

**BILL 3329**

**ORDINANCE**

**“AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AMENDING SECTION 405.040(D) AND SECTION 420.070(I) OF THE UNIFIED DEVELOPMENT CODE OF THE RAYMORE CITY CODE.”**

**WHEREAS**, the City Council adopted the Unified Development Code as Ordinance 28117 on December 8, 2008; and,

**WHEREAS**, the Planning and Zoning Commission held a public hearing on the proposed 26th amendment to the Unified Development Code on November 21, 2017, after notice of said hearing was published in a newspaper of general circulation in Raymore, Missouri, at least fifteen (15) days prior to said hearing; and,

**WHEREAS**, the Planning and Zoning Commission heard public testimony at the public hearing and has submitted its recommendation of approval to the City Council; and,

**WHEREAS**, the City Council held a public hearing on the proposed 26th amendment to the Unified Development Code on January 8, 2018 after notice of said hearing was published in a newspaper of general circulation in Raymore, Missouri, at least fifteen (15) days prior to said hearing; and

**WHEREAS**, the City Council has determined the amendments proposed would be in the best interest of the health, safety and welfare of the citizens of Raymore.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RAYMORE, MISSOURI, AS FOLLOWS:**

Section 1. Section 405.0409(D) of the Unified Development Code is hereby repealed in its entirety and re-enacted as follows:

**D. Keeping of Animals**

1. Cattle, cows, horses, sheep, goats and similar domestic animals are permitted in the A and RE districts only.
2. Chickens and similar fowl are permitted in the A and RE districts, and in the R-1 district upon properties of at least three acres in size.
3. In the RE and R-1 (3-acre minimum lot size) district, maximum number of animals permitted per grazing acre, excluding building coverage, ponds and yard area around the principal dwelling, are:
  - a. 1 head of cattle; or
  - b. 2 sheep; or

- c. 2 goats; or
- d. 2 horses.

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

Section 2. Section 420.070(I) of the Unified Development Code is hereby repealed in its entirety and re-enacted as follows:

**I. Solar Energy Systems**

Solar energy systems shall be a permitted accessory use in all districts subject to compliance with the following requirements:

- ~~1.~~ Roof-mounted systems located on front building roofs shall not project more than 24 inches perpendicular to the point on the roof where it is mounted.
- ~~2.~~ Roof-mounted systems shall not project above the ridge of a gabled or gambrel roof.
- ~~3.~~ Roof-mounted systems shall not project more than four feet above the deck or parapet of a flat or mansard roof. All mounting hardware shall be screened from view according to Section 430.120A.
- ~~4.~~ Ground-mounted systems shall not be located in any required yard.
- ~~5.~~ Ground-mounted systems on lots under 1 acre shall not be higher than 8 feet.
- ~~6.~~ Solar collectors designed as part of an accessory structure such as an awning or canopy shall conform to the standards for that structure.
- ~~7.~~ Appurtenant components must be located within an enclosed structure or screened according to Section 430.120.

**1. Roof Mounted and Wall Mounted Solar Energy Systems:**

- a.** Roof mounted and wall mounted Solar Energy Systems may be mounted or located on a principal or accessory building.
- b.** Roof-mounted systems located on front building roofs shall not project more than 24 inches perpendicular to the point on the roof where it is mounted.
- c.** Roof-mounted systems shall not project above the ridge of a gabled or gambrel roof.

- d.** The total height of any building equipped with an Solar Energy System shall not exceed more than 24 inches above the maximum building height specified for principal or accessory buildings within the applicable underlying zoning district.
- e.** Applications for roof and wall mounted solar energy systems shall be accompanied by evidence and information regarding the strength of the structure in which the system will be attached.
- f.** Construction, modification, and/or reinforcement of the structure in which the system will be attached must be in compliance with all applicable codes.
- g.** Roof- mounted solar energy systems shall be accompanied by appropriate safety and warning signage

## **2. Ground Mounted Solar Energy Systems:**

- a.** In the front and side yard area, ground mounted solar energy systems must meet the minimum front and side yard setback for principal buildings within the underlying zoning district.
- b.** In the rear yard, ground mounted solar energy systems must provide a minimum side and rear setback of 5 feet.
- c.** Ground mounted solar energy systems are prohibited from encroaching into any approved utility easement or right-of-way, or, being placed within any stormwater management system.
- d.** Freestanding ground mounted solar energy systems shall not exceed the maximum allowable building height within the applicable underlying zoning district.
- e.** Total coverage of a lot with a ground mounted solar energy system shall not exceed fifty (50) percent of the lot, or the maximum allowable lot coverage for the underlying zoning district, whichever is less.
- f.** The area beneath the ground mounted solar energy system is considered pervious. However, any use of impervious construction materials for the purposes of a foundation system is subject to the requirements found in Section 430.020A.
- g.** Ground mounted solar energy systems shall be accompanied by appropriate safety and warning signage, and shall be safely secured to prevent

Section 3. This Ordinance shall be known as the twenty-sixth amendment to the Unified Development Code.

Section 4. Effective Date. The effective date of approval of this Ordinance shall be coincidental with the Mayor's signature and attestation by the City Clerk.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**DULY READ THE FIRST TIME THIS 8TH DAY OF JANUARY, 2018.**

**BE IT REMEMBERED THAT THE ABOVE ORDINANCE WAS APPROVED AND ADOPTED THIS 22ND DAY OF JANUARY, 2018 BY THE FOLLOWING VOTE:**

Councilmember Abdelgawad  
Councilmember Barber  
Councilmember Berendzen  
Councilmember Burke III  
Councilmember Holman  
Councilmember Kellogg  
Councilmember Moorhead  
Councilmember Townsend

ATTEST:

APPROVE:

\_\_\_\_\_  
Jean Woerner, City Clerk

\_\_\_\_\_  
Kristofer P. Turnbow, Mayor

\_\_\_\_\_  
Date of Signature



**To:** Planning and Zoning Commission  
**From:** City Staff  
**Date:** January 22, 2018  
**Re:** **Case #17033: 26th Amendment to the UDC – Misc. from 2017 Annual Review**

## **GENERAL INFORMATION**

**Applicant:** City of Raymore

**Requested Action:** 26th Amendment to the Unified Development Code – Miscellaneous items from 2017 Annual Review of UDC

**Advertisement:** November 2, 2017 **Journal** Newspaper  
December 21, 2017 **Journal** Newspaper

**Public Hearing:** November 21, 2017 Planning and Zoning Commission  
January 8, 2018 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 26th Amendment to the Unified Development Code (UDC) is the result of discussions held by the Planning and Zoning Commission after completing its 2017 annual review of the UDC. At its October 3, 2017 meeting the Commission discussed the results of research completed by City staff on several topics and directed staff to submit the revisions proposed in the 26th amendment.
2. The 26th amendment to the UDC consists of two (2) separate revisions proposed to the UDC. The amendments are listed in the proposed ordinance as follows:

Staff recommends the following provisions of the UDC be amended for the reasons provided with each proposed change. Proposed new text is **highlighted**; deleted text is crossed out.

- **Revision 1:** Proposal clarifies code language related to the keeping of animals on residentially zoned lots in the City of Raymore

Section 405.040D of the Unified Development Code is hereby repealed in its entirety and re-enacted as follows:

### **D. Keeping of Animals**

1. Cattle, cows, horses, sheep, goats and similar ~~domestic~~ animals are permitted in the A and RE districts only.
2. Chickens and similar fowl are permitted in the A and RE districts, and in the R-1 district upon properties of at least three acres in size.

3. In the RE and R-1 (3-acre minimum lot size) district, maximum number of animals permitted per grazing acre, excluding building coverage, ponds and yard area around the principal dwelling, are:
  - a. 1 head of cattle; or
  - b. 2 sheep; or
  - c. 2 goats; or
  - d. 2 horses.

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

- **Revision 2:** Proposal clarifies code language related to new solar energy system installations in the City of Raymore.

Section 420.070(I) of the Unified Development Code is hereby repealed in its entirety and re-enacted as follows:

#### I. Solar Energy Systems

Solar energy systems shall be a permitted accessory use in all districts subject to compliance with the following requirements:

- ~~1. Roof-mounted systems located on front building roofs shall not project more than 24 inches perpendicular to the point on the roof where it is mounted.~~
- ~~2. Roof-mounted systems shall not project above the ridge of a gabled or gambrel roof.~~
- ~~3. Roof-mounted systems shall not project more than four feet above the deck or parapet of a flat or mansard roof. All mounting hardware shall be screened from view according to Section 430.120A.~~
- ~~4. Ground-mounted systems shall not be located in any required yard.~~
- ~~5. Ground-mounted systems on lots under 1 acre shall not be higher than 8 feet.~~
- ~~6. Solar collectors designed as part of an accessory structure such as an awning or canopy shall conform to the standards for that structure.~~
- ~~7. Appurtenant components must be located within an enclosed structure or screened according to Section 430.120.~~

#### 1. Roof Mounted and Wall Mounted Solar Energy Systems:

- a. Roof mounted and wall mounted Solar Energy Systems may be mounted or located on a principal or accessory building.
- b. Roof-mounted systems located on front building roofs shall not project more than 24 inches perpendicular to the point on the roof where it is mounted.

- c. Roof-mounted systems shall not project above the ridge of a gabled or gambrel roof.
- d. The total height of any building equipped with an Solar Energy System shall not exceed more than 24 inches above the maximum building height specified for principal or accessory buildings within the applicable underlying zoning district.
- e. Applications for roof and wall mounted solar energy systems shall be accompanied by evidence and information regarding the strength of the structure in which the system will be attached.
- f. Construction, modification, and/or reinforcement of the structure in which the system will be attached must be in compliance with all applicable codes.
- g. Roof- mounted solar energy systems shall be accompanied by appropriate safety and warning signage

## 2. Ground Mounted Solar Energy Systems:

- a. In the front and side yard area, ground mounted solar energy systems must meet the minimum front and side yard setback for principal buildings within the underlying zoning district.
- b. In the rear yard, ground mounted solar energy systems must provide a minimum side and rear setback of 5 feet.
- c. Ground mounted solar energy systems are prohibited from encroaching into any approved utility easement or right-of-way, or, being placed within any stormwater management system.
- d. Freestanding ground mounted solar energy systems shall not exceed the maximum allowable building height within the applicable underlying zoning district.
- e. Total coverage of a lot with a ground mounted solar energy system shall not exceed fifty (50) percent of the lot, or the maximum allowable lot coverage for the underlying zoning district, whichever is less.
- f. The area beneath the ground mounted solar energy system is considered pervious. However, any use of impervious construction materials for the purposes of a foundation system is subject to the requirements found in Section 430.020A.
- g. Ground mounted solar energy systems shall be accompanied by appropriate safety and warning signage, and shall be safely secured to prevent unauthorized access or entry



## **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 1<sup>st</sup></u>	<u>City Council 2nd</u>
Public Hearing	November 21, 2017	January 8, 2018	January 22, 2018

## **STAFF RECOMMENDATION**

Staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and forward Case #17033A, 26th amendment to the UDC, to the City Council with a recommendation of approval.

## **PLANNING COMMISSION RECOMMENDATION 11/21/2017**

The Planning and Zoning Commission, at its November 21, 2017 meeting, voted 5-1 to accept the staff proposed findings of fact and forward Case #17033A 26th amendment to the Unified Development Code to City Council with a recommendation of approval.

## **CITY COUNCIL ACTION 1ST READING - 1/8/2018**

The City Council, at its January 8, 2018 meeting, voted 7-0 to accept the Planning and Zoning Commission proposed findings of fact and approved Case #17033A 26th amendment to the Unified Development Code on 1st reading.