date of adoption of this Code or that becomes nonconforming upon the adoption of any amendment to this Code may be continued in accordance with the provisions of this chapter.

Illegal Uses, Buildings, and Structures
Uses, buildings, structures or components of uses that were not lawfully established prior to adoption of this chapter will not become legal by virtue of its enactment. Illegal uses, buildings, and structures must be immediately brought into compliance with all ordinances of the City.

Determination of Nonconforming Status
The burden of establishing that a nonconformity exists will, in all cases, be upon the property owner of the nonconforming use, building or structure and not upon the City.

Replacement Value
Replacement value for all structures will be interpreted as the assessed value of the improvement based on information obtained from the county assessor unless the applicant provides replacement value data prepared by a certified appraiser. When assessed value data is not available and the subject owner has not provided appraisal data, the Community Development Director is authorized to determine replacement value based on the best available data.

Repairs and Maintenance
Incidental repairs and normal maintenance of nonconforming situations are permitted to maintain a property in sound condition, unless expressly prohibited by this Code or other City ordinances. Examples of normal maintenance and incidental repairs include installation or relocation of nonbearing walls, nonbearing partitions, fixtures, equipment, wiring, roofing, and plumbing. Nothing in this Code may be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a City official.

Safety Regulations
All police power regulations enacted to promote the public health, safety, and welfare including, but not limited to all building, fire, and health codes, apply to nonconforming uses, buildings and structures.

Tenancy and Ownership
The status of a nonconformity is not affected by changes of tenancy, ownership or management. Nonconforming status "runs with the land."

Nonconforming Uses

A nonconforming use is one that was lawfully established in accordance with the zoning requirements in effect at the time of the use's establishment but that is no longer permitted by the use regulations of the zoning district in which the use is now located. This includes existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land.

Continuation

Nonconforming uses may remain, subject to the regulations of this section.

Alteration and Expansion

Except as expressly prohibited by this section, the Community Development Director is authorized to permit a nonconforming use to expand into another part of the same building or alter or expand the existing building, provided that the Community Development Director determines that such alteration or expansion:

a. will not result in a violation of off-street parking or loading requirements;

b. will not violate any applicable dimensional standards;

c. will not result in greater adverse impacts on the surrounding area, with respect to noise, traffic generation, odor or other environmental effects; and

d. is not expressly prohibited by paragraph 2 below.

The following nonconforming uses may not be expanded:

a. a nonconforming business or manufacturing use in a residential district.

b. a nonconforming residential use in a business or manufacturing district if such expansion increases the number of dwelling units or the area of the zoning lot.

Relocation

A nonconforming use may not be relocated in whole or in part to any other lot or parcel unless the relocation brings the use into compliance with all regulations of the zoning district into which it is relocated.

Change or Substitution of Use

1. Except as otherwise expressly authorized, a nonconforming use may not be changed to any use other than a use allowed within the zoning district in which the use is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, it may not be changed back to a use that is not allowed. A change of use will be deemed to occur when an existing nonconforming use has been terminated and an allowed use has commenced. Any change in use in violation of this chapter will be deemed an abandonment of the previous nonconforming use.

2. The City Council may permit the substitution of one nonconforming use for another nonconforming use within the same use category, provided that the substituted use will create no greater adverse impacts on the surrounding area

than the previous use. In making such a determination, the City Council may consider the following factors:

a. hours of operation;

b. vehicular traffic generation;

c. the number of employees, patrons or other people expected to be attracted to the use; and

d. other factors likely to affect the neighborhood in which the use is located.

If the City Council approves a use substitution, the previous nonconforming use is deemed to have been abandoned. In permitting such a change in use, the City Council may impose conditions on the substituting nonconforming use.

Loss of Nonconforming Status; Damage or Destruction

If a nonconforming use is discontinued for a period of six continuous months or more, all nonconforming use rights are lost and reestablishment of the nonconforming use is prohibited.

1. If a building or structure occupied by a nonconforming use is damaged or destroyed by fire, explosion, flood or other means that is not within the control of the property owner or tenant, to an extent of more than 50 percent of the replacement value of the building and/or structure it may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located. This provision does not apply to single-family dwellings, which may be reestablished in any zoning district in compliance with paragraph 3, below

2. If a building, structure or property occupied by a nonconforming use is damaged or destroyed, by any means not within the control of the property owner or tenant, to an extent of 50 percent or less of the replacement value, it may be repaired, reconstructed or restored provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair or reconstruction within six months of the date of damage or destruction, and the construction must be initiated within one year of issuance of the building permit, and diligently pursued. If a building permit is not obtained within six months, then the building and/or structure and use may be reestablished only if it complies with all regulations of the district in which it is located.

3. In the event that any building, structure or property occupied by a nonconforming use is damaged or destroyed by a means within the control of the property owner or tenant, the building and/or structure and use may be restored or repaired only in compliance with all regulations of this Code.

4. No use which is accessory to a principal nonconforming use may continue after such principal use ceases or is terminated.

Nonconforming Buildings and Structures

A nonconforming building or structure is one that was lawfully established in accordance with the zoning requirements in effect at the time of its establishment but that is no longer in compliance with one or more dimensional standards of this Code. Common examples of nonconforming

buildings or structures are those that do not comply with current setback, height or building coverage requirements.

Continuation

Nonconforming buildings or structures may remain, subject to the regulations of this section.

Use

A nonconforming building or structure may be utilized for or occupied by any use allowed in the applicable zoning district, subject to all applicable use standards.

Alteration and Expansion

The Community Development Director is authorized to permit the alteration, expansion, enlargement or increase in size of a nonconforming building or structure provided that he/she determines that such alteration or expansion:

1. will not result in a violation of off-street parking or loading requirements;
2. will not create any new nonconformities with respect to bulk or density standards; and
3. in the case of an addition that will expand a nonconforming building, the addition will not encroach any further into the existing setbacks, further increase nonconforming building height or increase nonconforming building coverage.

Relocation

A nonconforming building or structure may not be relocated in whole, or in part, to any other location on the same lot or parcel, or to any other lot or parcel, unless the relocation brings the building or structure into further or full compliance with the regulations of the zoning district in which it is relocated. This provision may not be interpreted as prohibiting the elevation of a nonconforming building or structure for the purpose of floodproofing or repair.

Loss of Nonconforming Status; Damage or Destruction

1. If a nonconforming building or structure is damaged or destroyed by fire, explosion, flood, or other means that is not within the control of the property owner or tenant to an extent of more than 50 percent of the replacement value of the building or structure, it may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located. This provision does not apply to single-family dwellings which may be fully reestablished in any zoning district in compliance with paragraph 2 below.
2. If a nonconforming building or structure is damaged or destroyed by any means not within the control of the property owner or tenant to an extent of 50 percent or less of the replacement value, it may be repaired, reconstructed or restored provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair or reconstruction within six months of the date of damage or destruction, and the construction must be initiated within one year of issuance of the building permit, and diligently pursued. If a building permit is not obtained within six months or the repairs or restoration are not initiated within one year of the issuance of the building permit, and diligently pursued, then the

building or structure and use may be reestablished only if it complies with all regulations of the district in which it is located.

3. In the event that any nonconforming building or structure is damaged or destroyed by a means within the control of the property owner or tenant, the building or structure and use may be restored or repaired only in compliance with all requirements of this Code.

Nonconforming Lots of Record

A nonconforming lot of record is a tract of land designated on a duly recorded subdivision plat, by a duly recorded deed or by other lawful means that does not comply with minimum lot area or lot width regulations of the zoning district in which it is located. No nonconforming lot of record may be improved except in compliance with this section.

Use

Any lot that became nonconforming upon the effective date or any subsequent amendment and does not meet the requirements of this Code for lot area or lot width may be developed with a use that is permitted within the applicable district. Unless a variance is approved by the Board of Adjustment, all construction upon a nonconforming lot shall be in compliance with the bulk and dimensional standards of the applicable zoning district.

Criteria for Use of Nonconforming Lots of Record

Upon compliance with the provisions of this section and other applicable provisions of this Code, the Community Development Director may issue a zoning certificate if the subject lot and proposed development meets the following criteria:

1. the lot can meet all other bulk and density requirements for the district in which it is located; and

2. utilities servicing the lot can be connected to a public sewer system or the lot can meet the minimum sanitary sewer and storm sewer requirements of the City.

Nonconforming Signs

Nonconforming signs are those that were lawfully established but no longer comply with the sign regulations of this Code.

Continuation

A nonconforming sign may remain, subject to the regulations of this section.

Alteration and Expansion

A nonconforming sign cannot be enlarged, expanded or otherwise improved except for the purpose of normal maintenance and incidental repairs. The only alteration to a nonconforming sign that is permitted is a change in the sign face, the words or symbols used or the message displayed, only to advertise an activity, business or use conducted or a product sold on the premises where the sign is located, provided that the sign is not abandoned, as defined in paragraph E of this section. Any other alteration or change must be to bring the nonconforming sign into compliance with the regulations of this Code.

Relocation

A nonconforming sign cannot be relocated in whole or in part to any other location unless the relocation results in the entire sign being brought into compliance with all applicable regulations of this Code.

Loss of Nonconforming Status; Damage or Destruction

1. If a nonconforming sign is damaged or destroyed by any means not within the control of the property owner to the extent the that the estimated expense of repairs exceeds 50 percent of its replacement value, the sign must be removed or otherwise brought into compliance with the regulations of this Code. Removal of a nonconforming sign must include removal of the sign face, all support structures and lighting apparatus.
2. If a nonconforming sign is damaged or destroyed by a means within the control of the property owner or tenant, the sign may be restored, repaired or replaced only if the sign is in compliance with all requirements of this code.

Abandonment

Any nonconforming sign that no longer advertises an activity, business or use conducted or a product sold on the premises where the sign is located will be deemed to be abandoned after a period of 90 days. All abandoned signs must be removed or brought into full compliance with the regulations of this Code.

Nonconforming Components of Use

Nonconforming components of use are those elements of a property that are not in conformance with the regulations of this code.

Continuation

A nonconforming component of use may remain subject to the regulations of this section.

Alteration and Expansion

No building or use shall be altered, expanded or enlarged unless the components of use on the property are in full compliance with City code.

A component of use may be altered if the alteration reduces the nonconformity. Examples of the manner in which nonconforming components of use could be reduced are the following:

a. construction of additional parking spaces on sites that do not meet parking requirements; or
b. installation of additional landscaping on sites that do not meet landscaping requirements.

Approval from the Community Development Director shall be obtained prior to any alterations of a component of use.

ENFORCEMENT

Responsibility for Enforcement

The Community Development Director is responsible for enforcing this Code, unless otherwise expressly stated.

Types of Violations

Unless otherwise expressly allowed by this Code or by state, federal or local law, any violation of this Code will be subject to the remedies and penalties provided in this chapter. Violations include, but are not limited to the following:

1. failure to comply with any provision of this Code;
2. to engage in construction, development, subdivision of land or use of land or buildings in any way not consistent with the requirements of this Code;
3. to engage in construction, development, subdivision of land or use of land or buildings without all of the required permits, approvals, certifications and other forms of authorization required by this Code;
4. to engage in construction, development, subdivision of land or use of land or buildings in any way not consistent with the terms and conditions of any permit, approval, certificate or other form of authorization required by this Code, or any conditions placed by the Community Development Director, Planning and Zoning Commission, Board of Adjustment, Board of Appeals or City Council on such authorization;
5. to occupy or use any building or structure prior to completion of final inspections or issuance of a certificate of occupancy as required by this Code;
6. to reduce any lot area so that setbacks or other dimensional standards are smaller than required by this Code and any approved plats or plans;
7. to increase the intensity of use of any land or structure in any way not consistent with the requirements of this Code;
8. to install or use a sign in any way not consistent with the requirements or to fail to remove any sign that is not consistent with the requirements of this Code;
9. to obscure, obstruct or destroy any notice required to be posted or otherwise given under this Code;
10. to fail to comply with a Stop Work Order issued under the authority given by this Code;
11. to alter, damage or remove any improvement required:
    a. by this Code;
    b. by the Planning and Zoning Commission as part of a site plan approval; or
    c. by the City Council as part of an approval granted under the requirements of this Code;
12. to fail to comply with any condition of approval imposed by the Community Development Director, Planning and Zoning Commission, Board of Adjustment, Board of Appeals or City Council;
13. to fail to remove any diseased or dead required landscaping and replace with landscaping materials in compliance with City code; and/or
14. to continue any of the violations of this section. Each day that a violation continues will be considered a separate offense.

Remedies and Enforcement Powers

The City of Belton has all of the following remedies and enforcement powers:

Withholding of Permits

1. The City may withhold or deny all permits, certificates of occupancy and other approvals for any building or structure on land where there is an uncorrected violation of this Code or of a condition of any permit, certificate or other approval previously granted by the City. The City may also grant a permit or approval subject to the condition that the violation be corrected. This provision applies whether or not the current owner is responsible for the violation.
2. The City may also withhold or deny all permits, certificates and other approvals for other land or structures owned or built by a person who caused an uncorrected violation of this Code on another property in the City of Belton.

Revocation of Permits

Any permit granted under this Code may be revoked when the Community Development Director determines:

a. there is a departure from the plans, specifications or other requirements of the terms of the permit;

b. the permit was obtained by false representation or was issued by mistake; or

c. any provisions of this Code are being violated.

Written notice of the permit revocation must be served on the owner, owner's agent or contractor or must be posted in a prominent location; thereafter, no further construction may proceed.

Revocation of Plans or Other Approvals

When a violation of this Code involves a failure to comply with approved plans or conditions of approval, the Community Development Director may revoke any plan or approval or condition its continuance on strict compliance plus provision of security. The Community Development Director must provide notice to the person found to be in violation.

Stop Work Orders

The Community Development Director may issue a stop work order, with or without revocation of permits, for any building or structure on land where there is an uncorrected violation of this Code, any permit or other approval granted under this Code.

Citation

The Community Development Director may issue a citation to the property owner, tenant or person responsible for a violation of this Code.

Injunctive Relief

The city may seek an injunction or other equitable relief in court to stop any violation of this Code or of a permit, certificate or other form of authorization granted under this Code.

Abatement

The City may seek a court order in the nature of injunction, mandamus, abatement or other action to abate or remove a violation or to otherwise restore the premises in question to its condition prior to the violation.

Remedy of Sign Violations

The Community Development Director has the authority to order the removal and disposal of any temporary sign in violation of this chapter or any other sign that has remained in violation of this Code for more than 30 days after a judgment against the violator.

The City Council may impose a tax lien against the property of the violator to recover costs incurred by the City to remedy the situation including the costs of investigation, prosecution, removal and any other cost related to the violation.

The Code Enforcement Officer or his/her agent may remove snipe signs or other prohibited signs.

Any sign installed or placed in the right-of-way or on public property will be deemed an unlawful sign and will be subject to immediate removal and disposal by the City, without compensation to the owner. The owner or other person placing the sign will be subject to the penalty provisions of this chapter.

Penalties

A person, firm or corporation who violates any provision of the Unified Development Code will be guilty of a misdemeanor and upon conviction will be fined not less than $100.00 and not more than $500.00 and/or by imprisonment for up to 90 days in the County Jail, at the discretion of the Court. Each day of violation constitutes a separate offense.

Other Remedies

The City will have such other remedies and enforcement powers as may be granted from time to time by Missouri law and the City Code.

Remedies Cumulative

The remedies and enforcement powers established by this chapter are cumulative.

Enforcement Procedures

Emergency Matters

When a violation of the Unified Development Code results in an emergency situation as a result of safety concerns or violations that will create increased problems or costs if not immediately remedied, the City may use the enforcement powers granted by this chapter without prior notice, but the Community Development Director must attempt to give notice to the property owner or person who is party to an agreement or relevant permit simultaneously with beginning enforcement action.

Non-Emergency Matters

1. When a violation of the Unified Development Code does not result in an emergency situation, the Community Development Director must give notice of the violation to the property owner, tenant or another person who is party to a relevant agreement or permit.
2. Notice must be given in person, by U.S. mail or by posting notice in a prominent location on the premises. Notice must state the nature of the violation and the time period for compliance, and may state what corrective steps are necessary and the

nature of penalties and enforcement actions that may result if the situation is not corrected.

3. The persons receiving the notice will have 10 days to correct the violation before further enforcement action will be taken.

4. If the violation is not corrected within the allotted time, the Community Development Director may impose one or more of the remedies.

5. Any sign placed within the right-of-way may be removed immediately, without notice, by the City.

Private Agreements

Private covenants, deed restrictions or agreements imposing standards different than those in this Code shall not impose an enforcement obligation on the Community Development Director or the City.

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.