AGENDA
CITY OF BELTON
PLANNING COMMISSION
MEETING AND PUBLIC HEARINGS
MONDAY, DECEMBER 17, 2012 - 7:00 P.M.
CITY HALL ANNEX, 520 MAIN STREET

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPROVAL OF THE MINUTES OF THE DECEMBER 3, 2012 PLANNING COMMISSION MEETING

IV. PUBLIC HEARINGS

A. Consideration of an Amendment to the Unified Development Code regarding Stormwater Management and Flood Protection.

B. Consideration of an Amendment to the Unified Development Code regarding Tree Topping.

C. Continuation of the Consideration of Amendments to the Unified Development Code regarding Residential – Manufactured Home Parks.

V. DIRECTOR'S REPORT

VI. NEXT MEETING DATE: January 7, 2013

VII. ADJOURNMENT

MEETING MINUTES

DECEMBER 3, 2012

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
December 3, 2012

CALL TO ORDER
Chairman Holly Girgin called the meeting to order at 7:00 p.m.

ATTENDANCE

Commission: Chairman Girgin, Mayor Pro Tem Gary Lathrop, Councilman Scott Von Behren, Commissioners Tim McDonough, Jeff Fletcher, and Chris Christensen.

Staff: Jay Leipzig, Community Development Director; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.

Absent: Commissioners Sally Davila and Larry Thompson.

MINUTES
Councilman Von Behren moved to approve the minutes of the November 19, 2012, Commission meeting. The motion was seconded by Commissioner Christensen. All members present voted in favor, and the motion carried.

PUBLIC HEARING – *Rezone 3.89-acres on north side of Cunningham Parkway from M-1 to R-3A*
Mr. Cooper identified the property on an aerial map where the zone change is being requested. He reported the applicant requested the property be rezoned R-3A (Apartment Community Residential) as the next step in a project to build age–restricted multi-family apartments. The applicant is currently seeking approval from the Missouri Housing Development Commission for low income tax credits. Mr. Cooper described aspects of the proposed multi-family project and gave a brief history of a neighboring apartment complex. Staff recommended the zone change request be accepted with the stipulation that the developer receive approval from the Missouri Housing Development Commission for the low income tax credits prior to the City Council review and acceptance.

Chairman Girgin opened the public hearing at 7:04 p.m. The hearing was being held to receive public input regarding the requested zone change from M-1 to R-3A for a 3.89-acre property on the north side of Cunningham Industrial Parkway. Kyle Kippes with Kaw Valley Engineering, 14700 W 114th Terrace, Lenexa, Kansas, was present to represent the developer, spoke in favor of the zone change, and stated he agreed with the staff recommendation.

Bret Axtell, with Axtell and Company, 14815 S. 71 Highway, Grandview, Missouri, was present representing the seller of the property, and spoke in favor of the zone change request. He provided information about the difference of the property "tax bill" by comparing the amount for undeveloped vs. developed property.

As there was no further input, Chairman Girgin closed the public hearing at 7:06 p.m. After a brief discussion, Commissioner McDonough moved to recommend approval of the change in zoning classification from M-1 (Light Industrial) to R-3A (Apartment Community Residential) with the following condition: 1) The developer shall receive approval from the Missouri Housing Development Commission for low income housing tax credits prior to City Council review and acceptance. Mayor Pro Tem Lathrop seconded the motion. When a vote was taken, the following was recorded: Ayes: 6 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners McDonough, Fletcher, and Christensen. Noes: none. Absent: 2 – Commissioners Davila and Thompson. The motion carried.

PUBLIC HEARING – *Rezone 1.73-acres south of Markey Road, and east of Belton Avenue from R-1 to C-2*
Mr. Cooper gave a report about the property where a zone change is being requested. He described the location and identified the property owners. A summary of the applicant's proposal to locate a metal building for storage of lawn and landscaping equipment on the property was given by Mr. Cooper. In addition, he gave a summary of the zoning in the surrounding area, and emphasized that railroad tracks separate and act as a buffer between the commercial and residential areas. Mr. Cooper called attention to a list of permitted uses in a commercial zoning district included in the agenda packet.

Chairman Girgin opened the public hearing at 7:14 p.m. This hearing was being held to receive public input regarding a zone change from R-1 (Single-Family Residential) to C-2 (General Commercial) for a 1.73-acre property south of Markey Road, and east of Belton Avenue.

Raymond Gann, 805 Belton Avenue, spoke against the zone change. Mr. Gann voiced concerns about the zone change being approved for land next to his property. He categorized the area as a quiet and peaceful neighborhood, and he reported the neighbors would like to keep it that way. He went on to state that none of the neighbors he spoke with about the rezone were in favor of the change. Other concerns mentioned by Mr. Gann included a change in the view from his property, and the elimination of the sense of living on open land.

James Person, property owner of 706 and 712 Belton Avenue spoke against the zone change. He told Commission members the railroad tracks and the vegetation provide a buffer between the commercial properties and residential properties. He indicated that he does not have a problem with the proposed business / land use, but primarily with the precedent it would be setting by moving commercial properties to the west side of the railroad tracks. He reported there is a natural progression of uses throughout the area, and this zone change would deviate from the Future Land Use Map.

Curtiss Hutsell, owner of One Source Home Maintenance, spoke in favor of the zone change request. He stated that he understands the area is primarily residential zoning, but it is not uncommon to see commercial zoning on both sides of a railroad track. A house would not be well-matched adjacent to the tracks according to Mr. Hutsell and he speculated that it would not be inconsistent to see a warehouse building next to a railroad track.

Skip Axtell, with Axtell and Company, 14815 S. 71 Highway, Grandview, Missouri, was present representing the property seller. In the past the seller had the property sold for a duplex project but the sale did not take place due to "excessive city requirements," according to Mr. Axtell. He expressed his belief that Markey Road would be used as a main corridor to 71 Highway (I-49) in the future. Mr. Axtell listed a few commercial businesses near the property on Markey Road and asked the Commission to extend the commercial zoning further west on Markey. He suggested the One Source business might be agreeable to adding more of a landscape buffer and a fence if required for approval.

Mr. Gann pointed out that if the property is rezoned he has concerns about the types of businesses that could locate there by right. He reiterated the area is a quiet neighborhood and strongly recommended the Commission deny the request.

Mr. Axtell called attention to the primary access for the property which he said would be on Markey Road and not Belton Avenue.

Mr. Hutsell pointed out the City has plans for a stormwater runoff project by the railroad tracks and he spoke of a two-acre parcel of land that could be used as a buffer. It was then acknowledged that the two-acre property belongs to Mr. Gann. Mr. Hutsell went on to say they intend to leave all the existing trees during construction of a building and added that a landscape buffer benefits their business by keeping the lawn equipment out of sight.

Mr. Gann stressed the peace, quiet and tranquil view on Belton Avenue would be interrupted by commercial business. He went on to say the neighbors are unhappy with the zone change and should be respected. There was no further input and Chairman Girgin closed the public hearing at 7:27 p.m.

Chairman Girgin announced the Commission seriously evaluates all the input received and considers land issues for today, and future impacts on the community. It was stated there have been no preliminary plans submitted for the site. Mr. Cooper called attention to the list of potential commercial uses that could locate on the property by right if rezoned, and recommended the Commission look at the property long-term. After additional discussion about setting a precedent by extending the commercial district, and the addition of a large metal building, Councilman Von Behren moved to recommend the application be denied for a zone change from R-1 (Single-Family Residential) to C-2 (General Commercial) for a 1.73-acre tract of land described as Kingsland Addition, Tract B, Lot 17, located on the south side of Markey Road, east of Belton Avenue. The motion was seconded by Commissioner Christensen. When a vote was taken, the following was recorded: Ayes: 6 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners McDonough, Fletcher, and Christensen. Noes: none. Absent: 2 – Commissioners Davila and Thompson. The motion to deny the zone change carried.

PUBLIC HEARING – *Amendments to the UDC re: Stormwater Pollution Prevention – Illicit Discharges*
Mr. Leipzig reported the Commission went over the proposed changes to the Unified Development Code (UDC) relating to illicit discharges, with the Assistant City Engineer, at the last meeting. He reminded the

Commission members the illicit discharge language will be added to the City Code as a requirement of the MS4 permit administered by the Missouri Department of Natural Resources. He reviewed the proposed revisions and referenced the Chapter / Section numbers involved in the text amendments.

Chairman Girgin opened the public hearing to receive public input for proposed text amendments regarding Stormwater Pollution Prevention – Illicit Discharges at 7:36 p.m. There was no public input and Chairman Girgin closed the hearing at 7:36 p.m. There was a brief discussion about the ordinance dealing with blowing leaves and debris into the City streets. Councilman Von Behren moved to recommend approval of the text amendments to the UDC Chapter 32, Section 1, Chapter 34, Section 7, and Chapter 42, Section 258 regarding Stormwater Detention Requirements – Illicit Discharges. The motion was seconded by Commissioner Fletcher. When a vote was taken, the following was recorded: Ayes: 6 – Chairman Girgin, Mayor Pro Tem Lathrop, Councilman Von Behren, Commissioners McDonough, Fletcher, and Christensen. Noes: none. Absent: 2 – Commissioners Davila and Thompson. The motion carried.

PUBLIC HEARING – *Residential – Manufactured Home Parks*

Mr. Leipzig referred to a copy of the proposed revisions to the Manufactured Home Provisions included in the agenda. According to Mr. Leipzig the changes deal primarily with updating terms to the most current usage. He asked for comments from the Commission and announced the hearing will be continued until the December 17, 2012, meeting. He went over some of the proposed changes to the language including minimum space requirements and park regulations. Additionally, he mentioned changes to landscaping, provisions associated with the Property Maintenance Code, and the grandfathering clause. Commissioner McDonough pointed out language in the provisions that seems unclear and deals with required paved patio areas and decks. He went over additional changes concerning blocking requirements and the maximum width of storage sheds allowed. Mayor Pro Tem Lathrop recommended changing the maximum shed width from 6-ft. to 8-ft. to accommodate standard shed sizes sold to the public. Chairman Girgin opened the public hearing at 7:45 p.m. No one was present to speak about amendments to the UDC regarding Residential – Manufactured Home Parks and the hearing was continued to the December 17, 2012, meeting.

DISCUSSION – *Street Naming Policies*

Mr. Leipzig reported that at a previous meeting the topic of renaming the S. 71 Highway (I-49) addresses was discussed. He stated the current language in the UDC does not address memorial street naming and staff will be researching how other cities address that subject.

Mr. Cooper presented a report which included options to think about for renaming the S. 71 Highway addresses. He pointed out various street names in the areas adjoining the 71 addresses and he asked for input regarding the names. He presented pros and cons associated with memorial street naming which the Commission discussed further. It was clarified that buildings from 155th Street to the southern City limits (Harmon Drive or South Outer Road) will be renamed but there was discussion about the streets and structures to be included and further clarification was needed. An explanation was given about street naming by developers during the platting process. Mr. Leipzig reported that some cities create

temporary memorial parkways while keeping the underlying designated street names and he gave examples. There was discussion about potential street names and Chief Person recommended the Commission not adopt a duplicate street name and then use a different designation such as avenue, circle, parkway, etc., because it could be confusing to the emergency services personnel. He went on to recommend streets names be consistent throughout the entire length and he gave examples of existing streets with multiple names.

DIRECTOR'S REPORT

Mr. Leipzig reported at the next Commission meeting there will be public hearings on stormwater management and flood protection, tree topping standards, and the continued hearing for manufactured home parks. In addition, the Commission may be asked to consider a preliminary plat and preliminary development plan for the Y-Highway Commercial development at a future meeting in December or January.

Mr. Leipzig provided details about the date, times and locations of two press conferences that will be held for the opening of I-49.

ADJOURNMENT

Councilman Von Behren moved to adjourn the meeting. Commissioner McDonough seconded the motion. All members present voted in favor, and the meeting adjourned at 8:05 p.m.

Ann Keeton
Community Development Secretary

STORMWATER MANAGEMENT

&

FLOOD CONTROL

CITY OF BELTON – PUBLIC WORKS MEMORANDUM

Date: December 10, 2012
To: Jay Leipzig
From: Zach Matteo
Department: Public Works
Subject: FEMA 2013 FIRM Adoption – Text Amendments to Unified Development Code

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Over the last two years, FEMA has developed revisions to the City's FIRMs, last updated March 16, 2006. An extensive review process has taken place over that time to hold public meetings, provide preliminary flood maps and studies, and provide an appeal period to finalize flood maps and resolve appeals. FEMA issued a Letter of Final Determination to establish the final flood elevations and provide the new flood map and flood study to the community on July 2, 2012. Important dates in the flood study and adoption timeline are provided in the table below.

Preliminary Maps & Reports	December 17, 2010
Final Community Coordination Officers (CCO) Meeting	January 26, 2011
Letter of Final Determination	July 2, 2012
Effective Date	January 2, 2013
Letter of Map Change (LOMC) Revalidation Effective Date	January 3, 2013

There was an appeals period for Cass County, but the City of Belton was not included in it because Base Flood Elevations (BFEs) did not change. Based on the fact that BFEs did not change, it can be concluded that changes in the floodplain delineation in the City between 2006 and 2013 are based entirely on new and refined topographic data. A figure depicting the changes in floodplain delineations between 2006 and 2013 is attached.

Changes to Chapters 1, 2, and 32 of the City's UDC are required to adopt the new countywide FIRMs. The State of Missouri's Floodplain Management Officer reviewed the current UDC and provided the required text amendments to bring the City to full compliance with FEMA.

It is important to note that these text amendments are required to be approved by the City before January 2, 2013 to avoid suspension from the National Flood Insurance Program (NFIP).

Chapter 32 – Section 4. Flood protection.

Revise section 32-4.a.(3)(d) from

d. To meet the requirements of 44 CFR 60.3~~(b)~~ by applying the provisions of this chapter to:

to

d. To meet the requirements of 44 CFR 60.3(d) by applying the provisions of this chapter to:

Revise section 32-4.b.(1) from

It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's Flood Insurance Study and illustrative materials for Cass County, Missouri dated ~~March 16, 2006~~, as amended, and any future revisions thereto.

to

It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's Flood Insurance Study and illustrative materials for Cass County, Missouri dated January 2, 2013, as amended, and any future revisions thereto.

Revise section 32-4.c from

(c) *Applicability.* This chapter applies to ~~all lands within the jurisdiction of the City of Belton identified as unnumbered A zones and AE zones on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM) Cass County Panels, dated March 16, 2006, or the most current FIRM and FBFM panels, and any future revisions thereto.~~

to

(c) Applicability. This chapter applies to all lands within the jurisdiction of the City of Belton, Missouri identified as numbered and unnumbered A zones and AE zones, on the Flood Insurance Rate Maps (FIRMs) for Cass County on map panel numbers 29037C0004F, 29037C0009F, 29037C0010F, 29037C0012F, 29037C0016F, 29037C0017F, 29037C0028F, and 29037C0036F, dated January 2, 2013 as amended, and any future revisions thereto.

Add section 32-4.h:

(h) *Severability.* If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

Chapter 32 – Section 5. Administration.

Revise section 32-5.a.(2)(e) from

Notify adjacent communities and the state department of natural resources prior to any significant alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

to

Notify adjacent communities and the Missouri State Emergency Management Agency (Mo SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

Revise section 32-5.a.(2)(h) from

Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved nonresidential structures have been floodproofed; and/or when floodproofing techniques are utilized for a particular nonresidential structure, the floodplain administrator must require certification from a registered professional engineer or architect.

to

Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved nonresidential structures have been floodproofed; and~~/or~~ when floodproofing techniques are utilized for a particular nonresidential structure, the floodplain administrator must require certification from a registered professional engineer or architect.

Revise section 32-5.b.(1) from

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

to

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Section 32-4.c. No person, firm, corporation, or unit of government shall 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.

Revise section 32-5.i.(1)(a) from

a. New construction or substantial improvement of any residential structure, including manufactured homes, must have the lowest floor, including basement, elevated to or one foot above base flood level and no platted lots may encroach in the Federal Emergency Management Agency (FEMA) floodplain or the 100-year flood elevation for areas not identified as special flood hazard areas.

to

a. New construction or substantial improvement of any residential structure, including manufactured homes, must have the lowest floor, including basement, elevated to ~~or~~ one foot above base flood level and no platted lots may encroach in the Federal Emergency Management Agency (FEMA) floodplain or the 100-year flood elevation for areas not identified as special flood hazard areas.

Revise section 32-5.i.(2) from

Nonresidential construction. New construction or substantial improvement of any

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

to

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

Revise section 32-5.i.(4)(b)(4) from

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

to

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

Revise section 32-5.i.(4)(c)(1) from

The lowest floor of the manufactured home is at or one foot above the base flood level; or

To

The lowest floor of the manufactured home is ~~at or~~ one foot above the base flood level; or

Add the following to Section 32-5.i:

(5) Recreational Vehicles

a. Recreational vehicles placed on sites within all unnumbered and numbered A zones and AE zones on the community's FIRM either:

1. be on the site for fewer than 180 consecutive days,

2. be fully licensed and ready for highway use*; **or**

3. meet the permitting, elevation, and the anchoring requirements for manufactured homes of this ordinance.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

Chapter 32 – Section 8. Design standards for buffers.

Revise Section 32-8.c from

(c) In no case shall the buffer be less than the floodplain limits as shown on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) Cass County Panels dated ~~March 16, 2006~~, as amended, and any future revisions thereto.

to

(c) In no case shall the buffer be less than the floodplain limits as shown on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) Cass County Panels dated January 2, 2013 as amended, and any future revisions thereto.

In addition, the floodplain management variance criteria in Section 2-118 – Variances is required to be revised as follows:

Chapter 2 – Section 118. Variances

Revise Section 2-118(b) from

Floodplain management variances. ~~Any variance or revision to a floodplain permit must be reviewed and approved by the Federal Emergency Management Agency (FEMA) and the State Emergency Management Agency (SEMA).~~

to

Floodplain management variances.

(1) In passing upon such applications for variances, the Zoning Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

a. the danger to life and property due to flood damage;

b. the danger that materials may be swept onto other lands to the injury of others;

c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. the importance of the services provided by the proposed facility to the community;

e. the necessity to the facility of a waterfront location, where applicable;

f. the availability of alternative locations, not subject to flood damage, for the proposed use;

g. the compatibility of the proposed use with existing and anticipated development;

h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. the safety of access to the property in times of flood for ordinary and emergency vehicles;

j. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,

k. 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.

(2) Conditions for approving floodplain management variances

a. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

b. 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.

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

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

e. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) 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.

f. 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 $25.00 for $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 ordinance.

(3) Conditions for approving variances for accessory structures

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 as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

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-floodproofed.

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 in accordance with Article 4, Section A (4)(b) of this ordinance.

c. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article 4, Section A (4)(a) of this ordinance. 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 Article 4, Section A (4)(d) of this ordinance.

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 Article 4, Section B (1)(c) of this ordinance.

f. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section D(2) of this ordinance. 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.

i. 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 $25.00 for $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 ordinance.

j. 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.

Finally, the following definitions in Section 1-5 – General Definitions are required to be revised or added:

Chapter 1 – Section 5. General Definitions

Add the following definitions to Section 1-5 – General Definitions:

Administrator. The Federal Insurance Administrator

Flood Insurance Study (FIS). An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations

Special Flood Hazard Area. see "area of special flood hazard"

Special Hazard Area. An area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A and AE

Revise the following definition in Section 1-5 – General Definitions:

Flood boundary. ~~An official map of a community on which the Federal Flood Insurance Administrator has delineated both special flood hazard areas and the designated regulatory floodway.~~

to

Flood Boundary and Floodway Map (FBFM). An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

TREE TOPPING

PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, DECEMBER 17, 2012 – 7:00 P.M.

Robert G. Cooper, City Planner

CASE #TA12-36

Consideration of a Text Amendment to Section 22-18(a-b), of the Unified Development Code (Maintenance of Landscaping / Tree Topping).

BACKGROUND

During the August 17, 2009 Planning Commission meeting, Commissioners were introduced to the newly created City Trails Master Plan. Belton's Trail Master Plan was part of a larger planning initiative undertaken by the Mid-America Regional Council (MARC), such as the 'Metro-Green' comprehensive plan, Missouri Department of Transportation's Bicycle and Pedestrian program and other resources, including the prestigious National Tree City USA distinction. Within the 'Metro-Green Plan, Belton has positioned itself as a model community for Cass County and other surrounding cities.

In an effort to further the initiative, the City of Belton had applied to the Missouri Department of Conservation for 'Tree City USA' status and on December 2011 it was granted. At the time the City Council adopted the tree Ordinance, a provision prohibiting tree-topping was not included, which is a requirement by the Missouri Department of Conservation. In an effort to align our tree ordinance with State requirements, the following language is proposed to be inserted into the existing tree ordinance:

DRAFT – SUGGESTED ORDINANCE LANGUAGE

Section 22-18

(c) Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three-inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the tree board.

STAFF COMMENT

These regulations as outlined in the tree ordinance are designed to enhance good aesthetics, beautify city streetscapes as well as to preserve property values by preventing unsightly, and diseased landscaping and ill-placed trees that may create a negative influence upon the community.

STAFF RECOMMENDATION

Community Development supports the recommendation to approve amending Section 22-18 of the Unified Development Code to include a Tree Topping Ordinance.

PLANNING COMMISSION ACTION

1. Motion to recommend **Approval**, to amend Section 22-18 of the Unified Development Code, to include a Tree Topping Ordinance;

2. Motion to recommend **Denial**, to amend Section 22-18 of the Unified Development Code, to include a Tree Topping Ordinance;

3. Motion to **Continue** the case pending additional information.

Expert Resources

For more information about caring for your trees, and brochures that explain proper tree pruning and tree selection in greater detail, contact the organizations below.

Missouri Department of Conservation
offers a variety of publications and materials about tree selection and care.

Urban And Community Forestry
P.O. Box 180
Jefferson City, MO 65102-0180
(573) 751-4115
www.conservation.state.mo.us

International Society of Arboriculture (ISA)
can provide information about professional certification and standards.

P.O. Box 3129
Champaign, IL 61826-3129
(217) 355-9411
www.isa-arbor.com

National Arbor Day Foundation
can provide information about tree planting and proper pruning.

100 Arbor Avenue
Nebraska City, NE 68410
(402) 474-5655
www.arborday.org

Higher Education Institution
Your local university extension office may also be able to provide helpful information.

EXPERTS AGREE

DON'T TOP YOUR TREE

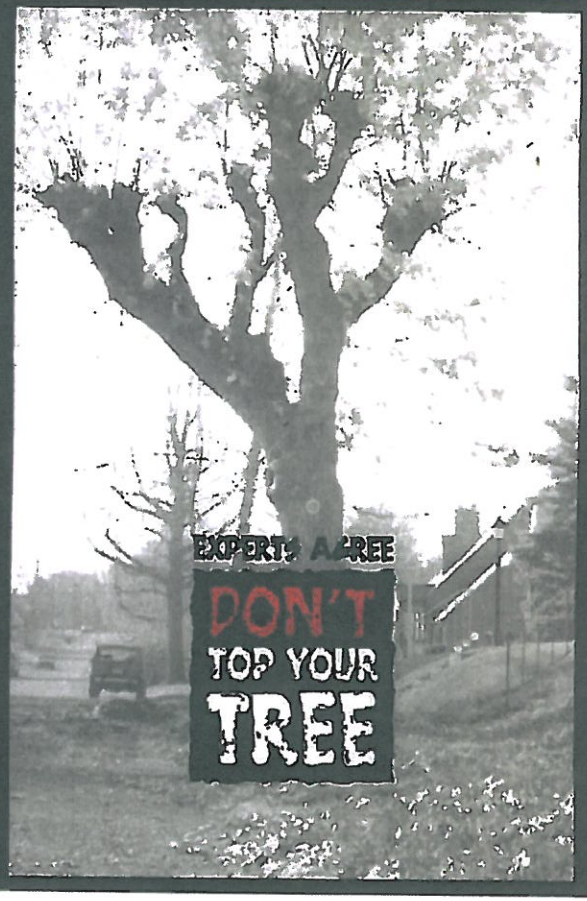
1-877-40 NO TOP
(877-406-6867)

Distributed by:

A program developed by the *Missouri Community Forestry Council* and *Forest ReLeaf of Missouri*. Financial assistance provided by the *Missouri Department of Conservation*, the *USDA Forest Service*, the *Society of American Foresters*, and the *Midwestern Chapter, International Society of Arboriculture*.

MO 2002

Think Of It As A Really, Really Bad Haircut... Which Could Kill You.



It's called "tree topping," and it is expensive, mutilating and obsolete. Yet it still occurs widely throughout Missouri and the Midwest.

Why?

Myth and lack of public understanding about proper tree care are two major reasons why Missourians pay to have their trees destroyed each year.

What Is Tree Topping?

The Missouri Community Forestry Council defines tree topping as the drastic removal, or cutting back, large branches in mature trees, leaving large, open ends which subject the tree to disease and decay. Topping causes immediate injury to the tree and ultimately results in early failure or death of the tree.

Other names for this malpractice include stubbing, heading, heading-back, stubbing-off, tipping, hatracking, topping-off, dehorning, lopping, or roundover.

In short, topping – by any name – is the worst thing to do to the health of a tree.

Tree Topping vs. Tree Pruning: No Contest

Tree topping should never be confused with proper pruning. A topped tree is easy to spot – the tree's natural shape has been destroyed, while a properly pruned tree often looks as if no work as been done at all. With proper pruning, an arborist will spend time carefully selecting and removing branches. Careful selective pruning retains the tree's natural shape and beauty.

Proper pruning is an important part of caring for – and protecting – the health of your trees. In fact, the Council recommends that homeowners start early and continue proper pruning throughout the life of a tree.

Tree Topping Myths

People top trees for many reasons, all of them associated with falsehoods and misconceptions.

Myth: Topping a tree will reduce storm damage and make the tree easier to maintain.
Truth: Topped trees can regain their original height quickly – often in 2 years. The fast growing, extremely long and loosely attached shoots caused by topping are *more* susceptible to breakage and storm damage. Ultimately, a topped tree requires more attention in the future than a properly pruned tree (see diagram below).

Myth: Topping invigorates a tree.
Truth: Topping immediately injures a tree and starts it on a downward spiral. Topping wounds expose the tree to decay and invasion from insects and disease. Also, the loss of foliage starves the tree, which weakens the roots, reducing the tree's structural strength. While a tree may survive topping, its life span will be significantly reduced.

Myth: Topped trees will add value to your property.
Truth: Topped trees lack natural beauty and may actually reduce your property values. Also, a topped tree can become hazardous and cause property damage, making it a liability.

There Is a Better Way: Alternatives to Topping

As a homeowner, you must educate yourself and make wise choices to protect your home and property – including your trees. A tree is a valuable asset. As a long-term investment, trees require careful decisions and the occasional advice and service of a professional.

Here's what you can do to protect your trees:

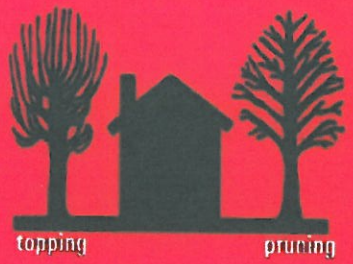
- Hire only competent, insured and certified tree care professionals.
- When seeking a tree service, check the company's topping policy. If they say top, don't let them near your trees.
- Find out if the individual or company carries professional certification, particularly through the International Society of Arboriculture (ISA).
- Most importantly, never let yourself be pressured by bargains. The old saying, "you get what you pay for" truly applies here.

An Ounce of Prevention: Right Tree, Right Place

Every species of tree has different height, width and spacing needs in order to grow into a healthy mature tree. Carefully matching your tree selection with site conditions – proximity to other trees, buildings or above ground utilities – can prevent problems *before* they occur and will eliminate the need to take harmful, drastic measures. Many utility companies and the Missouri Department of Conservation provide guidelines for planting trees and recommendations of tree species to fit your needs. Trees are a long-term investment. You have the ability – and the responsibility – to prevent future problems by applying the practice of "the right tree in the right place."

Year 1: The topped tree is an ugly stub. The pruned tree's size was reduced, but its form and beauty retained.

Year 3: Fast growing sprouts have sprung from the topped tree in large numbers. The pruned tree adds growth more slowly and naturally.



Year 6: The topped tree is taller and bushier than ever. The properly pruned tree is safer, more beautiful and its size is better controlled.

MANUFACTURED HOME PROVISIONS

COMMUNITY PLANNING & DEVELOPMENT
Jay C. Leipzig, AICP
Director

520 MAIN STREET
BELTON, MISSOURI 64012

TELEPHONE .* (816) 331-4331
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E-MAIL * jleipzig@belton.org
WEBSITE * www.belton.org

MEMORANDUM

TO: Belton Planning Commission Members

FROM: Jay C. Leipzig

DATE: December 17, 2012 JCL

RE: Proposed Changes to the Manufactured Home Provisions in the Unified Development Code.

Attached to this document are the proposed changes to the Manufactured Home Provisions within Chapter 40-4 of the Unified Development Code. As you are aware, staff has been reviewing these changes the last few weeks, and has provided these changes for review. The section to be replaced has been marked through with the new text as shown.

The Public Hearing on the proposed Ordinance will be continued until December 17, 2012, to solicit additional comments from the public as well as the Planning Commission. Most changes are minor in nature to reflect updated Ordinances or are consistent with other requirements in the Unified Development Code.

Following any comments by the public and the Planning Commission, this item will be placed on a future Work Session before the City Council.

Staff will be reviewing the proposed changes during the meeting on December 17, 2012 prior to the Public Hearing, and will be requesting a recommendation of approval at the meeting.

BILL NO. 2013 **ORDINANCE NO. 2013**

AN ORDINANCE AMENDING CHAPTER 40–USE-SPECIFIC STANDARDS–RESIDENTIAL, COMMERCIAL, OTHER, OF THE BELTON UNIFIED DEVELOPMENT CODE BY AMENDING SECTION 40-4–USES SUBJECT TO CONDITIONS, SUBSECTION 40-4(1) RESIDENTIAL – MANUFACTURED HOME PARKS.

WHEREAS, the City of Belton adopted the Unified Development Code (UDC) December 13, 2011; and

WHEREAS, the Belton Planning Commission held public hearings to solicit comment on the proposed Ordinance at a regular meeting on December 3, 2012 and December 17, 2012; and

WHEREAS, the Belton Planning Commission voted by a majority of those present to recommend approval of the proposed amendments to the UDC; and

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

Section 1. That Section 40-4 of the Belton Unified Development Code is hereby amended to read as follows:

Sec. 40-4. - Uses subject to conditions.

The following uses are allowed by right in certain zoning districts, provided additional criteria for approval are met.

(1)

Residential—Manufactured home ~~parks~~ communities.

a.

No manufactured home shall be located for occupancy or occupied unless on a designated space within a manufactured home ~~park~~ community approved in accordance with these regulations. ~~No manufactured home shall be located for occupancy or occupied in a manufactured home park unless approved prior to March 24, 1992~~.

b.

Manufactured home ~~parks~~ communities permitted under this regulation shall be approved only after the submission of a detailed site plan in accordance with the requirements contained herein. The site plan shall include the location of all streets within the ~~park~~ community, all open spaces and common areas, and each proposed manufactured home ~~space~~ lot. Each proposed ~~space~~ lot shall include the required parking and patio areas, and shall show the boundaries of each space in accordance with the area and setback requirements of these regulations.

c.

Hereafter, all manufactured home ~~parks~~ communities shall meet the following requirements:

1.

Minimum ~~park~~ community requirements.

(i)

Manufactured home ~~park~~ community locations shall conform to the city's comprehensive plan, as amended.

(ii)

Manufactured home ~~parks~~ communities shall be platted as one lot in accordance with local subdivision regulations.

(iii)

Manufactured home ~~parks~~ communities shall contain a minimum gross area of 15 acres, which may include all private streets, parking spaces, manufactured home spaces and common areas within the community.

~~(iv)~~

~~The minimum width of a manufactured home park shall be 300 feet.~~

~~(v)~~ (iv)

Manufactured home communities and lots ~~parks~~ shall be located on a well-drained site, properly graded and maintained to ensure proper drainage and freedom from stagnant pools of water.

~~(vi)~~ (v)

Manufactured home ~~parks~~ communities shall be provided with at least two permanent entrances both of which shall be at least ~~40~~ 35 feet in width.

~~(vii)~~ (vi)

There shall not be more than seven manufactured homes per gross acre within a manufactured home park.

~~(viii)~~ (vii)

Manufactured home ~~parks~~ communities shall only be used for residential purposes, customary and incidental accessory uses common to residential districts, and service buildings as permitted in subsection (1)c.3(ix) of this section but not be used for commercial sale of manufactured homes, unless specifically authorized by valid occupational license.

2.

Minimum space requirements.

~~(I)~~

~~Individual manufactured home spaces within a park shall have a minimum area of 5,000 square feet each.~~

~~(ii)~~ (i)

Turnaround streets (cul-de-sacs) shall have a minimum diameter of 80 feet.

~~(iii)~~ (ii)

No manufactured home shall be located closer than 20 feet from any property line bounding the manufactured home ~~park~~ community.

~~(iv)~~ (iii)

Minimum building setbacks shall be provided on each manufactured home space measured from the space boundaries as shown on the manufactured home ~~park~~ community site plan, as follows:

A.

Minimum front yard: ~~15~~ 22 feet.

B.

Minimum rear yard: ten feet.

C.

Minimum side yard: ten feet for any one and ~~15~~ 17 feet for the other.

~~(v)~~ (iv)

All manufactured homes shall front facing a street within the manufactured home ~~park~~ community. (The front of a manufactured home shall contain its narrowest width). Where topography or the ~~configuration of the entire manufactured home park make~~ configuration of the entire manufactured home community makes it appropriate, ~~however,~~ some manufactured home spaces may be arranged with the long side fronting the street. In addition, manufactured homes shall not be positioned vertically, stacked with one over the other, in whole or in part.

~~(vi)~~ (v)

Every manufactured home shall be placed on a solid concrete slab or on two four-foot-wide concrete runners ~~under the entire home, or~~ with a design strength adequate to support the structure as certified by a state-licensed engineer or be consistent with the rules of the Department of Economic Development- Chapter 124- Manufactured Home Tie-Down Systems. Each transportable section of a manufactured home shall be placed on such slab or runner.

~~(vii)~~ (vi)

Each manufactured home space shall be provided with two paved off-street parking spaces designed in accordance with the off-street parking requirements of these regulations.

~~(viii)~~ (vii)

Each manufactured home shall have a separate enclosed accessory structure of at

least ~~100~~ 64 square feet with a height of at least five feet for storage located on a concrete slab where an on-space enclosed garage is not provided. The accessory structure may not exceed 8 feet tall, 6 feet wide, by 12 feet long. ~~All accessory~~ Accessory structures in the manufactured home ~~park~~ community shall be architecturally compatible_ ~~ould be uniform~~ in ~~design~~ design and shall be maintained in good repair at all times.

~~(ix)~~ (viii)

Each manufactured home shall be provided with landscaping to at least include two shade trees with a planted caliper of at least 1½ inches.

~~(x)~~ (ix)

Each manufactured home shall be provided with a weather-tight durable container with a tight fitting cover for refuse. The ~~park~~ community owner shall ensure that containers are emptied regularly at least weekly, and maintained in a usable sanitary condition. Refuse containers and trash shall not be stored in the open, on the grass or in the parking areas.

~~(xi)~~ (x)

Each manufactured home space shall be provided with an electrical source supplying at least 200 amps ~~20 volts~~ and natural gas, in accordance with city standards and construction codes.

~~(xii)~~ (xi)

Each manufactured home shall be entirely skirted to a solid surface within 30 days after placement in a ~~park~~ community by enclosing the open area under the unit with a ~~metal or synthetic~~ material that is compatible with the exterior finish of the manufactured home. In

addition, all hitches must be removed from the home within 30 days of installation.

~~(xiii)~~ (xii)

Each manufactured home space shall be provided with a paved patio area other than a parking space. ~~of not less than 200 square feet.~~ Each manufactured home space shall be provided with a minimum 6 feet by 8 feet front deck, or 3 feet by 5 feet rear deck.

~~(xiv)~~ (xiii)

All manufactured homes shall be blocked in accordance with manufacturer specifications or, if specifications are not available, a sealed report from a structural engineer licensed for such installations in the State of Missouri. ~~not more than a maximum of five feet center along the weight bearing beams of each manufactured home and this blocking shall provide eight inches by 16 inches bearing upon the concrete stand with 16 inch dimension at a 90 degree angle to the length of the beams.~~

~~(xv)~~ (xiv)

Tie-downs and ground anchors shall secure all manufactured homes to the ground in accordance with state and ~~laws~~ federal laws and manufacturers specifications. ~~and shall at least include anchors at each corner of the manufactured home and at the center of the length of the manufactured home frame.~~

~~(xvi)~~ (xv)

No manufactured home may be located in the 100-year floodplain.

3.

Required ~~park~~ community improvements.

(i)

A sidewalk of at least ~~30~~ 42 inches shall be constructed along at least one ~~one~~ sideof each street within the manufactured home ~~park~~ community, except on turn around (cul-

de-sac) streets, in accordance with city construction standards.

(ii)

Sidewalks and streets shall be adequately lighted at night so to be consistent with the standards established by the American Public Works Association for mobile home communities.

(iii)

A ~~An underground~~ storm shelter consistent with the International Code Council (ICC) 500 Standard shall be provided which is sufficient to accommodate two persons per manufactured home and shall be located throughout said ~~park~~ community so that no manufactured home is more than 600 ~~660~~ feet away from a~~n~~ ~~underground~~ storm shelter. In addition, the storm shelter shall be architecturally compatible with surrounding structures.

(iv)

A minimum of 500 square feet of recreational or open space shall be provided per manufactured home space. Each recreational or open space shall contain a minimum of 5,000 square feet in area, and shall be fully developed when the community is 50 percent occupied. If the development of the tract is shown to be divided into phases on the approved plan, park or open space areas may also be phased if the amount of park land is equivalent to 500 square feet for each manufactured home space in each phase; if this park land is fully improved when the appropriate phase is 50 percent occupied; and if each park area is accessible via a paved road or sidewalk to all residents within the developed areas of the manufactured home park. All developed park or open space areas shall be maintained in a neat and usable

manner with at least the improvements shown on the approved site plan.

(v)

All landscaped areas must be capable of preventing soil erosion and of eliminating objectionable dust. In addition, all private walkways, driveways, parking lots or public walkways must be maintained in good repair.

~~Exposed ground surfaces in all parts of every manufactured home park shall be paved, covered with stone screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.~~

(vi)

Every space ~~with a~~ within a manufactured home ~~park~~ community shall be provided with public sanitary sewer and public water service with all utility lines constructed in accordance with city approved plumbing, sanitary and other construction codes. Water and sewer lines under all streets shall be the same diameter and materials as required for public streets and shall loop or connect to each other as is practical. All utility lines, including electrical service, shall be placed underground.

(vii)

No manufactured home space shall be located further than 300 feet from a fire hydrant.

(viii)

Community buildings ~~or laundry facilities~~ may be provided within a manufactured home ~~park~~ community.~~; however, such service buildings may not occupy more than five percent of the area of the park.~~ Service buildings shall be located, designed, and only intended to serve the residents of the ~~park~~ community and shall present no visible evidence of their

commercial character from any area outside the ~~park~~ community.

(ix)

Sanitary conditions within any manufactured home ~~park~~ community shall be consistent with the regulations of the state board of health, clean water commission, other state regulatory agencies and ordinances of the city.

(x)

All manufactured home ~~parks~~ communities and space shall be maintained in a neat and presentable manner consistent with the City of Belton International Property Maintenance Code. ~~All landscaping and park and space improvements required by this regulation shall be maintained.~~

(xi)

All manufactured home ~~parks~~ communities shall be surrounded by a ~~20~~ 10-foot-wide landscaped ~~screen and/or a combination of a solid six to eight foot fence and a ten foot wide landscaped~~ screen which shall be approved by the planning commission for its adequacy as a visual barrier. ~~Such screen shall provide a combination of shade trees and shrubs to eventually provide a continuous 80 percent visual screen around the manufactured home park. No screen or fence/screen shall be required where topography or site line makes them unnecessary or where they serve no function. All required screening may be on manufactured home spaces.~~

(xii)

No manufactured home shall be parked or permitted to stand upon any public street, highway, road, alley or other such right-of-way for more than 24 hours unless approved by the city council for the purpose of temporarily supervising or policing a construction project.

4.

Nonconforming manufactured home ~~parks~~ communities. When a manufactured home ~~park~~ community operating as a legal use prior to April 1, 1983, expands to an area not previously approved for manufactured home ~~park~~ community use, all new areas shall be designed, approved and improved in accordance with this section. ~~Further, as a condition of approval of any such addition, certain requirements of this section must be complied with in the existing nonconforming areas of the manufactured home park. Those requirements, which must be met in the existing areas as well, and the Code section in which they are located, are as follows:~~

Section 2. That this ordinance shall be in full force and effect from and after its passage and approval.

Duly read two (2) times and passed this___ day of _____, 2012.

_____
Jimmy Odom, Mayor

Approved this _____ day of _____, 2012.

_____
Jimmy Odom, Mayor

ATTEST:

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

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

I, Patricia A. Ledford, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was regularly introduced for first reading at a meeting of the City Council held on the _____ day of _____, 2012, and

thereafter adopted as Ordinance No. 2012 of the City of Belton, Missouri, as a regular meeting of the City Council held on the _____ day of _____, 2012, after the second reading thereof by the following vote, to-wit:

AYES: 0 COUNCILMEN:
NOES: 0 COUNCILMEN:
ABSENT: 0 COUNCILMEN:

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