



To: City Council
From: Planning and Zoning Commission
Date: November 23, 2020
Re: Case #20015: 33rd Amendment to the UDC – Misc. Items

GENERAL INFORMATION

Applicant: City of Raymore

Requested Action: 33rd Amendment to the Unified Development Code – Misc. Items from Annual Review of the UDC

Advertisement: October 2, 2020 Journal Newspaper
October 22, 2020 Journal Newspaper

Public Hearing: October 20, 2020 Planning and Zoning Commission
November 9, 2020 City Council

Items of Record: Exhibit 1. Growth Management Plan
Exhibit 2. Unified Development Code
Exhibit 3. Notice of Publication
Exhibit 4. Staff Report

TEXT AMENDMENT REQUIREMENTS

Chapter 470: Development Review Procedures outlines the applicable requirements for amending the text of the Unified Development Code.

Section 470.020 (B) states:

“...text amendments may be initiated by the City Council or the Planning and Zoning Commission”.

Section 470.020 (F) requires that a public hearing be held by the Planning and Zoning Commission and the City Council.

Section 470.020 (G) (2) states:

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

1. whether such change is consistent with the intent and purpose of the Unified Development Code and plans adopted by the City of Raymore.
2. whether the proposed text amendment corrects an error or inconsistency in the code;
3. the areas which are most likely to be directly affected by such change and in what way they will be affected;
4. whether the proposed amendment is made necessary because of changed or changing conditions in the areas and/or zoning districts affected by it; and
5. whether the proposed text amendment is in the best interests of the City as a whole.

STAFF COMMENTS

1. The 33rd Amendment to the Unified Development Code (UDC) is the result of discussions held by the Planning and Zoning Commission after completing its 2019 annual review of the UDC. At its July 7, 2020 meeting the Commission discussed the results of research completed by City staff on several topics and directed staff to submit the UDC revisions proposed in the 33rd amendment.
2. The 33rd amendment consists of seventeen (17) separate revisions proposed to the UDC. The amendments are listed in the proposed ordinance as follows:
 - Section 1: Change all instances of “Community Development Director” to “Development Services Director”.
 - Section 2. Change all instances of “Community Development Department” to “Development Services Department”.
 - Section 3. Wording in UDC proposed to be consistent with amendment to the Rules of Procedure adopted by the Commission on February 18, 2020.
 - Section 4. Wording added to ensure that all conditions of approval for a property owner under a variance of use are complied with.
 - Section 5. Delete street design requirements from UDC and reference that the requirements are contained within the City Technical Specifications and Design Criteria Manual.

- Section 6. Establish the same fence requirements for lots zoned Rural Estate as exists for Agricultural, rather than requiring the RE zoned properties to comply with the fence requirements applicable to small subdivision lots.
- Section 7. UDC already requires the final plat to be recorded within 1 year of the date the plat was approved. No need to require a copy of the recorded plat to be submitted within 15 days. Only need to have a copy of the recorded plat prior to the issuance of the 1st building permit in the subdivision phase.
- Section 8. Clarification that the temporary sign requirements apply to individual tenant spaces.
- Section 9. Wording clarifies and aligns with Section 410.030B1 table that states “swimming pools and bathhouses, setback at least 5 feet from the side or rear property line”.
- Section 10. Eliminates limitation of 16 square feet for a menu board sign and replaces it with reference to new section on drive-thru menu boards.
- Section 11. Establishes new code section on drive-thru menu boards and increases maximum size of the menu board to 42 square feet.
- Section 12. Modifies requirements for construction of trash and recycling receptacles on new developments. Allows for shared use of receptacles.
- Section 13. Establishes architectural design elements into multi-family housing so as to avoid large blank facades, as well as work to distinguish multi-family housing from commercial property while maintaining design elements of residential character.
- Section 14. Modifies wording to require the bottom 3 feet of commercial buildings to be constructed of brick, stone or other similar material if EIFS or wood is the primary building material utilized on a building.
- Section 15. Provides for a definition of EIFS (Exterior Insulation and Finish System).
- Section 16. Adds requirement that slats shall not be woven through or attached

to a chain link fence in any commercial zoning district.

- Section 17. Clarifies that no subdivision of land can occur that creates a non-conforming lot, building or structure, or component of use.

PLANNING COMMISSION PROPOSED FINDINGS OF FACT

Under Section 470.020 of the Unified Development Code, the Planning and Zoning Commission is directed concerning its actions in dealing with a request to amend the text of the Unified Development Code. Under 470.020 (G) (2) the Planning and Zoning Commission is directed to make findings of fact taking into consideration the following:

1. **whether such change is consistent with the intent and purpose of the Unified Development Code and plans adopted by the City of Raymore;**

Each of the proposed amendments are consistent with the identified purpose and intent of Section 400.040 of the Unified Development Code and with the Growth Management Plan.

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

The proposed sections of the ordinance do not correct an error or inconsistency.

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

The changes would affect properties throughout the City.

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

The proposed amendments are generally not made necessary because of changed or changing conditions in the zoning districts. The amendments are proposed to clarify language in the code.

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

The proposed amendments are intended to better clarify language in the code which would be in the best interests of the City as a whole..

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>City Council 1st</u>	<u>City Council 2nd</u>
Public Hearing	October 20, 2020	November 9, 2020	November 23, 2020

STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and forward Case #20015, 33rd amendment to the UDC, to the City Council with a recommendation of approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its October 20, 2020 meeting, voted 8-0 to accept the staff proposed findings of fact and forward Case #20015, 33rd amendment to the UDC, to the City Council with a recommendation of approval, subject to the following condition:

1. That corrections as noted in Section 10 of the proposed ordinance be made.

CITY COUNCIL ACTION 1ST READING - 11/9/2020

The City Council, at its November 9, 2020 meeting, voted 8-0 to accept the Planning and Zoning Commission proposed findings of fact and approved Case #20015, 33rd amendment to the UDC, on 1st reading.

CITY COUNCIL ACTION 2ND READING - 11/23/2020

The City Council, at its November 23, 2020 meeting, voted 8-0 to accept the Planning and Zoning Commission proposed findings of fact and approved Case #20015, 33rd amendment to the UDC, on 2nd reading.