



**THE CITY OF  
HARRISONVILLE**  
WHERE TRADITION MEETS INNOVATION

**AGENDA  
CITY OF HARRISONVILLE  
PLANNING & ZONING COMMISSION  
REGULAR MEETING  
CITY HALL  
SEPTEMBER 15, 2022  
6:00 PM**

- 1. Call to Order**
  - A. Roll Call**
- 2. Approval of Minutes**
  - A. Planning & Zoning Commission - Regular Meeting - Aug 18, 2022 6:00 PM**
- 3. Agenda Items**
  - A. PUBLIC HEARING - GT Tow Lot SUP**
  - B. GT Tow Lot SUP**
  - C. PUBLIC HEARING - Code Updates**
  - D. Code Updates**
- 4. Discussion Items**
- 5. Adjourn**

**Posted on City Hall Bulletin Board this 8th day of September, 2022.**

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**Daniel Barnett , City Clerk**



# THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

**DRAFT**  
**MINUTES**  
**CITY OF HARRISONVILLE**  
**PLANNING & ZONING COMMISSION**  
**REGULAR MEETING**  
**CITY HALL**  
**AUGUST 18, 2022**  
**6:00 PM**

## 1. Call to Order

The meeting was called to order at 6:02 PM by Chair Chris Chiodini

| Attendee Name    | Organization  | Title | Status  | Arrived |
|------------------|---------------|-------|---------|---------|
| Kevin Wood       | Harrisonville |       | Present |         |
| Chris Chiodini   | Harrisonville | Chair | Present |         |
| Scott Milner     | Harrisonville |       | Present |         |
| Judy Bowman      | Harrisonville | Mayor | Present |         |
| Dorothy Young    | Harrisonville |       | Present |         |
| Cheryl Bush      | Harrisonville |       | Present |         |
| Barrett Welton   | Harrisonville |       | Present |         |
| Wilbert Crawford | Harrisonville |       | Present |         |
| Brian Pulliam    | Harrisonville |       | Present |         |

*Also in attendance were Karen and Wilson Ausmer, Applicants; Cindy Warner, Applicant; Brian Wooten, Resident; Alderman Judy Reece, Alderman Liaison; Christina Stanton, Community Development Director; and Jamie Martin, Recording Secretary.*

## 2. Approval of Minutes

### A. Planning & Zoning Commission - Regular Meeting - Jul 21, 2022 12:00 AM

*With no additions or corrections, the minutes from the July 21, 2022, meeting were unanimously accepted.*

|                  |                                                                        |
|------------------|------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                                            |
| <b>MOVER:</b>    | Dorothy Young                                                          |
| <b>SECONDER:</b> | Kevin Wood                                                             |
| <b>AYES:</b>     | Wood, Chiodini, Milner, Bowman, Young, Bush, Welton, Crawford, Pulliam |

## 3. Agenda Items

### A. PUBLIC HEARING - KHERA FAMILY TRUST REZONING

Director Stanton presented the Staff Report for the rezoning of 21400 E 275th Street. An application from the Khera Family Trust to rezone from Ag to C-2, Commercial Business District. The current Annexation regulations automatically zone any annexed land to Agriculture despite its current use in the county. This application is to fix a staff oversight from 2021.

With no questions or comments from the public, the Public Hearing was closed at 6:06 PM.

## B. Slumber Inn Rezoning

Kevin Wood made a motion to recommend approval of the Rezoning at 21400 E 275th Street from Agriculture to C-2, Commercial Business District. Wilbert Crawford seconded the motion. The motion passed unanimously.

|                  |                                                                        |
|------------------|------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>RECOMMENDED FOR BOARD APPROVAL [UNANIMOUS]</b>                      |
| <b>MOVER:</b>    | Kevin Wood                                                             |
| <b>SECONDER:</b> | Wilbert Crawford                                                       |
| <b>AYES:</b>     | Wood, Chiodini, Milner, Bowman, Young, Bush, Welton, Crawford, Pulliam |

## C. PUBLIC HEARING - AUSMER REZONING

Director Stanton presented the Ausmer Rezoning application that had come to the board previously at the March 17, 2022 meeting. She went through the previous actions for this application. The first was on August 19, 2021, where the Planning and Zoning Commission recommended approval to the Board of Alderman of the lot located west of King Street and between Elm and Pine Streets, known as "Junior's Addition". This was a four (4) lot subdivision. The lots met all of the requirements for the R-1B Zoning District. Second, on September 7, 2021, the Board of Alderman approved the minor plat of "Junior's Addition" by ordinance. It is recorded in the minutes that staff stated "the applicant plans to plat the property into four single-family lots". Third, The Planning and Zoning Commission heard a request to Rezone "Junior's Addition" from R1-B to R-2B. The application was recommended denial to the Board of Alderman. Chairman Chiodini stated that if the rezoning were approved and the applicants' were to seek a variance to the minimum lot size requirement it would be a self-imposed hardship. Staff recommended denial of the requested rezoning from R-1B to R-2B for 2 (two) main reasons, 1) that in 2015 the City did a major rezoning of the area to R-1B and R-2B. The duplexes south of the Ausmer's property on R-1B zoned property are legal non-conforming uses. The majority of the homes north, east, and west of the Ausmer's property are single family, it does not seem appropriate to extend the R-2B Zoning north of Pine Street; 2) The lots on the Ausmer's property fall short of meeting the minimum lot size required for 2-family duplexes in the R-2B Zoning District. Fourth, on March 17, 2022, after testimony from Staff and the applicant, Chairman Chiodini stated that the existing zoning map needs to show what is actually in the Zoning District. Staff recommended denial of the requested Rezoning from R-1B to R-2B for the reasons of, the public process conducted in 2015 to create two new Zoning Districts, was with the intent for R-1B Near Downtown Single-Family Neighborhood Zoning District to promote single family neighborhood development and was adopted with Ordinance 3341; and the applicant made a Rezoning request on this property at the December 2, 2021, meeting and the request was denied by the Planning and Zoning Commission. No significant changes have occurred on this or the surrounding properties since December 2, 2021. Staff has reviewed the R-1B and R-2B Zoning Districts and compared against multi-family dwelling units information on GIS and on the County Assessor's mapper. Staff identified 26 properties with a mismatch between the Zoning District and the number of dwelling units. Of the 26 properties, only 8 are adjacent to an appropriate Zoning District of R-2B. The remaining 18 properties are duplexes that are surrounded by single-family residential. Staff is recommending denial of the Rezoning request as all properties within the block with built structures are single-family, owner-occupied buildings. Staff does not

*think that it makes sense to spot-zone the four lots in the middle of the existing single-family, owner-occupied lots within this block.*

*Karen Ausmer, Applicant, spoke to the Commission. She stated that they were there to speak about zoning. Ms. Ausmer pointed out several rental properties close to "Junior's Addition". She stated that duplexes would not be out of character for the older part of town.*

*Dorothy Young asked what the codes say if a duplex that is legal non-conforming were to burn down, would it be able to be rebuilt?*

*Mr. Wooten, owner of several of the legal non-conforming duplexes close to the Ausmer's property, said that the last of his structures was built in 1985. Director Stanton said that fire, or an act of God, would allow the legal non-conforming structures be rebuilt as they were prior to an act of God.*

*With no other comments or questions from the public, the Public Hearing was closed at 6:18 PM.*

#### **D. Ausmer Rezoning for "Junior's Addition"**

*Brian Pulliam made a motion to approve the rezoning of Junior's addition from R-1B to R-2B. Wilbert Crawford seconded. A Roll Call vote taken. The motion was denied 6 Nay to 3 Aye.*

|                  |                                               |
|------------------|-----------------------------------------------|
| <b>RESULT:</b>   | <b>DEFEATED [3 TO 6]</b>                      |
| <b>MOVER:</b>    | Brian Pulliam                                 |
| <b>SECONDER:</b> | Wilbert Crawford                              |
| <b>AYES:</b>     | Scott Milner, Wilbert Crawford, Brian Pulliam |
| <b>NAYS:</b>     | Wood, Chiodini, Bowman, Young, Bush, Welton   |

#### **E. R-1B/R-2B Discussion**

*During the second meeting regarding the Ausmer's Rezoning request, Chairman Chiodini requested that staff research the R-1B and R-2B zoned properties and an analysis of these properties and recommendations for areas that need to be rezoned so that the City's Zoning Map reflects what is actually there and bring back to the Planning & Zoning Commission within 6 months. Director Stanton said that Staff has reviewed the R-1B and R-2B Zoning Districts and compared against multi-family dwelling units information in GIS and on the County Assessor's mapper. Staff has identified 26 properties with a mismatch between the Zoning District and the number of dwelling units. Of the 26 properties, only 8 are adjacent to an appropriate Zoning District. The remaining 18 properties are duplexes surrounded by single-family residential. Staff asked the Planning & Zoning Commission for direction to begin a City-initiated rezoning of the 8 properties identified in the Staff Report.*

*Kevin Wood stated that the Prince-Wipple School is zoned R-3, and is currently a single-family home. He asked that Staff look into that as well.*

*Kevin Wood made a motion to approve a City-initiated rezoning of the block South of the Ausmer's property. Brian Pulliam seconded the motion. The motion passed unanimously.*

#### **F. PUBLIC HEARING - GROGGER BILLBOARD**

*Director Stanton presented a Special Use Permit Application for the Margaret J Grogger Trust for an existing billboard upgrade to digital. Staff recommends approval with the conditions stated in the Staff Report from Section 435.140.A.9.b: 1, Certification from a professional engineer registered in the State of Missouri that the soil and subsoil is capable of accepting the projected loads of the Billboard; 2, Certification from a professional engineer registered with the State of Missouri as to the electrical portion of the Billboard; 3, Certification from a professional engineer in the State of Missouri as to the structural strength of the Billboard; and 4, a certified boundary survey from a surveyor registered in the State of Missouri of the Billboard site and its Safety Setback*

*Requirement Zones. Also, the applicant shall provide a Billboard survey to confirm the exact setbacks from existing billboards, property lines, and the pavement of I-49; and shall provide financial security as specified in Section 435.140.A.9.b of the City's Code of Ordinances.*

*Cindy Warner spoke to the Commission. She stated that she inherited the property and wanted to make it productive. MoDot has approved the reconfiguration of the Billboard. She said that the survey to confirm the exact setbacks for property lines and pavement to I-49 would overburden her as it has not changed in many years. Ms. Stanton stated that condition comes from ordinance.*

*Dorothy Young asked if any part of the current Billboard would be used in the upgrade. Ms. Warner stated that the existing structure would be used and that one pole can be added for support.*

*Brian Pulliam asked if there would be an increase in size? Ms. Warner stated that she would like to go from the 12 x 25 foot that is currently there to 11 x 36 foot.*

*Kevin Wood asked if the codes were taken from new signage and not existing signage. Ms. Stanton stated that there is nothing in code to separate the two and the vantage point is for new signs.*

#### **G. Grogger Billboard Upgrade**

*Kevin Wood made a motion to recommend approval of the Special Use Permit to the Board of Alderman with the recommendation of waiving the survey requirement. Wilbert Crawford seconded the motion. A Roll Call vote was taken. The motion passed 8 Aye, 1 Nay.*

|                  |                                                                 |
|------------------|-----------------------------------------------------------------|
| <b>RESULT:</b>   | <b>RECOMMENDED FOR BOARD APPROVAL [8 TO 1]</b>                  |
| <b>MOVER:</b>    | Kevin Wood                                                      |
| <b>SECONDER:</b> | Wilbert Crawford                                                |
| <b>AYES:</b>     | Wood, Chiodini, Milner, Bowman, Bush, Welton, Crawford, Pulliam |
| <b>NAYS:</b>     | Dorothy Young                                                   |

#### **H. PUBLIC HEARING - CODES UPDATES**

*Director Stanton presented several Code update changes to the Commission. 1st, Eliminating Density Requirements for Residential in CBD-2, Section 405.295, and Parking in CBD-2, Section 405.310. 2nd, Section 405.550 Accessory Uses, Subpart D Detached Accessory Buildings. 3rd, adding "Accessory Dwelling Unit (ADU)" to Section 405.030.B Definitions and Rules of Construction. 4th, adding "Adjacent Lots" to Section 410.160 Definitions; and 4th, adopting an Ordinance for Anti-Monotony regulations in subdivisions.*

#### **I. Codes Update**

*After much discussion, Dorothy Young made a motion to bring the Code Updates back to the Commission after further research is done. Wilbert Crawford seconded the motion. The motion passed unanimously.*

|                                |                  |
|--------------------------------|------------------|
| <b>RESULT:</b>                 | <b>POSTPONED</b> |
| <b>Next: 9/15/2022 6:00 PM</b> |                  |

#### **4. Discussion Items**

#### **5. Adjourn**

With nothing further to come before the Commission, Brian Pulliam made a motion to adjourn. Barrett Welton seconded. The motion passed unanimously. The meeting was adjourned at 7:15 PM.

Respectfully submitted.

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Jamie Martin, Recording Secretary

Minutes Acceptance: Minutes of Aug 18, 2022 6:00 PM (Approval of Minutes)



**TO:** Planning & Zoning Commission  
**FROM:** Christina Stanton,  
**DATE:** September 8, 2022  
**SUBJECT:** PUBLIC HEARING - GT Tow Lot SUP

**Type of Item:** *Public Hearing*

- A. Action Item (ID # 4304)**  
PUBLIC HEARING - GT Tow Lot SUP



**TO:** Planning & Zoning Commission  
**FROM:** Christina Stanton,  
**DATE:** September 6, 2022  
**SUBJECT:** GT Tow Lot SUP

**Type of Item:** *Public Hearing*

**B. Action Item (ID # 4300)**

GT Tow Lot SUP

Attachments:

GTP&ZPacket(PDF)



# THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

300 E. Pearl Street, P.O. Box 367 • Tel: 816-380-8900 • Fax: 816-380-8906 • Harrisonville, MO 64701

3.B.a

**To:** Planning and Zoning Commission

**From:** Christina Stanton, AICP, Community Development Director

**Date:** September 15, 2022

**Re:** GT Tow Lot Special Use Permit (SUP)

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## GENERAL INFORMATION

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**Applicant:** Shaun Bebout

**Requested Actions:** Approval of Special Use Permit

**Date of Application:** August 17, 2022

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## PROPOSAL

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Shaun Bebout is seeking approval of the attached Special Use Permit for the existing tow lot located at 402 Cedar Street. Staff has been unable to pin-point how long this lot has existed as a tow lot. At one time it was owned by MK&T (KATY) Railroad.

Please see the attached maps and aerial photos.

The surrounding properties are currently zoned as follows:

North: C-2 (Service Business District)  
East (across Cedar St.): M-2 (General Industrial District)  
South: M-2 (General Industrial District)  
West (across Independence St.): M-2 (General Industrial District)

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## PREVIOUS ACTIONS

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- It appears that the KATY was abandoned around 1956.
- Upon reviewing the historical aerial images on Google Earth, it appears that a tow lot, or some other similar use, may have existed on this property since 2003.

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## KEY ISSUES

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- A tow lot has existed in this location for an unknown period of time; although, it appears that this type of use or a similar use may have existing at this location since at least 2003.
- Section 405.030 of the City's Code of Ordinances defines "Automobile Salvage or Wrecking Yard or Tow Lot" as follows: "Any area of land where three (3) or more motor vehicles not in running condition or the parts thereof are stored in the open and are not being restored to operation or any land, building or structure used for the stripping, wrecking or storing of such automobiles or parts thereof and which may include sale of parts of vehicles."
- Under Article XVIII, "M-2" General Industrial District, Section 405.510.B states: "All storage of materials, products or equipment shall be within a fully enclosed building or in a partially

enclosed building or in an open yard having a solid screen fence not less than six (6) feet high giving total or partial screening from neighboring property and adjacent streets. In the case of salvage or junk operations all storage and processing areas shall be screened by a solid screen fence not less than ten (10) feet and not exceeding fifteen (15) feet in height, the materials and setback of which shall be approved by the Planning and Zoning Commission.”

- Under Article XIX, Special Use Permits, Section 405.525.C.23 of the City’s Code of Ordinances states: “Boat, recreational vehicle, and/or any other vehicle storage, open or enclosed, of one (1) or more similar vehicles which are not the property of the landowner. Open storage must be screened by a view-reducing wall, fence or landscaping material from adjacent public roads and residentially zoned or used property.”
- There is currently a chain link fence with screening material around most of the tow lot site, except for the entrance/exit gates and areas that have become damaged and are in need of repair/replacement.
- The definition of a “solid fence” includes the entrance and exit gates, so these areas need to be screened as well.
- The tow lot site does not include the materials being stored on the property west of Cedar Street. Our Codes Enforcement Officer has been working with the property owner on this area.
- The tow lot located at 1505 Clearwater Drive, which is zoned M-1 and currently operating under the approved Special Use Permit SUP1205, did have a chain link fence with similar screening materials in 2016 according to Google’s Street View. However, since that time they have upgraded their screening to vinyl fencing with stone pillars and chain link gates with slats.

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#### STAFF COMMENTS AND SUGGESTIONS

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It appears that a tow lot, or some other similar use, may have existed on this property since 2003. As stated in Section 405.525.C.23 of the City’s Code of Ordinances this type of use requires a Special Use Permit (SUP). Additionally, it is to be “screened by a view-reducing wall, fence or landscaping material from adjacent public roads and residential zoned or used property”. The existing screening material, if in good repair and covering both entrance/exit gates, may meet the minimum requirements for screening. Staff acknowledges that there is another tow lot existing with substantially sturdier screening. Staff also acknowledges that this business didn’t have the current screening in place when they initially began operating their SUP. Staff’s opinion is that the base minimum screening is acceptable, once repaired and extended to cover the entrance/exit gates, but as the business grows sturdier and more permanent means of screening should be installed.

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#### STAFF RECOMMENDATION

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Staff recommends approval of the requested special use permit with the following conditions:

1. The applicant shall make necessary repairs/replacement of screening materials as needed and add as appropriate at the entrance/exit gates.
2. The applicant shall upgrade their screening to vinyl fencing with stone pillars within three (3) years.

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#### ATTACHMENTS

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Application  
Zoning Map  
Aerial Map

**STAFF CONTACT:**  
Christina Stanton



## REZONING AND SPECIAL USE PERMIT APPLICATION

### Application Type

☐ Rezoning (Fee \$250+\$5 per lot) ☒ Special use Permit (Fee \$ 250)

### Applicant and Property Owner Information

Applicant (Print): \_\_\_\_\_ Signature: SL BT

Company Name: GT Tow

Street Address: 400 Cedar St City: Harrisonville State: MO Zip: 64701

Telephone: 816 322-8697 Email: Shaun.GT Tow@yahoo.com

### Property Owner Authorization (all owners listed on title report must sign or submit signed authorizations and contact info)

Property Owner Name (print): Bill Shelton Signature(s): Bill Shelton

Street Address: 1201 N Independence City: Harrisonville State: MO Zip: 64701

Telephone: 816 365-5535 Email: Willy BZ@Iceland.com

### Firm Preparing Application:

Contact: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

\* All correspondence should be sent to (check one): Applicant \_\_\_\_\_ Property Owner \_\_\_\_\_ Firm \_\_\_\_\_

### Project Information

General Location or Address: \_\_\_\_\_

Project Description: \_\_\_\_\_

\_\_\_\_\_ Acres or Sq. Ft. \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

### Items to be Submitted 30 Days Before Planning Commission Meeting

- \_\_\_ 1) Application
- \_\_\_ 2) Filing fee - Payable to City of Harrisonville or contact Planning Commission Secretary to pay by phone.
- \_\_\_ 3) Site Plan drawn to scale and showing adjacent tracts within 185 ft. and current ownership. Seven (7) copies at least 8 1/2" x 11", and one (1) electronic copy emailed to city planner.
- \_\_\_ 4) Email full legal description in WORD to planner (not assessor's abbreviated description).

*City staff may modify submittal requirements as necessary.*

### Resources

City Website <http://www.harrisonville.com/>  
 Zoning Map <http://www.harrisonville.com/DocumentCenter/View/9508/Zoning-Final-Draft?bidId=>  
 Zoning Regulations <https://www.ecode360.com/27908265>  
 Subdivision Regulations <https://www.ecode360.com/27909481>  
 Cass County GIS Map <https://cassgis.integritygis.com/h5/index.html?viewer=cass>

### For Office Use Only

Case No.: SUP 22-030 Filing Fee: Amount Paid: \$ 250.00 Date Application Received: 8/17/22  
 Planning & Zoning Commission Meeting Date: Sept. 15, 2022 BOA Meeting Date: Sept. 19, 2022





Attachment: GTP&ZPacket (GT Tow Lot SUP)







Attachment: GTP&ZPacket (GT Tow Lot SUP)



Attachment: GTP&ZPacket (GT Tow Lot SUP)



Attachment: GTP&ZPacket (GT Tow Lot SUP)



Attachment: GTP&ZPacket (GT Tow Lot SUP)

2003



Attachment: GTP&ZPacket (GT Tow Lot SUP)

2006



Attachment: GTP&ZPacket (GT Tow Lot SUP)

2008



Attachment: GTP&ZPacket (GT Tow Lot SUP)

2010



Attachment: GTP&ZPacket (GT Tow Lot SUP)

2011



Attachment: GTP&ZPacket (GT Tow Lot SUP)

2012



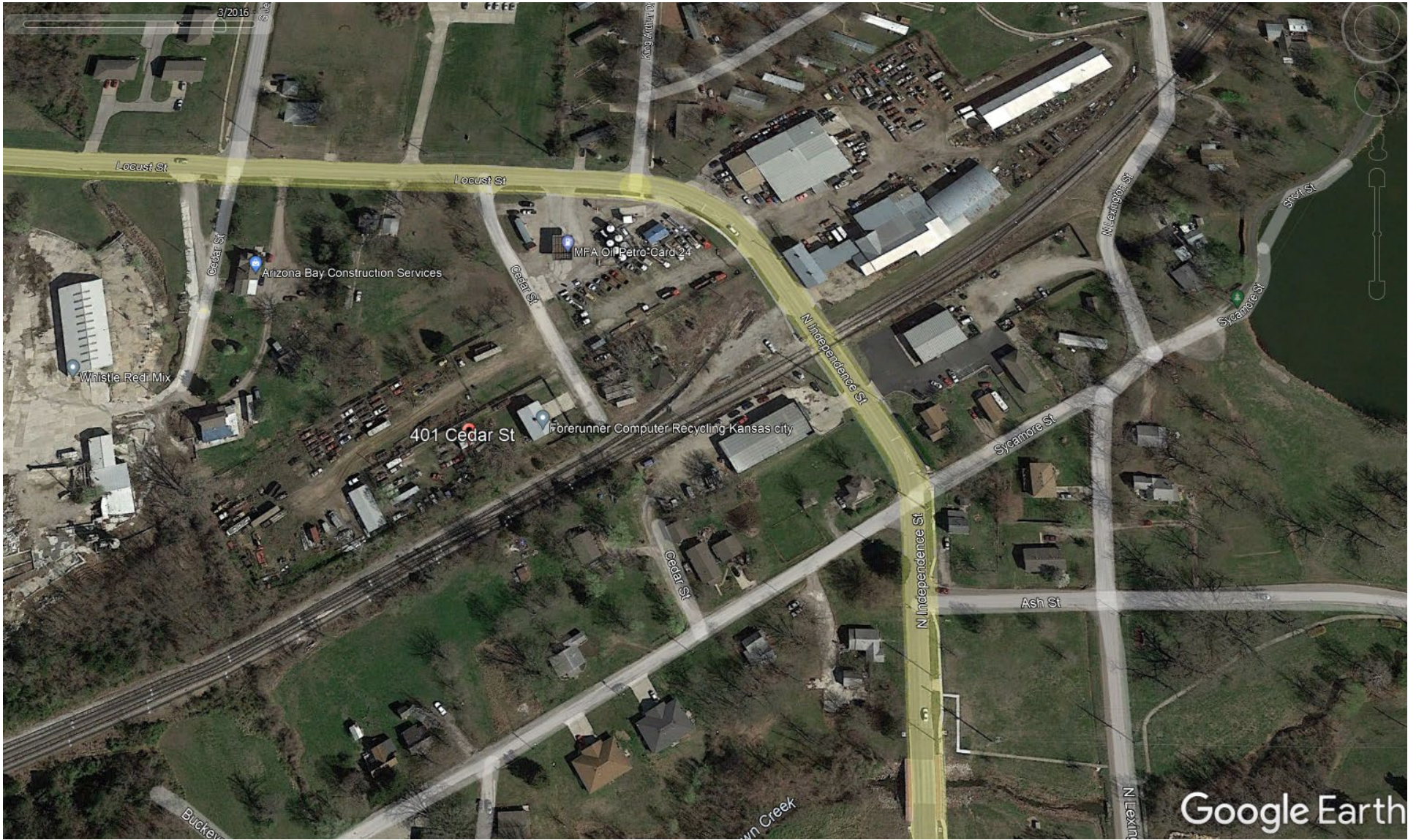
Attachment: GTP&ZPacket (GT Tow Lot SUP)

2013



Attachment: GTP&ZPacket (GT Tow Lot SUP)

2015



Attachment: GTP&ZPacket (GT Tow Lot SUP)

2016



Attachment: GTP&ZPacket (GT Tow Lot SUP)

2017



Historical imagery from 1985.

2018

Attachment: GTP&ZPacket (GT Tow Lot SUP)

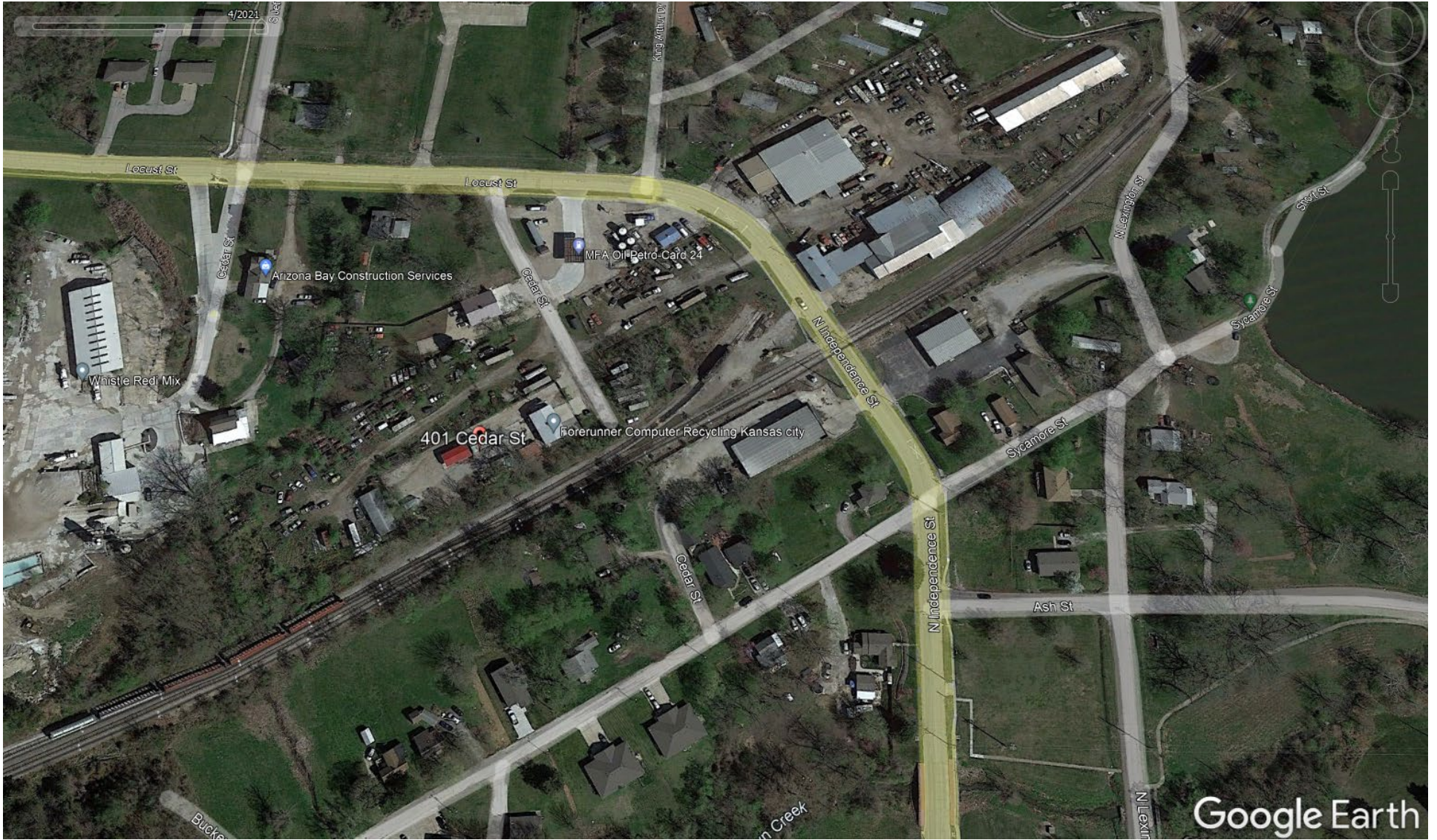


Attachment: GTP&ZPacket (GT Tow Lot SUP)



Attachment: GTP&ZPacket (GT Tow Lot SUP)

2020



Attachment: GTP&ZPacket (GT Tow Lot SUP)

2021

Photos of another tow lot:



Attachment: GTP&ZPacket (GT Tow Lot SUP)



Attachment: GTP&ZPacket (GT Tow Lot SUP)



Attachment: GTP&ZPacket (GT Tow Lot SUP)



Attachment: GTP&ZPacket (GT Tow Lot SUP)

# GT Tow Lot Special Use Permit (SUP)

3.B.a



Attachment: GTP&ZPacket (GT Tow Lot SUP)

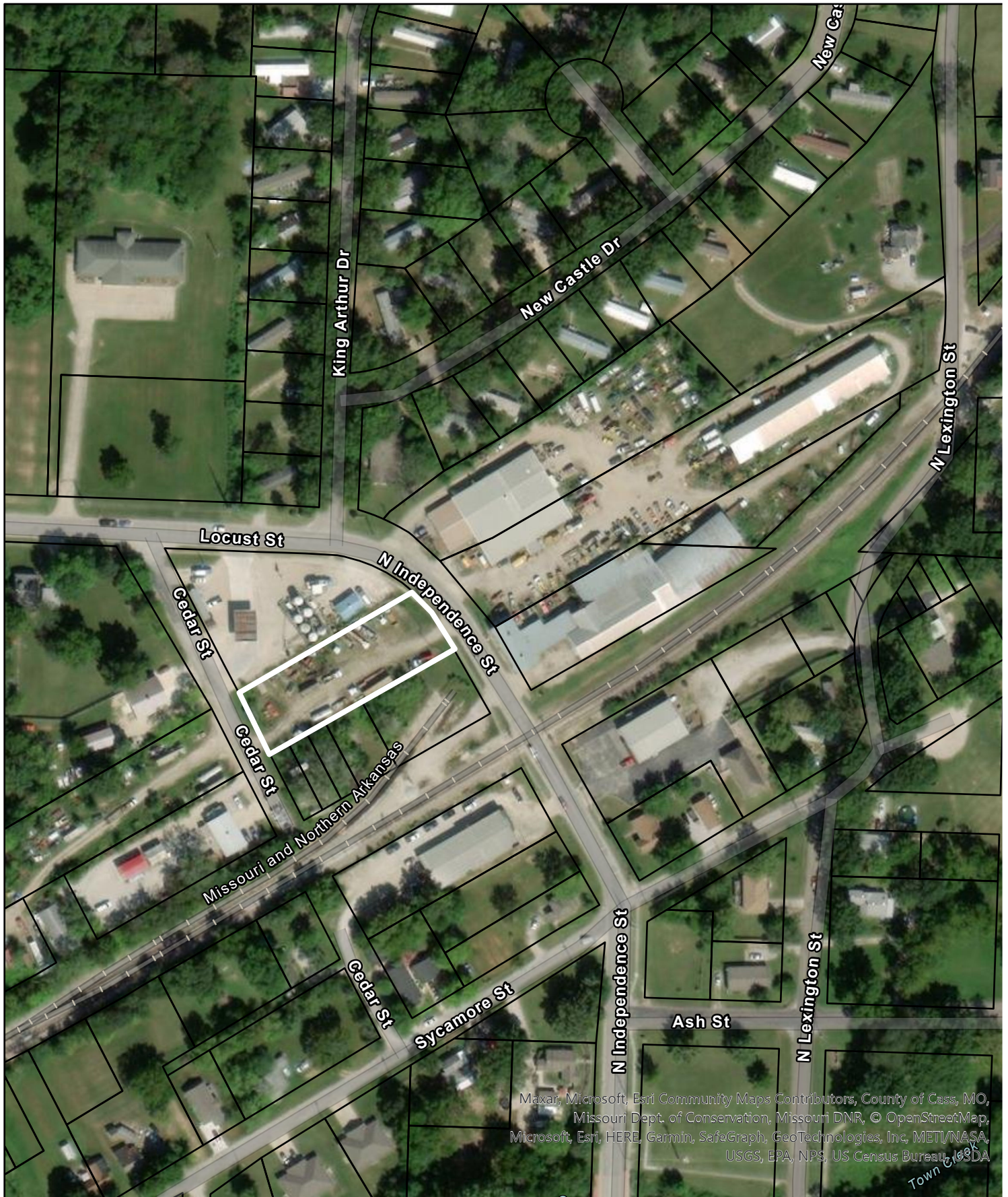
0 0.02 0.04 0.07 Miles

N

Packet Pg. 37

# GT Tow Lot Special Use Permit (SUP)

3.B.a



Attachment: GTP&ZPacket (GT Tow Lot SUP)

0 0.02 0.04 0.07 Miles

N

Packet Pg. 38



## STAFF REPORT

**TO:** Planning & Zoning Commission  
**FROM:** Christina Stanton,  
**DATE:** September 8, 2022  
**SUBJECT:** PUBLIC HEARING - Code Updates

**Type of Item:** *Public Hearing*

- C. Action Item (ID # 4305)**  
PUBLIC HEARING - Code Updates



**TO:** Planning & Zoning Commission  
**FROM:** Christina Stanton,  
**DATE:** September 6, 2022  
**SUBJECT:** Code Updates

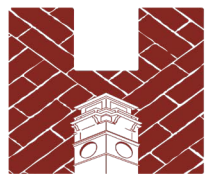
**Type of Item:** *Public Hearing*

**D. Action Item (ID # 4301)**

Code Updates

Attachments:

CodeUpdatesPacket9-15-2022 (PDF)



**To:** Planning and Zoning Commission

**From:** Christina Stanton, AICP, Community Development Director

**Date:** September 15, 2022

**Re:** Code Updates—Residential in CBD-2 (Section 405.295) and Parking in CBD-2 (Section 405.310), Accessory Buildings (Section 405.550.D) and Adding “Accessory Dwelling Unit (ADU)” to Definitions (Section 405.030.B), Adding “Adjacent Lots” to Definitions (Section 410.160), Anti-monotony (Section 410.385), Landscaping and Screening (Section 405.570), and Zoning Districts for Areas Annexed by the City (Section 405.080)

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#### GENERAL INFORMATION

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**Applicant:** N/A

**Requested Actions:** Consideration of proposed changes to Residential in CBD-2 and Parking in CBD-2; To Section 405.550 Accessory Uses, Subpart D Detached Accessory Buildings and Adding “Accessory Dwelling Unit (ADU)” to Definitions (Section 405.030.B); Adding “Adjacent Lots” to Definitions (Section 410.160); Consideration of Proposed Anti-Monotony Ordinance; Elimination of exemption for landscape plan requirement for CBD-2 and C-2 (Section 405.570); and Corrections to Zoning Districts for Areas Annexed by the City (Section 405.080)

**Date of Application:** N/A

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#### PROPOSAL

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Changes to existing Zoning Ordinance in the following ways and Sections:

- Eliminating Density Requirements for Residential in CBD-2 (Section 405.295) and Parking in CBD-2 (Section 405.310);
- Section 405.550 Accessory Uses, Subpart D Detached Accessory Buildings;
- Adding “Accessory Dwelling Unit (ADU)” to Section 405.030.B Definitions and Rules of Construction;
- Adding “Adjacent Lots” definition to Section 410.160 Definitions;
- Adopting an Ordinance for Anti-monotony regulations in subdivisions;
- Eliminating landscape plan exemptions for Districts CBD-2 and C-2 in Section 405.570; and
- Corrections to Section 405.080, Zoning Districts for Areas Annexed by the City.

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#### PREVIOUS ACTIONS

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- July 18, 2022—The Board of Aldermen discussed Anti-monotony, Accessory Buildings and Accessory Dwelling Units and Residential in CBD-2 at a work session.
- July 21, 2022—The Planning & Zoning Commission was scheduled to hear these code updates as part of a public hearing. The required notices were posted; however, it was observed at the meeting that the agenda did not state “public hearing”.
- August 1, 2022—The Board of Aldermen discussed Trash—Sections 240.210 and 405.570 at a work session.

- **August 15, 2022**—The Board of Aldermen discussed Trash, as it relates to multi-family disposal options—Section 240.210 at a regular session.
- **August 18, 2022**—The Planning & Zoning Commission held a public hearing on Anti-monotony, Accessory Buildings and Accessory Dwelling Units and Residential in CBD-2. The Planning & Zoning Commission asked staff to bring this back at their next meeting for additional discussion.

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## KEY ISSUES

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- **Section 405.295 Permitted Uses**, currently limits the residential density in the CBD-2 Zoning District to 4.5 units per acre. The recently adopted 2040 Comprehensive Plan supports increased residential density in the downtown area.
- **Section 405.550 Accessory Uses, Subpart D Detached Accessory Buildings**, does not limit the number or style of accessory buildings allowed on residential lots or ensure cohesion of building styles and colors on individual lots. Nor does it currently allow for Accessory Dwelling Units (ADUs). The 2040 Comprehensive Plan supports a variety of housing types.
- **Add “Accessory Dwelling Unit (ADU)” definition to Section 405.030.B Definitions and Rules of Construction.**
- **Anti-monotony ordinance** to negate “cookie cutter” development and encourage variety.
- **Add “Adjacent Lots” definition to Section 410.160 Definitions.**
- **Remove exemption of CBD-2 and C-2** from being required to provide a landscape plan and appropriate screening when being developed; and mirror changes being made to Section 240.050 pertaining to screening of trash enclosures.
- **Currently, under Section 405.080** any area that is annexed is rezoned to the Agriculture (A) District. If property is already developed or less than 5 acres in size this may not make sense.

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## STAFF COMMENTS AND SUGGESTIONS

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- **Modify Section 405.295, Permitted Uses**, by removing the last sentence of Section 405.295.A.3 and adding #4 to provide clarification.
- **Modify Section 405.550, Subpart D** to limit number of accessory buildings depending on zoning district and ensure all new accessory buildings complement the primary building in style and color.
- **Add “Accessory Dwelling Unit (ADU)” definition to Section 405.030.B Definitions and Rules of Construction.**
- **Add language** to allow for one detached accessory building to be an Accessory Dwelling Unit (ADU) depending upon zoning district and if it is on the same lot as a detached single-family home.
- **Adopt Anti-monotony ordinance** that will encourage higher-quality development and variety.
- **Add “Adjacent Lots” definition to Section 410.160 Definitions.**
- **Remove exemption of CBD-2 and C-2** from being required to provide a landscape plan and appropriate screening when being developed; and mirror changes being made to Section 240.050 pertaining to screening of trash enclosures.
- **Currently, under Section 405.080** any area that is annexed is rezoned to the Agriculture (A) District. If property is already developed or less than 5 acres in size this may not make sense.

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## STAFF RECOMMENDATION

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### Staff recommends:

1. **Modification to Section 405.295 Permitted Uses**, see attached summary.
2. **Modifications to Section 405.550 Accessory Uses, Subpart D Detached Accessory Buildings**, see attached summary.
3. **Addition of Anti-Monotony Construction Standards for One- and Two- Family Dwelling Units ordinance.**
4. **Addition of “Adjacent Lots” definition to Section 410.160 Definitions.**
5. **Modifications to Section 405.570 Landscaping and Screening**, see attached summary.

6. **Modifications to Section 405.080 Zoning Districts for Areas Annexed by the City, see attached summary.**

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## **ATTACHMENTS**

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1. **Staff Commentary and Proposed Ordinance Modifications for Sections 405.295 and 405.310**
2. **Staff Commentary and Proposed Ordinance Modifications for Sections 405.550.D and 405.030.B**
3. **Staff Commentary and Proposed Ordinance Modifications for Section 410.160 and Creation of Section 410.385**
4. **Staff Commentary and Proposed Ordinance Modifications for Section 405.570**
5. **Staff Commentary and Proposed Ordinance Modifications for Section 405.080**

**STAFF CONTACT:**   Christina Stanton—Director of Community Development  
                             Chris Arthur – Building Official  
                             Katie Phelps – Code Enforcement Officer

Staff commentary: Staff would like to remove the current density requirements for residential uses in the CBD-2 zoning district. The current 4.5 units per acre restriction has proven to be problematic for some development parcels. The fraction nature of the current limit's equation is somewhat ridiculous, when was the last time you saw a half house or a half apartment. The ordinance was just not thought out very well. Our new Comprehensive Growth Plan supports letting market conditions and developer financial feasibility dictate the density of development in a zoning district such as this one.

The City's Comprehensive Growth Plan consultants also highly recommend doing away with this density restriction.

A recent example of development planning which had a problem with this density rule: 0.821 acres, CBD-2 district. Very nice parcel for much needed residential housing such as duplex, triplex, or apartment units. 198 ft x 181 ft lot. No matter how you do the math you'll end up with fraction dwelling unit numbers (for example  $4.5 \times 82\% = 3.69$  dwelling units). Logic tells you to round up or down. Which one to apply consistently and fairly? Should this always be a staff interpreted decision?

Obviously, the above parcel shows the problems with a density requirement written in this fashion. Both Staff and our CGP consultants are in favor of deleting any density restriction for this CBD-2 Zoning District.

Staff would also like to recommend a change to the Parking Regulations section of this zoning district. Staff recommends changing the parking requirements for residential dwelling unit to be based on the number of bedrooms instead of 2 off street spaces per unit to a requirement for 1 off street space per unit bedroom. This would allow for a studio or a 1-bedroom unit to only be required to provide 1 parking space, 2 bedrooms dwelling unit to provide 2 off street spaces, etc. Staff feels this would be more in keeping with the density changes recommended and would be more feasible for developers, of course developers would have the choice to provide more off-street parking spaces per bedroom, but would do so, at their own discretion and interpretation of market demands.

#### Chapter 405. Zoning Regulations

#### ARTICLE XIV. "CBD-2" Downtown Fringe Business District

#### Section 405.295. Permitted Uses.

[Ord. No. 1825, 5-13-1991]

#### A.

In District "CBD-2", no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one (1) or more of the following uses:

#### 1.

Any use permitted in "CBD-1".

#### 2.

Shops and stores for sale at retail or wholesale of department store merchandise, furniture and appliances, automobile supplies, motorcycles, petroleum products (dispensing of petroleum products or bulk plants not permitted).

3.

Services such as clubs, dry cleaning and laundries, appliance and small equipment repair, printing and publishing, custom maintenance, on-site handcrafting, delivery services, radio and television broadcasting studios, public or private entertainment and recreation, charity and welfare. ~~Residential units not to exceed four and one-half (4.5) units per acre.~~

4.

Residential Dwelling units as defined as a Dwelling and further defined as a Dwelling unit, including Single Family, Duplex, and Multiple Family dwellings, in Chapter 405 Article I Section 405.030 B.

#### Section 405.300. Performance Standards.

[Ord. No. 1825, 5-13-1991]

A.

No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

B.

Other merchandise which may appropriately displayed or stored outside a building shall be kept off the public sidewalks and streets, shall not reduce the capacity of a parking lot below that required by this Chapter and shall not occupy an area greater than twenty percent (20%) of the ground floor area of the building.

C.

No wholesale sales shall be conducted.

D.

Alcoholic beverages may be sold for consumption in conjunction with eating establishments.

E.

Assembly of products to be sold only for retail on the premises.

#### Section 405.305. Height and Area Regulations.

[Ord. No. 1825, 5-13-1991]

A.

In District "CBD-1", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows:

1.

*Height.* Buildings or structures shall not exceed three (3) stories in height, except that in a District "CBDP-1" buildings and structures shall not exceed twelve (12) stories in height.

2.

*Front yards.* No front yard is required.

3.

*Side yards.* No side yard is required except that where a side line of a lot in this district abuts the side line of a lot in a District "R-1" to "C-O" inclusive, a side yard shall then be provided the same as required in the district it abuts.

4.

*Rear yards.* No rear yard is required except that where a rear line of a lot in this district abuts upon land in a District "R-1" to "C-O" inclusive, a rear yard of not less than twenty-five (25) feet shall then be provided in this district.

#### Section 405.310. Parking Regulations.

[Ord. No. 1825, 5-13-1991]

No off-street parking is required in this district, except that ~~residences shall provide at least two (2) off-street parking spaces per unit.~~ residential dwelling units shall provide 1 off street space per unit bedroom.

Commentary below in **GREEN**  
Ordinance change below in **RED**

Staff commentary: Municipal Code 405.550 Section D pertains to the allowance of Detached Accessory Buildings in residential zoning districts. As the regulations are written they do not limit the number of accessory buildings or indicate the style to which they are to be built. 35% of total lot area can be covered with primary and accessory building footprints. This is difficult to figure for the property owner. There is also no differential between single family and multi-family residences. This has led to R-1, R-2, R-1B, R-1M, and R-2B lots to now have multiple accessory buildings in multiple styles and/or colors, causing a sense of overcrowding in certain areas. The change proposed will limit the number of accessory buildings allowed, ease enforcement, and provide a more harmonious aesthetic to neighborhoods.

Additionally, staff is proposing allowing for the possibility of one of the two allowed detached accessory buildings to be an Accessory Dwelling Unit (ADU) to “ensure alignment with planning policies and housing types” and “expand” the types of housing allowed as recommended in the recently adopted 2040 Comprehensive Plan.

## Section 405.550 **Accessory Uses.**

[Ord. No. 1825, 5-13-1991; Ord. No. 2504 §1, 6-8-1998; Ord. No. 3038 §3, 6-2-2008; Ord. No. 3107 §§8 — 9, 10-19-2009; Ord. No. 3166 §1, 6-20-2011]

### **D. *Detached Accessory Building(s).***

[Ord. No. 3451, 11-5-2018]

#### **1.**

For any "R-1," "**R-1B,**" "R-1M," "R-2," or "**R-2B,**" ~~"R-3," or "R-4,"~~ zoned lot, **two (2) one (1) or more** detached Accessory Building(s) may be permitted, **one may be an Accessory Dwelling Unit.** For any "R-3," or "R-4," zoned lot, **one (1) or more detached Accessory Buildings may be permitted.** Accessory Structures **are permitted** as long as said structure complies with the standards outlined within the Zoning Code of Ordinances for the City of Harrisonville ("Code"), as enacted from time to time. ~~All Accessory Buildings shall be located in the Rear Yard only.~~ A detached Accessory Building shall be located not less than eight (8) feet from any Side or Rear Lot Line **and no closer to the front of the building than eight (8) feet.** Accessory Buildings required to be supported by a concrete foundation shall not be located within a dedicated Easement of any kind. **The**

accessory building shall be complementary with style and color of the primary structure. In the case of Corner Lots, Accessory Buildings shall set back not less than the distance required for residences from side streets. Lot coverage for the house and any accessory structures shall not exceed 25%, this does not apply to R-3 and R-4 which shall remain at 35%. All accessory structures are to be approved by the Director of Community Development, or the Housing and Zoning Specialist. Any appeals shall be directed to the Board of Aldermen and that action shall be final.

## 2.

For any "C-1," "CBD-1," "C-2," and "CBD-2" zoned lot, one (1) detached accessory building not to exceed two hundred (200) square feet may be permitted in the side or rear yard providing it is set back not less than eight (8) feet from any side or rear lot line and no closer to the front of the building than eight (8) feet. ~~adheres to existing set back requirements for accessory buildings and is effectively screened so as not to be visible from any public street or residential district.~~ Any existing or future accessory building, whether for storage or for sale, on any property of which any portion of the property is in the flood zone, will require a building permit and must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to property or public facilities; elevation of flood waters; or create a hazardous condition to any person or property.

### Section 405.030.B Definitions and Rules of Construction

#### Accessory Dwelling Unit (ADU)

A smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs). The unit shall contain a separate entrance, kitchen, sleeping area, and a full bathroom.

### Article IV—District “A” Agriculture District

#### Section 405.110 **Permitted Uses.**

[Ord. No. 1825, 5-13-1991]

Article V—District “E” Estate District

Section 405.125 **Permitted Uses.**

[Ord. No. 1825, 5-13-1991]

Article VI—District “R-1” Single-Family Residential District

Section 405.135 **Permitted Uses.**

[Ord. No. 1825, 5-13-1991]

Section 405.147 **District "R-1B" Near Downtown Single-Family Neighborhood District.**

[Ord. No. 3341 §2, 11-2-2015]

Subpart B. Permitted Uses.

Article VII—District “R-2” Two-Family Residential District

Section 405.165 **Permitted Uses.**

[Ord. No. 1825, 5-13-1991]

Section 405.177 **District "R-2B" Near Downtown Two-Family Neighborhood District.**

[Ord. No. 3341 §3, 11-2-2015]

Subpart B. Permitted Uses.

**Accessory Dwelling Unit (ADU) as defined by this Chapter provided that all required setbacks and Building Codes are met.**



Source: ABCs of ADUs (AARP via American Planning Association website)

| CITY          | # ACCESSORY STRUCTURES ALLOWED | DESIGN GUIDELINES |
|---------------|--------------------------------|-------------------|
| GRANDVIEW     | 1 STRUCTURE ALLOWED            | YES               |
| BELTON        | 25% OF LOT AREA                | NO                |
| PLEASANT HILL | 2 STRUCTURES ALLOWED           | NO                |
| PECULIAR      | 1 STRUCTURE ALLOWED            | YES               |
| RAYMORE       | 8 % OF LOT AREA                | NO                |
| WARRENSBURG   | 1 STRUCTURE ALLOWED            | YES               |
| BUTLER        | 30% OF REAR YARD               | NO                |
| KCMO          | 40 % OF REAR YARD              | NO                |
| WYCO KCK      | 2 STRUCTURES ALLOWED           | YES               |
| OVERLAND PARK | 2 STRUCTURES ALLOWED           | YES               |
| RAYTOWN       | 30% OF LOT AREA                | NO                |
| GLADSTONE     | 1 STRUCTURE ALLOWED            | YES               |
| INDEPENDENCE  | 15% REAR YARD                  | YES               |
| LEES SUMMIT   | 1 STRUCTURE ALLOWED            | YES               |
| BLUE SPRINGS  | 10% OF LOT AREA                | NO                |
| HARRISONVILLE | 35% OF LOT AREA                | NO                |

50% LIMIT # TO 1 OR 2 STRUCTURES

50% YES

| City          | ADU Allowed? Y/N |
|---------------|------------------|
| Belton        | Yes              |
| Blue Springs  | Yes              |
| Butler        | No               |
| Gladstone     | Yes              |
| Grandview     | Yes              |
| Harrisonville | No               |
| Independence  | No               |
| KCMO          | Yes              |
| Lee's Summit  | Yes              |
| Overland Park | No               |
| Peculiar      | Yes              |
| Pleasant Hill | Yes              |
| Raymore       | Yes              |
| Raytown       | No               |
| Warrensburg   | No               |
| WYCO KCK      | No               |

**% Yes: 56.25%**

Commentary below in **GREEN**  
Ordinance change below in **RED**

Staff Commentary: With the addition and sale of new subdivisions within the City of Harrisonville the adoption of an anti-monotony ordinance is necessary. Many of the lots in these subdivisions are owned by the same entity, who will find it easier and less expensive to “stamp out” “cookie cutter” designs with the same materials. This causes issues with emergency services responding in the quickest manner possible as it makes it hard for them to differentiate properties. It also diminishes property values as “cookie cutter” communities have a history of becoming blighted neighborhoods in many areas.

Anti-monotony ordinances preserve the sense of small-scale, residential communities, encourage greater variety in housing types, development, styles, site planning, and density mixes. This provides more diversity and visual interest in the subdivision, while preserving the single-family residential character. It will encourage development of a high-quality living environment and generate civic pride.

## Section 410.160 Definitions

### Adjacent Lots

Lots which adjoin or share side property lines or facing properties across the street.

## Section 410.385 Anti-monotony Construction Standards for One- and Two-Family Dwelling Units

A. No two adjacent one- or two-family dwellings of similar front elevation or façade shall be constructed or located on adjacent lots

(1) Identical masonry or exterior colors may not occur on adjacent properties along any block face without at least five (5) intervening homes of differing materials on the same side of the street beginning with the adjacent property and six (6) intervening homes of differing materials on the opposite side of the street.

(2) Front building elevations shall not repeat along any block face without at least five (5) intervening homes of differing appearance on the same side of the street and six (6) intervening homes of differing appearance on the opposite side of the street. The rear elevation of homes backing to public way shall not repeat without at least five (5) intervening homes of differing appearance.

(3) Homes are considered to have a differing appearance if the following items deviate:

(a) Roof Layout }  
(b) Roof Lines } CHOOSE ONE

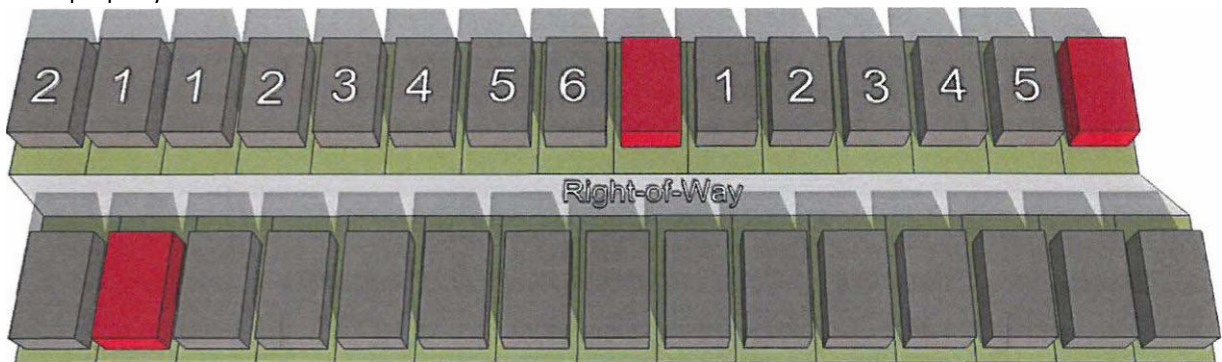
(c) Differentiation of the Front Façade Windows }  
(d) Differentiation of the Front Façade Doors } CHOOSE ONE

- (e) Differentiation of Front Façade Garage Doors (MANDATORY)
- (f) Differentiation of masonry and color (MANDATORY)

Illustration 1: Properties line up on the opposite side of the street. Where RED is the subject property.



Illustration 2: Properties do not line up on opposite side of the street. Where RED is the subject property



## CITY      Anti-Monotony Design Guidelines

|               |     |                |
|---------------|-----|----------------|
| GRANDVIEW     | YES |                |
| BELTON        | YES |                |
| PLEASANT HILL | YES |                |
| PECULIAR      | YES |                |
| RAYMORE       | NO  | <b>73% YES</b> |
| WARRENSBURG   | NO  |                |
| KCMO          | YES |                |
| WYCO KCK      | YES |                |
| OVERLAND PARK | YES |                |
| RAYTOWN       | YES |                |
| GLADSTONE     | NO  |                |
| INDEPENDENCE  | YES |                |
| LEES SUMMIT   | YES |                |
| BLUE SPRINGS  | YES |                |
| HARRISONVILLE | NO  |                |



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**Commentary below in GREEN**  
**Ordinance change below in RED**

Similar, and in concert, with the changes to Section 240.050 regarding the garbage/trash enclosure requirements, Section 405.570 needs to be changed to reflect those same requirements and we would also like to remove the exemption for landscaping requirements for zoning districts CBD-2 and C-2. In the last 5 ½ years we have not had a development application for C-2 district development which has not included a landscaping plan. Developers and designers expect to be required to provide some landscaping in any commercial district and have always been surprised Harrisonville did not require this in the CBD-2 or C-2 districts

#### Section 405.570 Landscaping and Screening

[Ord. No. 1825, 5-13-1991]

##### A.

All plans submitted in support of a building permit application, except for single-family and two-family dwellings and excluding buildings in Districts "CBD-1", ~~"CBD-2" and "C-2"~~, shall hereafter include a landscape plan and include screening where appropriate. Districts "R-4", "C-O", "C-1", "C-2", "M-1" and "M-2" shall provide proper screening when abutting Districts "E", "R-1", "R-1M", "R-2" and "R-3". Screening shall consist of screening fences, natural screening (earthen berms, shrubs, trees, bushes, etc.) or a combination of screening methods. The screening shall be constructed in such a manner that will protect the visual integrity, sound integrity and overall quality of the adjoining residential areas. All land areas which are to be unpaved or not covered by buildings shall be brought to finished grade, planted to grass or other ground cover and receive trees and shrubs in reasonable quantity and size except that where a planting area between paved areas is six (6) feet or less in width, ornamental rock or other similar ground cover may be permitted by the City Administrator. That area between the curb of the public street and the property line shall likewise be brought to finish grade and grass and shade trees installed. In no case may this area be paved or covered with materials other than grass except at approved driveways which shall be paved.

##### 1.

*Purpose.*

##### a.

The purpose of such landscaping is to provide greenery to visually soften paved areas and buildings, provide shade, give maximum absorption of surface water and generally enhance the quality and appearance over the entire area of the project.

##### b.

Shade trees shall be planted on all projects and shall include such species as ash, sycamore, maple, oak or comparable trees suitable to the growing environment which prevails. Shade trees shall be of two (2) to two and one-half (2½) inch trunk diameter or greater, measured one (1) foot above the ground.

2.

*Trash enclosures required.*

a.

All, **new or substantially remodeled**, multi-family residential projects, **defined as any dwelling unit building with more than 2 dwelling units**, and **all non-residential commercial, office, and industrial** projects shall include, on the landscape plan, a detailed drawing of enclosure and screening methods to be used in connection with **trash bins all garbage/trash receptacles, garbage collection areas, grease collectors, and trash compactors** on the property. No **trash bin garbage/trash receptacles, garbage collection areas, grease collectors, and trash compactors** shall be visible from off the property and a permanent masonry or frame enclosure shall be provided **for each such bin garbage/trash receptacles, garbage collection areas, grease collectors, and trash compactors**. For the purpose of this subsection, substantially remodeled shall be defined as any project remodeling in which the valuation of the work involved is equal to or more than 30% of the current year's market value of the building per the county assessor's office listing. For all remodeled projects which do not meet the threshold of 30% per the above, these properties shall be required to comply with the requirements of Section 240.050 (G) (2) of the Municipal Code regarding installation of enclosures.

All garbage/trash receptacles, garbage collection areas, grease collectors, and trash compactors for all residential dwelling unit properties except single family and duplex properties and all nonresidential uses must be permanently screened from view on all sides by a fence of 100 percent opacity and a minimum height of six feet.

Where commercial trash receptacles are used, such receptacles must be screened as follows: All screens for trash receptacles that are part of new construction projects must match the primary color and material of the structure served.

Doors accessing storage areas must remain closed at all times when not being accessed.

b.

Existing trash receptacles of any size, visible from a public thoroughfare must be screened from view of the public way or thoroughfare in compliance with Municipal Code Section 240.050. The screen is to be a wall, solid fence, or natural barrier of six (6) feet in height, on any side of the collection area which may be visible from a public way or thoroughfare adjacent to the collection area.

Chain link and slat screening is only allowed in M-1 and M-2 zoning. The screen must be opaque.

c.

No trash receptacle may be located in a front or side yard unless located in an existing enclosure or if the existing developed site does not afford any other option; in such a case, the trash receptacle should be located in the side yard if possible and must comply with the screening requirements of this section.

The Board of Alderman will have the authority to grant an administrative variance where it is demonstrated that screening is impossible. After a request in writing for such relief, the Board of Alderman will notify the applicant of the determination in writing within 30 days.

The wall, fence, or natural barrier shall be maintained in a neat, clean, sanitary, and proper mechanical condition at all times. Such maintenance shall include but is not limited to: replacing or repairing any missing or damaged boards, posts, concrete blocks or hinges, painted or stained wooden, metal, or concrete, and screening shall be maintained in a well-painted and stained condition, and removing and replacing any dead or diseased portions of a natural barrier.

The City may require specific maintenance if necessary to eliminate an unsightly or dangerous condition.

Temporary trash receptacles for special events, construction sites, parcel demolition or clean up, and similar, at the discretion of the Building Official or Code Enforcement Officer, are not required to comply with this section.

**3.**

*Landscaping and screening.*

**a.**

All landscaping and screening shall be in place prior to issuance of final occupancy permit. All plant materials and screen fences shall be maintained, kept in a healthy and attractive state and dead plants replaced promptly. Lack of such maintenance and replacement shall be deemed a violation of plans approved pursuant to this Chapter.

**b.**

All landscape plans shall be submitted to the City Administrator for review and approval as to adequacy prior to the issuance of a building or land use permit. In case of disapproval of a permit for reasons of unacceptable landscape planning, the applicant may appeal the decision to the Planning and Zoning Commission for review and final decision

|    | A                    | B                                                      |
|----|----------------------|--------------------------------------------------------|
| 1  |                      |                                                        |
| 2  | <b>CITY</b>          | <b>COMMERCIAL DUMPSTER SCREEN (PUBLIC VIEW)</b>        |
| 3  | PECULIAR             | NEW = YES, RETROACTIVE = NO                            |
| 4  | RAYMORE              | NEW = YES, RETROACTIVE = NO                            |
| 5  | BELTON               | NEW = YES, RETROACTIVE = YES                           |
| 6  | GRANDVIEW            | NEW = YES, RETROACTIVE = YES                           |
| 7  | PLEASANT HILL        | NEW = YES, RETROACTIVE = YES                           |
| 8  | LEE'S SUMMIT         | NEW = YES, RETROACTIVE = YES FOR SOME BUILDING PERMITS |
| 9  | BLUE SPRINGS         | NEW = YES, RETROACTIVE = YES                           |
| 10 | INDEPENDENCE         | NEW = YES, RETROACTIVE = YES FOR SOME BUILDING PERMITS |
| 11 | KC MO                | NEW = YES, RETROACTIVE = YES FOR SOME BUILDING PERMITS |
| 12 | KC KS/WYD COUNTY     | NEW = YES, RETROACTIVE = YES FOR SOME BUILDING PERMITS |
| 13 | GLADSTONE            | NEW = YES, RETROACTIVE = YES                           |
| 14 | NORTH KC             | NEW = YES, RETROACTIVE = YES                           |
| 15 | RAYTOWN              | NEW = YES, RETROACTIVE = ANY BLDG PERMIT.              |
| 16 | OP/JOCO              | NEW = YES, RETROACTIVE = YES                           |
| 17 | <b>HARRISONVILLE</b> | <b>NEW = YES, RETROACTIVE = NO.</b>                    |



# THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

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Commentary below in GREEN

Ordinance change below in RED

Under the current Section 405.080 any area that is annexed into the City is rezoned to the Agriculture (A) District. This only makes sense if the property hasn't been previously developed, is 5 acres or more, and is planned to stay Agriculture (A) land. It makes more sense to zone the property the underlying, or neighboring equivalent, district at the time of annexation. Circumstances may well require the subject land, property, or area go through the standard zoning classification change process if spot zoning or non-conforming uses would be created by the annexation. The main goal here is to avoid a past City mistake of actually creating, through annexation, both non-legal and non-conforming zoning classifications of use on parcels and properties.

## Section 405.080 Zoning Districts For Areas Annexed By The City.

[Ord. No. 1825, 5-13-1991]

Upon annexation of an area **and/or property** by the City, ~~after January 1, 1996,~~ all such areas **and/or properties** shall be **automatically zoned to have the underlying, or neighboring parcels, equivalent zoning classification; or a zoning classification the property's current use would indicate.** If either of these remedies would serve to create a non-conforming use or any type of spot zoning, then the property shall be annexed in as a legal non-conforming property and subject to the requirements of Section 405.050 of the Municipal Code regarding Non-Conforming Buildings, Structures and Uses, and as either Agriculture (A), if 5 acres or more, or as the underlying area zoning classification and with the stipulation that the property undergo the standard procedure **for rezoning.** ~~designated "District "A", Agricultural District" and thereafter the use of all property in such annexed area shall be governed in accordance therewith.~~ **All zoning classifications assigned at the time of annexation, or approved through the rezoning process, shall also be in concert with the City's currently adopted Comprehensive Growth Plan.**

**In the event, the BOA or the owners of said land desire a different zoning classification for such annexed land, then such change shall be first submitted to the Planning and Zoning Commission for its recommendation prior to the BOA's action on such zoning classification change.**