

BILL NO. 24-212**ORDINANCE NO. 10040**

AN ORDINANCE AMENDING CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE, ARTICLE 2 PERTAINING TO MODIFICATION PROCEDURES AND FINAL DEVELOPMENT PLAN EXTENSIONS; ARTICLE 5, SECTION B PERTAINING TO FLOODPLAIN OVERLAY DISTRICTS; ARTICLE 7 PERTAINING TO MODIFICATIONS; AND, ARTICLE 8 PERTAINING TO BUILDING MATERIALS OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, opportunities also exist in Article 2 and Article 7 to update existing procedures related to modifications and extensions for final development plans; and,

WHEREAS, the proposed ordinance also adds necessary language to Article 5 Section B to clarify requirements for residential structures located within a special flood hazard area; and,

WHEREAS, updates are necessary to existing building material requirements located in Article 8 to address the use of metal on nonresidential buildings; and,

WHEREAS, changes to Chapter 33, Article 2, Article 5, Article 7, and Article 8 as described above; City of Lee's Summit, applicant, also documented as PL2024-241, shall be hereinafter be known as the "amendment"; and,

WHEREAS, the Community and Economic Development Committee considered the amendments on September 11, 2024, and directed staff to proceed with the ordinance amendment process; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the amendment and recommended approval to the City Council on October 24, 2024; and,

WHEREAS, the City Council determined that the proposed amendment would serve the interests of the citizens of Lee's Summit on December 10, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as shown in Exhibit A where underlined changes are additions and strikeout changes are deletions.

SECTION 1. That it is the intention of the City Council and is hereby ordained that the provisions of this Ordinance shall become and be made a part of the UDO, and the sections of this Ordinance and the UDO may be renumbered as appropriate to accomplish such intention.

SECTION 2. That this Ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

SECTION 3. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

BILL NO. 24-212

ORDINANCE NO. 10040

SECTION 4. Existing sections Article 2, Division IV, sections 2.300, 2.310, 2.320, 2.330, 2.380; Article 5 Division II, section 5.170.B; Article 7, Division I, section 7.060; and Article 8 Division I, section 8.170 are hereby repealed in their entirety and are replaced with the language set forth in the exhibits identified as Exhibits A thru E which are attached hereto and incorporated herein by reference.

PASSED by the City Council of the City of Lee's Summit, Missouri, this 17th day of December, 2024.



William A. Baird
Mayor William A. Baird

ATTEST:

Trisha Fowler Arcuri
City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said city this 19th day of December 2024.

William A. Baird
Mayor William A. Baird

ATTEST:

Trisha Fowler Arcuri
City Clerk Trisha Fowler Arcuri



APPROVED AS TO FORM:

Brian W. Head
City Attorney Brian W. Head

**DIVISION IV. REZONING, PRELIMINARY DEVELOPMENT PLAN, FINAL
DEVELOPMENT PLAN, CONCEPTUAL PLAN, SIGN APPLICATION, AND STREET
NAME CHANGE**

Sec. 2.300. Preliminary development plans; when required.

- A. A preliminary development plan application shall be submitted for the following situations:
1. The rezoning of a property to any district except districts AG, RDR, RLL and R-1. A preliminary development plan shall be submitted and reviewed by the Commission and Governing Body simultaneously with the rezoning of the property, except as provided under "Conceptual Development Plan; when permitted;"
 2. The development of any vacant property in a planned district;
 3. The redevelopment of any property;
 4. A change in the primary use of property that negatively impacts traffic circulation or significantly intensifies traffic generation necessitating the formation and approval of a development agreement by and between the developer and the Governing Body for identified traffic improvements;
 5. The development of a non-residential use in the AG, RDR, RLL and R-1 districts;
 6. The request of any modification of this chapter;
 7. A substantial change to an approved preliminary development plan as defined by this article;
 8. A preliminary development plan may be required for a request for a special use permit per Article 6, Division III;
 9. With a modification request, when the request is not associated with an application to rezone the property.
- B. A preliminary development plan is not required for the following situations:
1. The rezoning to the AG, RDR, RLL or R-1 districts or for any residential development in the AG, RDR, RLL or R-1 districts provided no modifications of any regulation contained in this chapter are requested; or
 2. The development of any property in the CS and PI districts provided no modifications of this chapter are requested; or
 3. A City initiated rezoning of any property; or
 4. A building addition onto an existing building that did not require a preliminary development plan, provided that a substantial change would not be created per this article; or
 5. A rezoning to any planned district if the property to be rezoned is fully developed and no substantial changes to existing building(s) or site improvements are planned.

Sec. 2.310. Preliminary development plans; applications—Contents and submission requirements.

The following items shall be submitted in support of an application for preliminary development plan. Information to be included on a preliminary development plan submitted for a modification request shall be as determined by the Development Services Director.

- A. All general application requirements contained in Section 2.040.A.
- B. All plan submission requirements in Section 2.040.B.
- C. A project narrative providing a written summary of the proposal.
- D. Contents. The proposed preliminary development plan shall also include the following:
 - 1. A legal description which accurately describes the limits of the property.
 - 2. Approximate total acreage.
 - 3. The plan shall include the following information on the existing conditions for the proposed site and within 185 feet of the property:
 - a. Location and limits of the one percent annual chance flood, as set forth on the current FEMA maps with reference to the panel number. Elevations shall be provided if shown on the FEMA map.
 - b. Existing streams, bodies of water, and surface drainage channels.
 - c. Location, massing and pattern of existing vegetation.
 - d. Topography with contours at two-foot intervals. In areas where grades are gentle, the Director may require a lesser contour interval.
 - e. Location of all oil and gas wells, whether active, inactive, or capped.
 - f. Special features (such as ponds, dams, steep slopes or unusual geology) or unusual historical features (such as former landfills, fill areas or lagoons) must be identified by the applicant. The applicant, at the Director's discretion, may be required to provide professional analysis of these conditions to address health, safety and general welfare questions related to the proposed subdivision.
 - g. The location and size of retention basins, detention basins and drainage structures, such as culverts, paved or earthen ditches or storm water sewers and inlets.
 - h. Location, width and name of any existing or platted street, alley or any other dedicated rights-of-way.
 - i. Location, width and dimensions of existing utility easements, with document reference if dedicated by separate document.
 - j. Existing and proposed buildings, which exist on plans on file with the City. Single- and two-family buildings may be shown in approximate location and general size and shape.
 - k. Location and size of all existing utility lines and storm water management/detention facilities.
 - l. Names of abutting subdivisions and owners of abutting parcels of unsubdivided land.
 - m. Surrounding land uses and zoning districts of adjacent properties.

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4. The plan shall include the following information on the proposed development:
 - a. Layout, number and approximate dimensions of lots and approximate lot areas.
 - b. Name, location, width, radii, centerline, and grade of proposed streets and alleys, both public and private.
 - c. Location and width of proposed sidewalks and public walkways.
 - d. Location and width of proposed easements.
 - e. Building setback lines from streets with dimensions.
 - f. Location and approximate dimensions of culverts and bridges.
 - g. Location of driveways, curb cuts, median breaks and turn lanes.
 - h. The general location and approximate size of all proposed utility lines, including water, storm water, and sanitary sewers.
 - i. A sanitary sewer impact statement that will address the proposed discharge into the existing sanitary sewer receiving system, if required by the City Engineer.
 - j. Appropriate water service demand data (including, but not limited to, planned land usage, densities of proposed development, pipe sizes, contours and fire hydrant layout) to allow for the preliminary analysis of the demand for water service if required by the City Engineer.
 - k. Information (proposed size, nature and general location) on all proposed storm water management facilities and detention facilities. A preliminary storm water report shall be submitted unless the requirement is waived by the City Engineer. All preliminary storm water reports shall include:
 - (1) Current and proposed land use assumptions,
 - (2) Identification of the watershed in which the project is located,
 - (3) Identification of offsite drainage areas,
 - (4) Surrounding property information,
 - (5) Any other pertinent information about the site which may influence storm water runoff,
 - (6) Proposed storm water facilities,
 - (7) The downstream effects of the development,
 - (8) Calculations for the 100 percent, ten percent and one percent storms. All calculations must be submitted with the report; a summary table is not acceptable,
 - (9) If the storm water report indicates that detention is not required, supporting calculations evaluating the downstream effects must be provided,
 - (10) All reports shall be signed and sealed by a professional engineer registered in the State of Missouri.
 - l. Location and size of proposed open space for public use proposed to be dedicated or reserved and any conditions of such dedication or reservation; parks, playgrounds, churches, or school sites or other special uses of land to be considered for public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision.

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- m. Location, dimensions and area in square feet of all proposed buildings and structures.
 - n. Location and dimensions of all parking spaces, accessible spaces, drive aisles, driveways, and curbs.
 - o. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the plan.
 - p. General extent and character of proposed landscaping to include general species and size information.
 - q. Proposed topography at two foot intervals, including general drainage patterns.
 - r. Proposed exterior lighting, including parking lot lights and wall-mounted fixtures, including fixture type, location, height and intensity. Manufacturer's specification sheets shall be submitted.
 - s. Phasing of development.
 - t. Sight triangles (see Article 8, Division I).
5. Exterior building elevations.
- a. Architectural elevations will be in color and drawn to a standard architectural scale and will include dimensions sufficient to determine the relationship between various elements building height, and proportion. The architectural style, size, color, and location of construction materials will be included.
 - b. The architectural elevations shall depict all sides of proposed buildings and include notations of building materials and materials schedule describing the building materials to be used on exteriors and roofs and screening of mechanical equipment.
 - c. In the event of several building types, a minimum of one color elevation of each building type is required.
6. Land use schedule. A land use schedule shall include the following, as applicable:
- a. Total floor area,
 - b. Number of dwelling units,
 - c. Land area,
 - d. Number of required and proposed parking spaces,
 - e. Impervious coverage,
 - f. Floor area ratio (FAR),
 - g. Dwelling units per acre, with and without common area,
 - h. The range of land uses to be permitted in each designated area of the development.
7. Statement of need for modification requests. A narrative statement that explains the need for modification of the applicable zoning district or development regulations, in accordance with Article 2.
8. Common Property Maintenance Plan. A written plan in such form as may be prescribed by the Director that demonstrates that all common property, if any, will be owned and maintained in accordance with Article 7, of this chapter, shall be submitted with the application for preliminary development plan approval.

Sec. 2.320. Consideration of preliminary development plans.

- A. Public hearing required. Consideration of preliminary development plan applications shall require public hearings before the Commission and Governing Body following publication notice, notices to surrounding property owners, and posting of notice signs as provided in this article. A public hearing is not required for modification requests that may be approved by the Planning Commission in accordance with this Article.
- B. Approval by ordinance. All preliminary development plan applications, with the exception of plans submitted with a modification application approved by the Planning Commission, shall be approved by ordinance.
- C. Modifications.
 - 1. The Commission may recommend, and the Governing Body may approve, pursuant to the procedures set forth in this section, a preliminary development plan that modifies one or more of the restrictions or requirements found in this chapter, including, but not limited to, density and minimum lot size requirements, floor area ratios, building setback requirements, design standards, required minimum public improvements, building materials and color, maximum structure heights, parking, landscaping, buffering and tree protection requirements.
 - 2. When a modification request is made that is not part of a pending rezoning application, the Commission may approve, pursuant to the procedures set forth in this section, a preliminary development plan that modifies one or more of the following requirements found in this chapter to: parking lot design, landscape buffer location, and rooftop mechanical unit (RTU) screening design.
 - 3. Uses permitted as of right, uses permitted with conditions and special uses within each district, as set forth in Article 4, cannot be modified pursuant to this subsection.
 - 4. Modification requests may be recommended for approval or approved, as the case may be, if the Approving Authority concludes that the applicant has demonstrated that approval of the modification will:
 - a. provide sustainable value to the City;
 - b. incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent throughout the proposed project;
 - c. effectively utilizes the land upon which the development is proposed;
 - d. further the goals, spirit and intent of this chapter; and
 - e. the project as a whole is consistent with the approval criteria of this chapter.
 - 3. A separate vote on the proposed modification request is not required.
- D. Preliminary development plan in rezoning ordinance. Any preliminary development plan submitted with a rezoning application shall become part of the ordinance that amends the zoning ordinance.
- E. Duration of validity. Preliminary development plan approval by the Approving Authority shall not be valid for a period longer than 24 months from the date of such approval, unless within such period a final development plan application is submitted. The Approving Authority may grant one extension not exceeding 12 months upon written request.

Sec. 2.330. Changes to preliminary development plans.

- A. Requirement. When a change is proposed to an approved preliminary development plan, the following shall govern the type of application required:
1. Substantial changes. A new preliminary development plan application shall be submitted. Approval of the new preliminary development plan shall follow the procedures for approval of preliminary development plan applications as set forth in this article. In determining whether to approve an application for a substantial change to a preliminary development plan, the Commission or Governing Body shall apply the criteria set forth in this article. In the event that the application for the preliminary development plan is denied, the previously approved preliminary development plan will remain in effect.
 2. Minor changes. Minor changes to the approved preliminary development plan, as defined in this section, may be approved by the Director as part of a final development plan application.
 3. No changes. If there are no changes to an approved preliminary development plan, a final development plan shall be submitted for approval by the Director.
 4. Modifications. A new preliminary development plan application shall be submitted for a modification request when said request is not associated with a pending zoning application, in accordance with Section 2.320 of this Article.
- B. Definition of substantial changes. For purposes of this section, "substantial changes" to the approved preliminary development plan shall mean any of the following:
1. A change in the phases as originally specified in the preliminary development plan that would have a negative impact on the traffic circulation.
 2. Increases in the density or intensity of residential uses of more than ten percent.
 3. Increases in the total floor area of all nonresidential buildings covered by the plan of more than 25 percent.
 4. Increases of lot coverage of more than ten percent.
 5. Increases in the height of any building of more than 25 percent.
 6. Changes of architectural style that will make the project less compatible with neighboring uses.
 7. Changes in ownership patterns or stages of construction that will lead to a different development concept.
 8. Changes in ownership patterns or stages of construction that will impose substantially greater loads on streets and other public facilities.
 9. Decreases of any setback of more than ten percent.
 10. Decreases of areas devoted to open space of more than ten percent of such open space, or the substantial relocation of such areas.
 11. Changes of traffic circulation patterns that will negatively affect on-site and/or off-site traffic.
 12. Changes of existing and/or proposed pedestrian walkways that will negatively affect pedestrian traffic.
 13. Modification or removal of conditions to the preliminary development plan approval.
 14. Changes to the water or sanitary sewer plans that impact these utilities outside the project boundaries.

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- C. Definition of minor changes. For purposes of this section, "minor changes" to the approved preliminary development plan shall include, but not be limited to the following:
1. Increases in the density of residential uses up to and including ten percent.
 2. Increases in the total floor area of all nonresidential buildings covered by the plan up to and including 25 percent.
 3. Increases of lot coverage up to and including ten percent.
 4. Increases in the height of any building up to and including 25 percent.
 5. Decreases of any peripheral setback up to and including ten percent.
 6. Decreases of areas devoted to open space up to and including ten percent.
 7. Reconfiguration of buildings provided that no required setbacks are violated.
 8. Revised phasing plan that has no substantial impact upon traffic circulation or required street construction.

ARTICLE 2. APPLICATIONS AND PROCEDURES

DIVISION IV. REZONING, PRELIMINARY DEVELOPMENT PLAN, FINAL DEVELOPMENT PLAN, CONCEPTUAL PLAN, SIGN APPLICATION, AND STREET NAME CHANGE

Sec. 2.380. Expiration of an approved final development plan.

Final development plan approval shall not be valid for a period longer than 12 months from the date of such approval, unless within the period a building permit is obtained and substantial construction is commenced and all additional building permits necessary to complete the project as approved in the final development plan schedule are obtained in a timely fashion, as determined by the Code Official. The Director of Development Services may grant one extension of no more than 12 months each upon written request of the original applicant. An application for extension of a final development plan may be granted, if the application is filed before the final development plan expires. Upon granting an extension, the Director has the authority to attach new conditions to the final development plan, as deemed appropriate. Further extension requests shall require approval by the Governing Body. Upon granting an extension, the Governing Body has the authority to attach new conditions to the final development plan, as deemed appropriate.

DIVISION II. FLOODPLAIN OVERLAY DISTRICT

Sec. 5.170. Standards for flood hazard reduction in floodway and floodway fringe overlay districts.

In all areas of special flood hazards (floodway and floodway fringe), the following standards must be met:

B. Specific standards.

1. In all areas identified as numbered and unnumbered A zones and AE zones, where base flood elevation data have been provided, as set forth in Section 5.170.A.2., the following provisions are required:
 - a. Residential construction: New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement and all mechanical, electrical, and/or other utility equipment, elevated to two feet above the base flood elevation.
 - b. Non-residential construction: New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to two feet above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation 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 shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 5.150.C.9.
 - c. Require, for all new construction and substantial-improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - (2) The bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

ARTICLE 7. SUBDIVISIONS

DIVISION I. GENERAL SUBDIVISION INFORMATION AND REQUIREMENTS

Sec. 7.060. Modifications.

The requirements of this article may be modified only through approval of a preliminary development plan by the Governing Body in accordance with the procedure set forth in Article 2, or by the Planning Commission in accordance with Article 2, or through approval of a variance by the Board of Adjustments in accordance with the procedure set forth in Article 17.

ARTICLE 8.
SITE STANDARDS
DIVISION I. DESIGN STANDARDS

SUBDIVISION 4. OTHER REQUIRED DESIGN STANDARDS

Sec. 8.170. Building materials for office, commercial/retail and industrial buildings

- A. The following building materials shall be used for all office and commercial/retail buildings located within the city:
1. Masonry. Brick, stone, concrete masonry units (CMU's) with split-face, fluted, scored or other rough texture finish. (Specifically excluding smooth finish CMU or concrete brick i.e. "Cherokee block", with the color and texture of clay brick.)
 2. Concrete. Precast, exposed aggregate, cast in place, or tilt up panels provided a rough texture is present or to be added.
 3. Stucco. Including E.I.F.S., Dryvit, but excluding pre-manufactured panels.
 4. Structural clay tile. Excluding glazed surface finish.
 5. Glass. Glass curtain walls, glass block, excluding mirror glass which reflects more than 40 percent of incident visible light.
 6. Metal. Metal may not to exceed 40% of any façade. A modification for the use of metal up to 75% of any façade may be approved by the Planning Commission. A modification for the use of metal to exceed 75% of any façade may be approved by the Governing Body.
 7. Roofing materials. As approved per development plan.
- B. Industrial buildings fronting on arterial streets may utilize the following approved materials:
1. Fronts of all industrial buildings located on streets classified as arterials or higher i.e., four lanes or greater, shall only use the approved materials as identified and allowed in Subsection A. above.
 2. Sides and rear of all industrial buildings facing or fronting on a street as in Subsection 1. above shall incorporate a minimum of 50 percent of the approved materials listed in Subsection A. above on the remaining sides. The other 50 percent of the sides or rear may use 26 gauge or thicker siding panels or siding panel systems.

Lee's Summit, Missouri, Unified Development Ordinance
ARTICLE 8. SITE STANDARDS

- C. Industrial buildings fronting on other than arterial streets may utilize the following materials:
 - 1. Fronts of all buildings facing a street shall incorporate a minimum of 50 percent of the approved materials listed in Subsection A. above.
 - 2. Sides and rear of all industrial buildings facing or fronting on other than arterial streets as in Subsection 1. above may utilize the same metal panels as stated in Subsection B. above.
- D. Conditional materials. (Only as approved by the Approving Authority.)
 - 1. Wood. Only when used to provide compatibility to surrounding buildings or residential districts.
 - 2. Vinyl. Only when used to provide compatibility as in Subsection 1. above.
 - 3. Any other materials not listed.
- E. Temporary materials. Materials for temporary use may only be allowed for a specific period of time as determined by the Approving Authority on a case-by-case basis. Approval of temporary materials shall be established at the time of approval of the preliminary plan and shall be noted on the preliminary and final development plans.