

**AN ORDINANCE AMENDING SECTIONS 4; 12-4(b)(1); 20-2(a); 26-5(4); 28-5(b); 32-1(4)(e); AND 36-108(2) OF THE UNIFIED DEVELOPMENT CODE TO CLARIFY EXISTING STANDARDS AND CREATE NEW REGULATIONS DEEMED NECESSARY TO IMPROVE THE EFFECTIVENESS OF THE CODE.**

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

**WHEREAS**, Section 4 – Accessory uses and structures outlines the standards for accessory uses and structures in all zoning types. This section of the code is hereby amended to revise existing language and create a new section outlining the standards for accessory dwelling units; and

**WHEREAS**, Section 12-4(b)(1) – Additional regulations outlines the standards for outdoor display or storage of merchandise in business, commercial, and industrial districts. The section is hereby amended to ensure pedestrians have accessibility to sidewalks; and

**WHEREAS**, Section 20-2(a) – Planning commission public hearing outlines the requirements pertaining to required mailings for a public hearing. This section is hereby amended to require posting of a “Public Hearing Notice” sign as part of the notification requirements for rezoning and special use applications; and

**WHEREAS**, Section 26-5(4) – Residential driveways outlines the standards for residential driveways providing ingress or egress to a public or private street. This section of the code is hereby amended to add language specifying material requirements for the right-of-way/drive approach on residential driveways regardless of the lot type; and

**WHEREAS**, Section 28-5(b) – Site design outlines performance standards pertaining to sidewalks for new developments. This section of the code is hereby amended to clarify the existing standards of sidewalk construction on new developments; and

**WHEREAS**, Section 32-1(4)(e) – Payment in lieu of detention explains the option for payment in lieu of providing on-site detention for properties that are located within the Markey Regional Detention Watershed. This section of the code is hereby amended to update the rate charged per impervious acre using the Consumer Price Index for Construction; and

**WHEREAS**, Section 36-108(2) – Required improvements outlines the required improvements that a subdivider must install or provide installation of within all new developments. This section of the code is hereby amended to update the standards pertaining to sidewalk construction improvements; and

**WHEREAS**, after due public notice was given in the manner prescribed by law, the Planning Commission held a public hearing on Monday, September 20, 2021. The Planning Commission voted 6-1 to recommend approval to the City Council; and

**WHEREAS**, the City Council believes the various text amendment changes in various chapters are in the best interest of the citizens.

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

**Section 1.** That Chapter 4 – Accessory Uses and Structures, of the Belton Unified Development Code is hereby amended with the **additions in bold print** and deletions with ~~strike through~~ notation as follows:

Sec. 4-1(c)(2) – Use limitations

(2) No accessory structure shall be used for dwelling purposes except apartment garages **and permitted accessory dwelling units.**

**Sec. 4-4 – Accessory dwelling units**

**An accessory dwelling unit (ADU) is a dwelling unit that is accessory to a principal single family dwelling unit on the same lot.**

- (1) The ADU shall meet all the regulations, setbacks, and lot coverage requirements of Section 4-1.**
- (2) The ADU shall not be larger than the principal structure.**
- (3) The ADU shall not exceed the height of the principal structure.**
- (4) The ADU shall be constructed of building materials that are compatible with the principal structure.**
- (5) The ADU shall be constructed on a permanent foundation or slab and meet all the requirements of the applicable building codes.**
- (6) A separate address shall be posted on the ADU for emergency services.**
- (7) Parking for an ADU shall comply with the provisions of Chapter 26 of the Unified Development Code.**

**Section 2.** That Chapter 12 – Commercial, Industrial, Parks, Recreation and Public Use Zoning Districts, Section 12-4(b)(1) – Additional Regulations, of the Belton Unified Development Code is hereby amended and revised with the **additions in bold print** and deletions with ~~strike through~~ notation as follows:

Sec. 12-4(b)(1) – Additional regulations

(b) Outdoor display or storage of merchandise. Outdoor display or storage of merchandise is permitted in business, commercial and industrial districts subject to the following:

(1) No display or storage of merchandise shall occur within:

(a) Required parking spaces;

(b) Landscaped areas;

(c) Fire lanes;

(d) On sidewalks if ~~handicapped~~ **pedestrian** accessibility is blocked;

(e) Building setback areas; or

(f) Under un-sprinkled overhangs of sprinkled buildings.

**Section 3.** That Chapter 20 – Land Use Applications and Procedures, Section 20-2(a) – Procedures for Zoning Map and Text Amendments, of the Belton Unified Development Code is hereby amended and revised with the **additions in bold print** and deletions with ~~strike-through~~ notation as follows:

Sec. 20-2(a) – Procedures for Zoning Map and Text Amendments

(a) *Planning commission public hearing.* All proposed text and map amendments must be submitted to the planning commission for review and recommendation. The planning commission must hold a public hearing on the application. The public hearing must be held at the next regular meeting of the planning 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 applicant shall send certified letters to the most recent property owner of record for all properties within 185 feet of the subject property 15 days prior to the public hearing. The applicant shall provide proof of such mailing to city staff prior to the public hearing. **In the case of a rezoning application or special use permit, the applicant shall place a sign on the property informing the public that a hearing will be held at a specific time and place concerning proposed changes in use.**

(1) **The sign shall be placed at a property line abutting the street and be readily visible to the general public.**

(2) **The sign shall be furnished by the City to the applicant.**

(3) **The applicant shall maintain the sign for at least fifteen (15) days immediately preceding the date of the public hearing.**

(4) **The applicant shall file an affidavit with the secretary of the Planning Commission at the time of the public hearing verifying that the sign has been maintained and posted as required by this ordinance and applicable resolutions.**

**(5) Upon conclusion of the public hearing, the applicant shall remove the sign and return it to the City.**

**Section 4.** That Chapter 26 – Parking, Loading and Access, Section 26-5(4) – Residential Driveways, of the Belton Unified Development Code is hereby amended and revised with the **additions in bold print** and deletions with ~~strike-through~~ notation as follows:

Sec. 26-5(4) – Residential driveways

(4) All residential driveways ~~except those in the A and R-1B districts~~ must be paved with a permanent material such as asphalt, concrete, paving blocks, or other approved material meeting the standards of the city. **Driveway aprons or access from the public street shall be concrete to meet standard specifications for public improvements in the right-of-way.**

**Section 5.** That Chapter 28 – Performance Standards, Section 28-5(b) – Site Design, of the Belton Unified Development Code is hereby amended and revised with the **additions in bold print** and deletions with ~~strike-through~~ notation as follows:

Sec. 28-5(b) – Site design

(b) Buildings shall connect to sidewalks and other pedestrian connections within the site and to adjacent **building** sites.

**Section 6.** That Chapter 32 – Stormwater Detention Requirements, Section 32-1(4)(e) – Payment in Lieu of Detention, of the Belton Unified Development Code is hereby amended and revised with the **additions in bold print** and deletions with ~~strike-through~~ notation as follows:

Sec. 32-1(4)(e) – Payment in lieu of detention

(e) In all regards, the payment shall be calculated at a rate (the "Rate") of ~~\$5,100.00~~ **\$5,900.00** per impervious acre of development as set out in the approved Study. The payment for the property being developed shall be made to the city before a building permit will be issued for the development. After March 1, 2015 the rate shall be increased every March 1st using an escalator fact based upon the Consumer Price Index for Construction.

**Section 7.** That Chapter 36 – Subdivision Regulations, Section 36-108(2) – Required Improvements, of the Belton Unified Development Code is hereby amended and revised with the **additions in bold print** and deletions with ~~strike through~~ notation as follows:

Sec. 36-108(2) – Required improvements

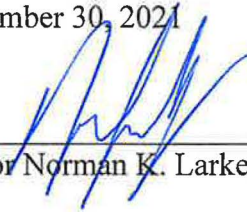
(2) *Walks.* Sidewalks shall be installed on both sides of all residential streets upon which houses face. Sidewalks shall be required on both sides of the street in any commercial or industrial district and on all collector and arterial streets. ~~All sidewalks shall not be less than four feet in width along residential streets and not less than five feet in width along arterial streets and shall comply with the specifications of the city council.~~ **Sidewalks from the new improvement (subdivision, building, factory, etc.) shall be constructed along arterial and collector streets to the meet existing sidewalks or to the next developed properties, whichever are closer. All sidewalks shall not be less than five feet in width and shall comply with the specifications of the city council.** Sidewalks shall be located in the platted street right-of-way, six feet from back-of-curb to near the face of the sidewalk. Walks shall also be installed in any pedestrian easements as may be required by the city council. Sidewalks shall be maintained by the abutting property owner.

**Section 8.** That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

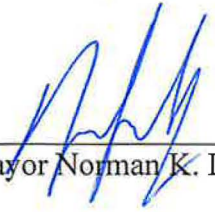
**Section 9.** All ordinances or parts of ordinances in conflict with the provisions are hereby repealed.

READ FOR THE FIRST TIME: November 9, 2021


READ FOR THE SECOND TIME AND PASSED: November 30, 2021

  
\_\_\_\_\_  
Mayor Norman K. Larkey, Sr

Approved this 30<sup>th</sup> day of November, 2021.

  
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Mayor Norman K. Larkey, Sr

ATTEST:

  
\_\_\_\_\_  
Andrea Cunningham, City Clerk  
of the City of Belton, Missouri


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

I, Andrea Cunningham, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was introduced for first reading at a meeting of the City Council held on the 9<sup>th</sup> day of November, 2021, and thereafter adopted as Ordinance No. 2021-4672 of the City of Belton, Missouri, at a meeting of the City Council held on the 30<sup>th</sup> day of November, 2021, after the second reading thereof by the following vote, to-wit:

AYES: 8 COUNCILMEMBER: Mayor Larkey, Clark, Gough, Kraft  
Lawson, Peek, Powell, Trutzel

NOES: 0 COUNCILMEMBER:

ABSENT: 1 COUNCILMEMBER: Savage

  
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Andrea Cunningham, City Clerk  
of the City of Belton, Missouri