



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

**AGENDA
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
JULY 21, 2022
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Planning & Zoning Commission - Regular Meeting - Jun 16, 2022 6:00 PM**
- 3. Agenda Items**
 - A. Grogger Billboard Upgrade**
 - B. Codes Update**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 14th day of July, 2022.

Daniel Barnett , City Clerk



TO: Planning & Zoning Commission
FROM: Christina Stanton,
DATE: August 10, 2022
SUBJECT: Planning & Zoning Commission - Regular Meeting - Jun 16, 2022 6:00 PM

Type of Item: *Approval*

A. Action Item (ID # 4285)

Planning & Zoning Commission - Regular Meeting - Jun 16, 2022 6:00 PM

Attachments:

Planning & Zoning June, 16, 2022 (PDF)



DRAFT
MINUTES
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
JUNE 16, 2022
6:00 PM

1. Call to Order

The meeting was called to order at 6:04 PM by Chair Chris Chiodini

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

Also in attendance were Ross Kasmann, Engineering Surveys and Service; Cathy Boyer-Shesol, MPA Project Manager; Christina Stanton, Community Development Director; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Planning & Zoning Commission - Regular Meeting - May 19, 2022 6:00 PM

With no additions or corrections, the minutes from the May 19, 2022, meeting were unanimously accepted.

**Mayor Bowman abstained from voting as she was not in attendance at this meeting.*

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Wilbert Crawford
SECONDER:	Kevin Wood
AYES:	Wood, Chiodini, Bowman, Young, Crawford, Pulliam
ABSENT:	Scott Milner, Cheryl Bush, Barrett Welton

3. Agenda Items

Publish

A. Preliminary Plat--Harrisonville Meadows II

Director Stanton presented the Staff Report for Harrisonville Meadows II, Preliminary Plat. The Preliminary Plat is for 4 lots. Only Phase 1, which is Lot 1, is planned to be developed at this time. It will consist of an extension of Jesi Avenue and development of Lot 1 into 3, 16 unit, 2-story apartment buildings totaling 48 units; a community building with amenities; and a private playground. The proposed development is being funded with low-income tax credits provided by the Missouri Housing Development Commission. At this time, staff does not believe there will be an age restriction for these units. Director Stanton reminded the Commission that they are tasked with reviewing the proposal against the Zoning and Subdivision Regulations and the City's Comprehensive Plan. The 2040 Comprehensive Plan shows the future place type of this area being "Suburban Neighborhood," which is identified as being "residential areas established around an interconnected, curvilinear street type network." Small-scale apartments are identified as appropriate development within this place type.

Staff recommends approval of the Preliminary Plat with conditions. The first condition is to have an application to rezone the property from R-3 to RP-3 accompanying the Final Plat application. The second condition is that a Landscape Plan be submitted to meet the requirements of Section 410.350.C.1 and 2, Article V - Subdivision Design Standards. Condition 3 is the cash-in-lieu fee of \$5767.34 be paid to the City prior to approval of the Final Plat. These fees are to be used exclusively for the acquisition, development, or improvement of public park generally within one-half mile of the periphery of the subdivision.

Wilbert Crawford asked if this location was on City water? Ross Kasman said that the water supply is from Water District 9.

Mr. Crawford said that he lives in Ward 1 and there are no public parks. Director Stanton explained that there are trails in the half mile boundary that are part of the parks system that could be improved.

Mayor Bowman added that the cash-in-lieu has been in ordinance since 2002 and this should have been done since then.

Kevin Wood state that through the Comprehensive Plan process that a lot of the Community feedback wanted trail systems.

Mayor Bowman said that a lot of city's have a fee included in permitting for parks.

With no further questions, Kevin Wood made a motion to recommend approval to the Board of Aldermen with the conditions recommend by Staff in the Staff Report.

Dorothy Young seconded the motion. The motion passed unanimously.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [UNANIMOUS]
MOVER:	Kevin Wood
SECONDER:	Dorothy Young
AYES:	Wood, Chiodini, Bowman, Young, Crawford, Pulliam
ABSENT:	Scott Milner, Cheryl Bush, Barrett Welton

B. Communities for All Ages

Director Stanton introduced Cathy Boyer-Shesol. Ms Boyer-Shesol gave a presentation on Communities for All Ages. She explained the need for applying an "age lens" to many aspects of development and planning to be inclusive for all age groups. She said the next steps for Harrisonville to complete the Bronze Level are being worked on by Director Stanton and Director Purkey of the Parks Department.

Chairman Chiodini shared how the City of Grandview incorporated Accessory Dwelling Units into the City Comprehensive Plan and put into their Zoning Ordinance this year.

Kevin Wood asked how Communities for All Ages fits in with the 2040 Comprehensive Plan that was just finished. Director Stanton said that this a good reminder that the Comprehensive Plan needs to be reviewed by the Planning Commission yearly.

The Commission discussed different ways of communication for different situations with the senior population to help them stay connected.

Dorothy Young asked how many smaller communities like Harrisonville participate in this program. Ms. Boyer-Shesol said that most of the participants are smaller communities about the same population as Harrisonville.

4. Discussion Items

Kevin Wood asked where Staff was at with the zoning request from Wilson and Karen Ausmer. Director Stanton said that it will be reviewed before the September deadline.

5. Adjourn

With nothing further to come before the Commission, Wilbert Crawford made a motion to adjourn. Kevin Wood seconded. The meeting was adjourned at 6:50 PM.

Respectfully Submitted,

Jamie Martin, Recording Secretary



TO: Planning & Zoning Commission
FROM: Christina Stanton,
DATE: July 12, 2022
SUBJECT: Grogger Billboard Upgrade

Type of Item: *Public Hearing*

A. Action Item (ID # 4253)

Grogger Billboard Upgrade

Attachments:

Staff Rpt_Billboard Upgrade SUP_7-21-22 (PDF)

Application (PDF)

GROGGER ZONING LETTER (PDF)

Attached Zoning Map (PDF)

MoDOT Approval Letter and Permit (PDF)

Section 435.140 (PDF)

Zoning Map (PDF)

Aerial Map (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.A.a

To: Planning and Zoning Commission

From: Christina Stanton, Community Development Director

Date: July 21, 2022

Re: Grogger Billboard Upgrade Special Use Permit (SUP)

GENERAL INFORMATION

Applicant: Margaret Jean Grogger Trust

Requested Actions: Approval of Special Use Permit

Date of Application: June 24, 2022

PROPOSAL

Margaret Jean Grogger Trust is seeking approval of the attached Special Use Permit for upgrading an existing billboard to digital. This billboard has existed in this location since approximately 1965.

Please see the attached maps and aerial photos.

The surrounding properties are currently zoned as follows:

North: M-1 (Limited Industrial District)
East: R-4 (Medium Density Apartment District)
South (across I-49): M-1 (Limited Industrial District)
West (across I-49): M-1 (Limited Industrial District)

PREVIOUS ACTIONS

- The applicant claims that the billboard has existed since about 1965.
- September 20, 1978—The Board of Aldermen approved Zoning Ordinance #1194, which defined “Painted Bulletin – An outdoor sign of approximate dimension 14 x 48 feet and advertising products, services, etc. not offered on the premises”. This type of sign was allowed in Districts C-3 Service Business District (now C-2), M-1 Light Industrial District, and M-2 General Industrial District. Under this Zoning Ordinance this type of sign was not allowed closer than 30 feet to a property line and at least 30 feet from a “District R-1 to C-1 inclusive and shall not extend higher than 30 feet above the elevation of adjacent roadway to which the advertising [was] directed” and each exposed face could not exceed 100 square feet in area. Additionally, these types of signs were required to be at least 800 feet apart from one another when on the same side of the street or highway.
 - It is unclear if there were any sign regulations prior to this Ordinance. This billboard does seem to meet the requirements of the 1978 Ordinance, which did not require a special use permit for billboards. If this billboard were built closer to that timeframe there should be a sign permit, but staff has not been able to locate such at this time.
- September 5, 1997—The State first permitted this billboard as permit #680. Discussions with Aaron Distler, the Senior Outdoor Advertising Permit Specialist with the Missouri Department of

Attachment: Staff Rpt_Billboard Upgrade SUP_7-21-22 (Grogger Billboard Upgrade)

Transportation (MoDOT) who reviewed and approved the requested upgrade to digital, stated that this structure may have existed prior to this time but was on-premise advertising that did not require a permit from MoDOT.

KEY ISSUES

The billboard has existed in the current location since approximately 1965. A legal non-conforming sign is allowed to remain, as-is with appropriate maintenance; however, to upgrade or enlarge or light or reconstruct the legal non-conforming sign requires the sign to come into compliance with current regulations. This means that anything beyond basic maintenance, for legal non-conforming billboards, requires a sign permit, a building permit, and a Special Use Permit as specified in Section 435.140.A.1 and 3 of the City's Code of Ordinances.

Additionally, Section 435.140.A contains several criteria pertaining to Billboards:

- Section 435.140.A.4 provides criteria for consideration of the placement of new billboards; however, this is an existing billboard.
 - a) *The billboard is located on private property.*
 - b) *It is located approximately 850 feet to the north from another legal non-conforming billboard and does not meet the 1,500 feet separation from other billboards.*
 - c) *The base of the billboard is located approximately 80 feet from the nearest edge of pavement of I-49 and does not meet the 1,500 feet setback discussed in subpart c.*
 - d) *The base of the billboard is approximately 370 feet from the residential property to the east and does not meet the 1,500 feet setback from residentially zoned property.*
 - e) *The base of the billboard is located approximately 80 feet from the nearest edge of pavement of I-49 and does not meet the 660-foot setback.*
 - f) *The property that the billboard is located on is zoned M-1 (Limited Industrial District).*
 - g) *The billboard is not mounted, attached or affixed to any building rooftop or that walls of any building.*
- Section 435.140.A.5 provides criteria for the lighting of billboards.
- Section 435.140.A.6 provides criteria for the size of billboards.
- Section 435.140.A.7 provides criteria for setbacks and height of billboards.
 - a) To provide a safety zone to prevent injury or property damage from collapse caused by acts of nature or other causes, Billboards shall meet the following minimum Safety Setback Requirements from all points of the Sign:
 1. At least ninety (90) feet from the Billboard's nearest edge to the rights-of-way of any Federal or State Highway. *Staff is aware that the base of the billboard doesn't even meet this setback so neither would the nearest edge; however, it should be noted that the State has already reviewed the requested billboard upgrade and approved it.*
 2. At least ninety (90) feet from all property lines on which the Billboard is located, and all roofed structures including roofed structures located on the Parcel on which the Billboard is located. *The nearest structure is approximately 400 feet away from the billboard.*
 3. At least ninety (90) feet from any other structure that would require a building permit for its construction including structures located on the Parcel on which the Billboard is located. *Again, the nearest structure is approximately 400 feet away.*
- Section 435.140.A.8 pertains to service drives for Billboards.
- Section 435.140.A.9 contains "Additional Information Required Prior to Permitting of a Billboard".
 - a) Billboards shall not be permitted by the City until a permit has been issued by the Missouri Highway and Transportation Commission. *This has been done and is attached.*
 - b) Billboards shall not be permitted before the applicant has submitted the following certifications from the appropriate professionals registered in Missouri:
 1. Certification from a professional engineer registered in the State of Missouri that the soil and subsoil surface is capable of accepting the projected loads of the Billboard;
 2. Certification from a professional engineer registered in the State of Missouri as to the electrical portion of the Billboard;

3. Certification from a professional engineer registered 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.
- c) Billboards shall not be permitted before the applicant has submitted a Billboard survey to indicate the relative vertical and horizontal distances between the proposed Billboard and all other Billboards within one thousand five hundred (1,500) feet. If by reason of height, size or spacing the proposed Billboard unreasonably detracts from the visibility of other neighboring Billboards or properties, the City may require reasonable modification of the Billboard's dimensions to cure these deficiencies as a condition to granting a permit.
 - d) Billboards shall not be permitted before the applicant has submitted to the City financial security in the form of a bond, letter of credit or other financial security as approved by the Director of Codes; a right of access; and any other measures necessary and sufficient to ensure removal of Billboards that are not validly permitted or that constitute a nuisance.
- Section 435.140.A.10 states: "Owners of all Billboards shall be required to submit an inspection to the City concerning a sign's structural integrity as deemed necessary by the City from time to time upon reasonable notice to the owner or operator of the property on which the Billboard is located. Failure to submit a report shall result in the immediate revocation of the Sign's permit."

STAFF COMMENTS AND SUGGESTIONS

While the exact date this billboard came into existence is unclear, what is known is that for the applicant to proceed with the proposed upgrade to digital a Special Use Permit (SUP) is required.

STAFF RECOMMENDATION

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

1. The applicant shall provide the required certifications in accordance with Section 435.140.A.9.b:
 - a. Certification from a professional engineer registered in the State of Missouri that the soil and subsoil surface is capable of accepting the projected loads of the Billboard;
 - b. Certification from a professional engineer registered in the State of Missouri as to the electrical portion of the Billboard;
 - c. Certification from a professional engineer registered in the State of Missouri as to the structural strength of the Billboard; and
 - d. A certified boundary survey from a surveyor registered in the State of Missouri of the Billboard site and its Safety Setback Requirement Zones.
2. The applicant shall provide a Billboard survey to confirm the exact setbacks from existing billboards, property lines, and the pavement of I-49.
3. The applicant shall provide financial security as specified in Section 435.140.A.9.b of the City's Code of Ordinances.

ATTACHMENTS

Application
 Zoning Letter
 Attached Zoning Map
 MoDOT Approval Letter
 Section 435.140
 Zoning Map
 Aerial photo

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): Margaret Jean Grogger Trust Signature: Cynthia R. Warner, Trustee

Company Name: _____

Street Address: 1704 S. Oakland City: Harrisonville State: MO Zip: 64701

Telephone: 816-591-9875 Email: cindy@warnerlawmo.com

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

Property Owner Name (print): Margaret Jean Grogger Trust Signature(s): Cynthia R. Warner, Trustee

Street Address: 1704 S. Oakland City: Harrisonville State: MO Zip: 64701

Telephone: 816-591-9875 Email: cindy@warnerlawmo.com

Firm Preparing Application: Warner Law, LLC

Contact: Cynthia Warner

Street Address: 1708 N. Commercial, Ste. A City: Harrisonville State: MO Zip: 64701

Telephone: 816-591-9875 Email: cindy@warnerlawmo.com

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

Project Information

General Location or Address: 1704 S. Oakland

Project Description: reconfiguring current billboard sign to a digital one Acres or Sq. Ft. _____

Current Zoning: M-1 Proposed Zoning: do not need rezoning see attached letter

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 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

www.ci.harrisonville.mo.us

Zoning Map

<https://www.ci.harrisonville.mo.us/documentcenter/view/6182>

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.: _____ Filing Fee: Amount Paid: \$ _____ Date Application Received: _____

Planning & Zoning Commission Meeting Date: _____ BOA Meeting Date: _____



City of

Harrisonville

est.
1836

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

November 30, 2021

Cynthia R. Warner
 Warner Law, LLC
 1708 N. Commercial St.
 Harrisonville, MO 64701
cindy@warnerlawmo.com

Re: Zoning of Grogger-Warner Tracts

Dear Cynthia:

The zoning for all three of you mother's tracts at 1704 S. Oakland is M-1, Light Industrial. The tracts are as follow:

Cass County Assessor PIN No.

13-31-05-000-000-002.000	5.5 ac.	M-1 Light Industrial
13-31-05-000-000-004.001	2.0 ac.	M-1 Light Industrial
13-31-05-000-000-004.000	9.5 ac.	M-1 Light Industrial

Sincerely,

Roger Kroh, AICP
 Community Development Planner

Cc: Jim Clarke, Director of Community Development

Attach. Zoning Map

Attachment: GROGGER ZONING LETTER (Grogger Billboard Upgrade)



Missouri
Department
of Transportation



Central District
1511 Missouri Blvd.
P.O. Box 718
Jefferson City, MO 65102
(573) 751-3322
Fax (573) 526-5490
Toll free 1-888 ASK MODOT
www.modot.org

January 11, 2022

CYNTHIA R WARNER
19701 E 267TH ST
HARRISONVILLE, MO 64701

RE: Permit 680
CASS County, IS 49 N

Dear CINDY WARNER:

On 1/11/2022, the digital upgrade request for permit 680 was approved. You have twelve (12) months to upgrade this sign with digital technology pursuant to Section 226.541, RSMo and 7 CSR 10-6.040 (4)(1). MoDOT will consider the upgrade complete once the digital panel(s) has been installed on the structure. If the digital panel(s) is not installed, the approval to upgrade will expire twelve (12) months from the date issued pursuant to Section 226.541, RSMo and 7 CSR 10-6.040 (4) (1).

For additional information regarding outdoor advertising rules and regulations, please log onto http://www.modot.org/business/Outdoor_Advertising. If you have questions, please contact me at 573-751-7187.

Sincerely,

Aaron Distler
Sr Outdoor Advertising Permit Specialist

Additional forms and information available at http://www.modot.org/business/Outdoor_Advertising

Our mission is to provide a world-class transportation system that is safe, innovative, reliable and dedicated to a prosperous Missouri.

Revised 05/2015

Attachment: MoDOT Approval Letter and Permit (Grogger Billboard Upgrade)



MISSOURI DEPARTMENT OF TRANSPORTATION

OUTDOOR ADVERTISING PERMIT

MoDOT Permit Number: 680

Expiration Date: April 30, 2023

☐ Conforming Permit

☒ Conforming Out of Standard

☐ Nonconforming Permit

☒ Biennial Permit

☒ Transfer Permit

In Accordance With Section 226.550 RSMo and 7 CSR 10-6.070, this BILLBOARD permit is being issued to CYNTHIA R WARNER, 19701 E 267TH ST, HARRISONVILLE, MO 64701 for a CONFORM OUT OF STANDARD sign in a(n) INDUSTRIAL area located along IS 49 N at county log mile 12.20 on the RIGHT side of the road in CASS county on property owned by MARGARET JEAN TR GROGGER, 19701 E 267TH ST, HARRISONVILLE, MO 64701 .

This permit is conditioned upon the continued existence of material facts as represented by the applicant in the application for permit and on complete compliance with Sections 226.500 to 226.600 RSMo, as amended and 7 CSR 10-6. The State of Missouri reserves the right to remove the sign at the owner's expense if compliance is not met. If at any time, this sign is completely destroyed, this permit becomes void and the sign cannot be rebuilt until a new permit is issued.

Ed Hassinger
Chief Engineer

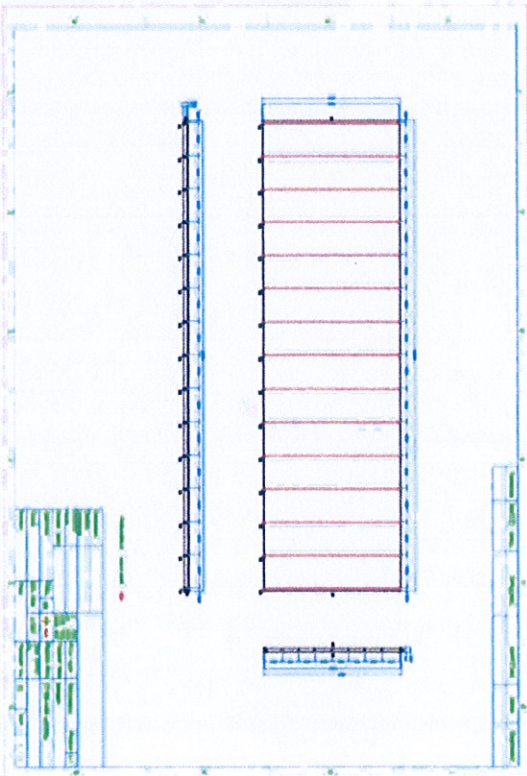
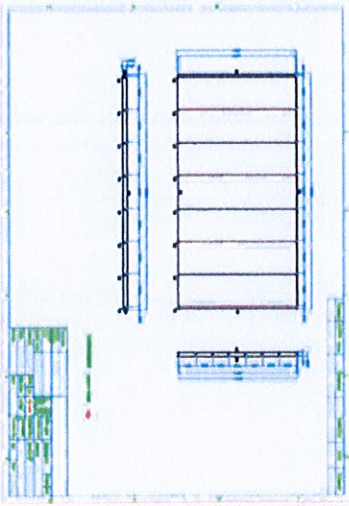
Date Printed: 6/28/2021

Additional forms and information available at http://www.modot.org/business/Outdoor_Advertising

Our mission is to provide a world-class transportation system that is safe, innovative, reliable and dedicated to a prosperous Missouri.

Revised 04/2011

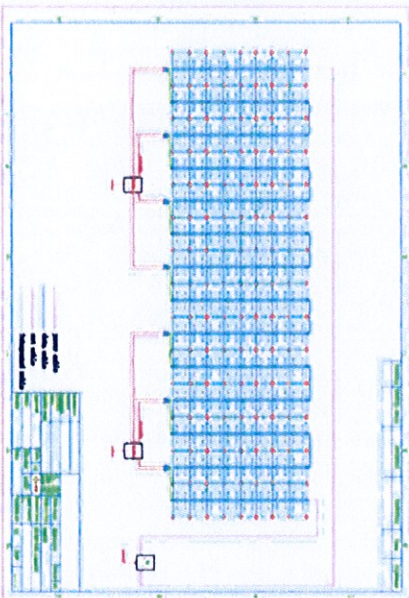
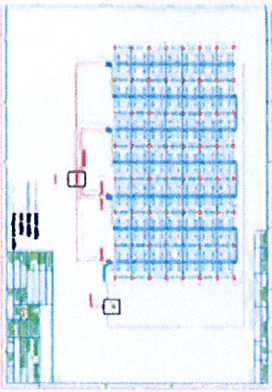
Attachment: MoDOT Approval Letter and Permit (Grogger Billboard Upgrade)



SQUARE TUBE
FRAME VIEW

Print

Re
Hi



OPTION 1 -
14'x48' FULL SIZE
BILLBOARD /
BULLETIN SIGN

TOTAL = 112 XLS
SIGN SECTIONS

14x48=672

X Close Markup

City of Harrisonville, MO
Wednesday, July 13, 2022

Chapter 435. Sign Regulations

Section 435.140. Regulations Relating To Billboards.

[Ord. No. 3456, 1-7-2019]

- A. Billboards shall be regulated under this Section **435.140**, and if a regulation in this Section **435.140** conflicts with another regulation contained in these Sign Regulations, then the regulation in this Section **435.140** shall take priority and apply.
1. Permit Required. In addition to the Sign permit required by this Chapter, a building permit shall be obtained from the Director of Codes prior to installation or placement of any Billboard. Billboards shall be constructed and maintained in conformance with all Building Code and National Electrical Code requirements. Plans required for issuance of a building permit for a Billboard shall be certified as to conformance with all structural and wind-load resistive standards of the Building Code by a registered design professional in the State of Missouri.
 2. Purpose. Billboards targeting messages at drivers on Missouri State highways and roadways within the City have a significant adverse impact on the safety of the traveling public when such structures because of their size, lighting, spacing, location, height or design distract or confuse travelers, interfere with vision, or obscure traffic signs or signals. Billboards targeting messages at drivers on the interstate and Missouri State highways within the City also have a significant adverse aesthetic impact on the community when such structures dominate the surrounding environment both visually and physically with their large sizes, bright lighting, close spacing, intrusive locations and great heights. Therefore, the erection and placement of Billboards along Missouri State highways and roadways within the City are subject to reasonable regulations relative to size, lighting, spacing, location and height to avoid adverse safety impacts; and to adapt the State Highway Commission standards so that in-town Billboards are compatible with urban land uses, where neighbors are closer to one another than in open rural areas. Avoiding such adverse impacts is intended to further the substantial public interest in protecting private investment in adjoining properties and public investment in the interstates and highways, promote the recreational value of public travel, preserve the natural beauty of the community, provide a favorable first impression of the community and promote the safety of public travel.
 3. Special Use Permit Required For A Billboard. In addition to complying with the terms of these Sign Regulations, a special use permit must be obtained in accordance with the procedures set forth in the Zoning Regulations, and to ensure the Billboard complies with Federal and State laws and regulations.
 4. Placement Of Billboards. The following conditions and/or situations shall be considered to determine the legal placement of all Billboards, including, but not limited to, State and Federal laws and regulations:
 - a. Billboards shall be located on private property.
 - b. A Billboard shall not be located closer than one thousand five hundred (1,500) feet from any other Billboard. Spacing shall be determined based on Signs that have received a Special Use Permit or that are Signs established as legal non-conforming uses. Billboards having received prior authorization or that are a legal non-conforming use shall

Attachment: Section 435.140 (Grogger Billboard Upgrade)

have priority over a later applicant in determining compliance with the spacing restrictions. Where two (2) different applications conflict with each other, so that only one (1) of the applications may be granted, the first application received by the City will be the first considered for approval. The second application shall remain pending until resolution of the first application. The second applicant shall be advised, in writing, if the first application considered is granted, and the second application shall be automatically denied. If the first application is denied, the second application shall then be considered.

- c. Billboards shall not be located adjacent to or within one thousand five hundred (1,500) feet of any interchange, intersection at grade or safety rest area that is existing or approved for construction. The one thousand five hundred (1,500) feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way or, if there is no pavement widening, then from the midpoint of the intersection.
 - d. To preserve adjoining property values and avoid adverse aesthetic impacts, Billboards shall not be located within one thousand five hundred (1,500) feet of land zoned for residential purposes.
 - e. Billboards shall be permitted only within six hundred sixty (660) feet of the nearest edge of the rights-of-way of Interstate 49.
 - f. Billboards shall be permitted only in the following zoning districts: "C-2," "M-1."
 - g. No Billboard shall be permitted to be mounted, attached or affixed to a building rooftop or the walls of any building.
5. Lighting Of Billboards.
- a. Billboards shall not include any revolving or rotating beam or beacon of light that simulates any emergency light or device.
 - b. Billboards shall not include any flashing, intermittent or moving light or lights.
 - c. Billboards may be lighted by external lighting, such as floodlights, thin line and gooseneck reflectors, provided the light source is directed upon the face of the Billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or highway or into any portion of adjacent properties and the lights are not of an intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.
 - d. Billboards shall not be illuminated so that it interferes with the effectiveness of, or obscures, an official traffic Sign, device or signal.
 - e. Billboards shall not have a maximum average lighting intensity level that exceeds twenty (20) foot-candles.
6. Size Of Billboards. The Sign Face Area of Billboards shall not exceed a maximum area for any one (1) Sign of one thousand two hundred (1,200) square feet with a maximum height of thirty (30) feet and a maximum length of sixty (60) feet, inclusive of border and trim but excluding the base or apron, supports and other structural members. The maximum size limitations shall apply to each side of a Billboard Sign Structure, and Billboards may be placed back to back, double faced, or in a V-type construction with not more than two (2) displays to each facing, but the Billboard structure shall be considered as one (1) Billboard.
7. Setbacks And Height Of Billboards.
- a. To provide a safety zone to prevent injury or property damage from collapse caused by acts of nature or other causes, Billboards shall meet the following minimum Safety Setback Requirements from all points of the Sign:

- (1) At least ninety (90) feet from the Billboard's nearest edge to the rights-of-way of any Federal or State highway;
 - (2) At least ninety (90) feet from all property lines on which the Billboard is located, and all roofed structures including roofed structures located on the Parcel on which the Billboard is located; and
 - (3) At least ninety (90) feet from any other structure that would require a building permit for its construction including structures located on the Parcel on which the Billboard is located.
 - b. To provide a further safety zone to prevent injury or property damage from collapse of Billboards caused by acts of nature or other causes, Billboards shall not exceed thirty (30) feet in height above the rights-of-way grade from which it is viewed. In cases where the grade at the location of the proposed Billboard is higher than the right-of-way grade adjacent to which it is located, the City may require the overall height of the Sign to be lowered as a condition of granting a permit to prevent the Sign from unreasonably detracting from the visibility of other neighboring Signs or properties.
 - c. The application for the Billboard Sign permit shall contain documentation to the satisfaction of the City that the applicant has secured the legally enforceable right to prevent the erection of structures within the Safety Setback Requirement zones. No building permit shall be issued for construction of any building within the Safety Setback Requirement zone.
8. Service Drives To Billboards. Billboards shall be accessible by means of a paved drive that is internal to the Lot or Parcel on which the Billboard is located. All vehicles, equipment and people used to build, service, maintain and repair the Billboard must confine their activity so as not to interfere with pedestrian or vehicular traffic on public roads.
9. Additional Information Required Prior To Permitting Of A Billboard.
- a. Billboards shall not be permitted by the City until a permit has been issued by the Missouri Highway and Transportation Commission.
 - b. Billboards shall not be permitted before the applicant has submitted the following certifications from the appropriate professionals registered in Missouri:
 - (1) Certification from a professional engineer registered in the State of Missouri that the soil and subsoil surface is capable of accepting the projected loads of the Billboard;
 - (2) Certification from a professional engineer registered in the State of Missouri as to the electrical portion of the Billboard;
 - (3) Certification from a professional engineer registered 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.
 - c. Billboards shall not be permitted before the applicant has submitted a Billboard survey to indicate the relative vertical and horizontal distances between the proposed Billboard and all other Billboards within one thousand five hundred (1,500) feet. If by reason of height, size or spacing the proposed Billboard unreasonably detracts from the visibility of other neighboring Billboards or properties, the City may require reasonable modification of the Billboard's dimensions to cure these deficiencies as a condition to granting a permit.
 - d. Billboards shall not be permitted before the applicant has submitted to the City financial security in the form of a bond, letter of credit or other financial security as approved by the Director of Codes; a right of access; and any other measures necessary and

sufficient to ensure removal of Billboards that are not validly permitted or that constitute a nuisance.

10. Inspection Of Billboards. Owners of all Billboards shall be required to submit an inspection to the City concerning a sign's structural integrity as deemed necessary by the City from time to time upon reasonable notice to the owner or operator of the property on which the Billboard is located. Failure to submit a report shall result in the immediate revocation of the Sign's permit.



TO: Planning & Zoning Commission
FROM: Christina Stanton,
DATE: July 12, 2022
SUBJECT: Codes Update

Type of Item: *Public Hearing*

B. Action Item (ID # 4252)

Codes Update

Attachments:

Staff Report for Code Updates_P&Z_07_21_22 (PDF)

existing regs 1 pdf (PDF)

CBD-2 density changes (PDF)

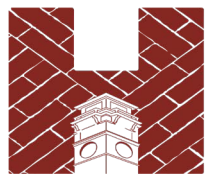
Accessory Structures (PDF)

ACCESSORY STRUCTURE STATS (PDF)

ADUs (PDF)

Anti-monotony ordinance (PDF)

ANTI-MONOTONY STATS (PDF)



To: Planning and Zoning Commission

From: Christina Stanton, Community Development Director

Date: July 21, 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) and Anti-monotony (Section 410.385)

GENERAL INFORMATION

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); and Consideration of Proposed Anti-Monotony Ordinance

Date of Application: N/A

PROPOSAL

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; and
- Adopting an Ordinance for Anti-monotony regulations in subdivisions.

PREVIOUS ACTIONS

See attached for existing zoning ordinance Sections 405.295 Permitted Uses; 405.310 Parking Regulations; 405.550 Accessory Uses, Subpart D Detached Accessory Buildings; 405.030.B Definitions and Rules of Construction; and 410.160 Definitions.

KEY ISSUES

- 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.

STAFF COMMENTS AND SUGGESTIONS

- 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.

STAFF RECOMMENDATION

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.

ATTACHMENTS

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

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

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.

Chapter 405. Zoning Regulations

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

Chapter 405. Zoning Regulations

ARTICLE XX. Supplementary Regulations

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]

A.

General Regulations. Buildings and structures may be erected and land may be used for purposes which are clearly incidental to and customarily and commonly associated with the main permitted use of the premises. A use or structure shall be considered an accessory when it is associated in conjunction with the principal use and is incidental and integrally related to the principal use. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, and heat or glare which is injurious, unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use. The following uses shall be permitted as accessory to main uses permitted in this Chapter.

B.

The following home occupations are permitted in the following zoning districts "E", "R-1", "R-1M" and "R-2".

1.

Accountant.

2.

Analyst.

3.

Architect.

4.

Artist.

5.

Art restoration.

6.

Author or writer.

7.

Billing agent.

8.

Bookkeeper.

9.

Clergyman.

10.

Computer programmer, web designer.

11.
Composer.
12.
Consulting services.
13.
Contractor.
14.
Counselor.
15.
Data processing.
16.
Day care for ten (10) or less children. Day cares required by the State of Missouri to be licensed must provide proof of said license.
17.
Drafting, graphic services.
18.
Engineer.
19.
Financial planning, investment services.
20.
Hairdresser, cosmetologist.
21.
Home cooking, preserving.
22.
House cleaning services.
23.
Interior design services.
24.
Jewelry making, jeweler.
25.
Lawyer.
26.
Locksmith.
27.
Photographer.
28.
Planner.
29.
Sales person.

30.
Seamstress, dressmaker, tailor.

31.
Secretarial services, typist.

32.
Swimming pool cleaning.

33.
Tax return preparation.

34.
Teaching or instruction provided not more than three (3) students are taught at any one time and not more than twelve (12) students per day, excluding informal study groups such as literary clubs, scouting activities, gardening clubs, 4H activities, and religious discussion activities.

C.
The following conditions and restrictions apply to such customary home occupations:

1.
Area of use. Home occupations shall be entirely contained within the interior of a residence, garage or accessory structures on the site. Equipment or materials used in a home occupation may not be stored outside the residence. No visible evidence of the business shall be apparent from the street or the surrounding area. No more than twenty-five percent (25%) of the area of the structure shall be used for the home based business. Exception: Family day care homes will be allowed to have an outside play area. One (1) trailer, up to eighteen (18) feet in length, may be permitted under the provisions of Section **405.525**, Special Use Permits.

2.
Employees. The home occupation shall be restricted to family members residing on the premises with no assistance from other individuals or groups.

3.
Sales, repairs and leasing.

a.
The commercial exchange of tangible goods or other items constituting a sale between the proprietor of a home occupation and members of the general public shall not be permitted on the premises of a home occupation. "Members of the general public" shall not include persons in the home by prior individualized invitation.

b.
The repair of items as a home occupation may occur only when the delivery and pickup of the items is conducted off the premises by the proprietor of the home occupation. No trips shall be generated to or from the home occupation by customers with items which have been or are to be repaired.

4.
Traffic and parking. If parking for a home occupation occurs in a manner or frequency which causes disturbance to the normal traffic flow for the neighborhood, the occupation shall be considered a business best operated in a commercial district rather than as a home occupation, and will no longer be permitted as an accessory use.

5.
Changes to exterior. The appearance of a dwelling as a residence shall not be altered to the extent that attention is drawn to the structure as a business operation.

6.

Nuisance controls. A home occupation shall not create noise, dust or dirt, heat, smoke, odors, vibration or glare or bright lighting which would be in excess of that created by a single residential dwelling. The production, dumping or storage of combustible or toxic substances shall not be permitted on site. Additionally, a home occupation shall not create interference with, or fluctuations of, radio or television transmission or reception.

7.

Signage. No signage or other forms of advertising pertaining to the home occupation may be placed or painted onto the exterior of the residence or in the yard of a residence, except as permitted by Chapter **435**, Signs.

8.

Other regulations. Home occupations shall comply with all other local, State or Federal regulations pertinent to the activity pursued, and the imposition of requirements under this Chapter shall not be construed as an exemption from such regulations.

D.

Detached Accessory Building(s).

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

1.

For any "R-1," "R-1M," "R-2," "R-3" or "R-4" zoned lot, one (1) or more detached Accessory Building(s) may be 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. Accessory Buildings required to be supported by a concrete foundation shall not be located within a dedicated Easement of any kind. In the case of Corner Lots, Accessory Buildings shall set back not less than the distance required for residences from side streets.

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 rear yard providing it 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.

E.

Additional Uses. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation, provided that the articles produced or constructed are not sold on the premises. Such additional uses as private swimming pools, gardens, customary pets, television and radio antennae not exceeding sixty (60) feet in height, signs as permitted by ordinance, parking areas, play equipment, and other similar uses shall be allowed. Any accessory use which exceeds ten (10) feet in height shall be located a distance inside the property line at least equal to one-third (1/3) its height. Fences in these districts shall not be higher than three (3) feet six (6) inches in the front yard provided the fence is a split rail or picket type fence (chain link or similar material is not permitted in the front yard), six (6) feet in the side yard and eight (8) feet in the rear yard, provided sight distance as shall be maintained on corner lots.

F.

Storage Of Equipment, Vehicles, or Recreational Vehicles.

[Ord. No. 3577, 2-22-2022]

1.
In any zoning district, parking or storage of vehicles is permitted only:

- a.
On a driveway; or
- b.
Inside a completely enclosed structure; or
- c.
On a paved or impervious surface; or
- d.
In the rear of the building.

The vehicle does not have to be upon a paved or impervious surface if it is shielded from public view.

2.
No vehicle may be parked or stored on the grass in the front yard area.

3.
No vehicle may be parked or stored in rights-of-way, unless parking is allowed, and rights-of-way areas are paved or approved gravel surfaces.

4.
No vehicle may be parked or stored in any public easement.

5.
Recreational vehicles may not be occupied within the City limits for living, sleeping, or cooking purposes for more than fourteen (14) days in a calendar year, unless approved by a special use permit.

6.
Off-street parking areas must be used solely for the parking of operable motor vehicles for patrons, occupants, or employees of the use to which the parking area serves.

7.
Stored vehicles or equipment shall not protrude into public property or obstruct sidewalks.

8.
No vehicle shall be parked or stored on an undeveloped lot.

9.
Exceptions may be granted with prior approval from the Code Enforcement Officer or Building Official.

G.
Commercial Vehicle Parking In Residential Zones.

1.
It shall be unlawful to park or store any commercial vehicle which is licensed for over twelve thousand (12,000) pounds on any street or highway or public or private property in any residentially zoned district within the City of Harrisonville, Missouri. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted in a residential zoned district. Other vehicles specifically prohibited from parking on any street or highway or public or private property in any residentially zoned district are: Flatbed trucks, dump trucks, utility wreckers, boom trucks, bucket trucks, tandem axle trucks, cab and chassis trucks. This does not preclude the parking of standard pickups. Exception: Limited parking is permissible during loading and unloading or during the time

necessary to carry out a service upon property in the block the vehicle is parked, and the parking of construction vehicles on an active construction site is also permitted. A "*commercial vehicle*" is any motor vehicle used in or by a business in furtherance of the business or any vehicle licensed as a commercial vehicle.

2.

The operation or use of a motor vehicle in violation of the provisions of this Section shall be prima facie evidence that said motor vehicle was at the time of such violation controlled, operated and used by the owner thereof.

3.

If any vehicle is found in violation of any provision in this Section, the owner or person in whose name said vehicle is registered in the records of any City, County, or State shall be held prima facie responsible for such violation, if the driver thereof is not present.

H.

Districts "R-3" And "R-4". In the "R-3" and "R-4" Districts, permitted accessory uses are as follows: Parking areas, signs as permitted by ordinance, recreation areas including tenant used swimming pools and minor recreation buildings, trash collection enclosures, power generators, vending machines for tenant use and other similar uses.

I.

Districts "C-O" And "C-1". In the "C-O" and "C-1" Districts, accessory uses are as follows: Parking areas, signs as permitted by ordinance, vending machines, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, radio, television or microwave antennae not exceeding sixty (60) feet in height, flagpoles, cooling towers and other similar use.

J.

Districts "CBD-1", "CBD-2" And "C-2". In the "CBD-1", "CBD-2" and "C-2" Districts, permitted accessory uses are as follows: Parking areas, signs as permitted by ordinance, flood lighting and other similar uses. In "C-2", washing and other passenger car cleaning shall be permitted as an accessory use in service stations.

K.

Districts "M-1" And "M-2". In the "M-1" and "M-2" Districts, permitted accessory uses are as follows: Parking and loading areas, signs as permitted by ordinance, security and screen fencing, radio and microwave towers to heights as set out in this Chapter, gate house, loading equipment, employee recreation and other similar uses.

L.

Motor Hotels. The following are accessory uses within a motor hotel: A restaurant, banquet rooms, liquor, notions and magazine counters, vending machines, beauty and barber shops, flower and gift shops, provided all are within the main building and designed to serve primarily the occupants and patrons of the motor hotel.

M.

Hospitals. The following are accessory uses in connection with a hospital: Residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food service and vending machines, laundry and other similar services for hospital personnel, visitors and patients.

N.

Utility Buildings. Outside storage of materials and equipment is an accessory use in connection with utility buildings, provided all outside storage is screened from view from off the premises. Any of the

accessory uses listed in this Section may be specifically prohibited or further controlled by restrictions written into the special use permit prior to its being approved.

O.

Accessory Utility Facilities. Accessory utility facilities shall be allowed in all districts only pursuant to the provisions of Section **405.551** of the City Code.

P.

Electric Vehicle Charging Stations.

[Ord. No. 3576, 2-22-2022]

1.

Commercial electric vehicle charging stations, defined as an installation for the retail sales of electric vehicle charging services, and pursuant with Section 386.020(15)(c), RSMo., shall be permitted in any "R-4" Zoning District apartment complex, any "C" Zoning District or any "M" Zoning District.

2.

Individual privately owned or leased electric vehicle charging stations, defined as an installation for the sole use of the electric vehicle owner or lessee, shall be permitted in any zoning district.

3.

Commercial electrical vehicle charging stations shall be required, as any other retail sales business, to have a current City business license, pursuant to Chapter **605**, Licenses, of the Municipal Code; and shall apply for a City commercial occupancy permit upon changes in ownership.

4.

Initial electric vehicle charging station installations, both commercial electric vehicle charging stations and individual electric vehicle charging stations, shall apply for a building permit for installation and construction, inspection, and final approval; and shall obtain approval for electric utility service from the City of Harrisonville Electric Department.

Chapter 405. Zoning Regulations

ARTICLE I. General Provisions

Section 405.030. Definitions and Rules of Construction.

[Ord. No. 1825, 5-13-1991; Ord. No. 2504 §1, 6-8-1998; Ord. No. 3107 §§1 — 2, 10-19-2009]

A.

Rules Of Construction. The language set forth in the text of this Chapter will be interpreted in accordance with the following rules of construction:

1.

The singular number includes the plural and the plural the singular.

2.

The present tense includes the past and the future tenses and the future the present.

3.

The word "*shall*" is mandatory while the word "*may*" is permissive.

4.

The masculine gender includes the feminine and neuter.

5.

Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parenthesis between a word and its definition herein shall be construed in the same sense as that word.

6.

All measured distances shall be to the nearest integral foot; if a fraction is one-half ($\frac{1}{2}$) foot or more, the integral foot next above shall be taken.

B.

The following words and terms, wherever they occur in this Chapter, shall be construed as herein defined.

ABUTTING

Adjoining or bordering.

ACCESS

The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

AGRICULTURE

The planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Cass County. The raising and feeding of livestock and poultry shall be considered agriculture if the area in which the livestock or poultry is kept is a part of an ownership of not less than ten (10) acres, the primary use of which is row crops and grazing. Agriculture uses shall not include the following:

1.

Stockyards, sale of machinery, feed lots, grain elevators and similar commercial operations.

2.

The operation or maintenance of greenhouses, nurseries or hydroponic farms operated as retail.

3.

Wholesale or retail sales as an accessory use unless the same are permitted by these regulations.

4.

The operation or maintenance of a commercial feed lot.

5.

Dwellings, garages and other similar accessory buildings.

AIRCRAFT

Any contrivance now known or hereafter invented for use in or designed for navigation of or flight in air.

AIRPORT

Any premises which are used or intended for use for the landing and takeoff of aircraft; and any appurtenant areas which are used or intended for use for airport buildings or other airport structures or right-of-way, together with all airport taxiways, tie down areas, buildings and structures located thereon, including all customarily accessory buildings and open spaces.

ALLEY

A dedicated public right-of-way with a width not exceeding twenty-four (24) feet which provides a secondary means of access to and from streets and lots which is not intended for general traffic circulation.

ALTERATION

Any addition, removal, extension or change or rearrangement in the location of any exterior wall of an existing building or structure. Enlargement, whether by extending a side, increasing in height or the moving from one location or position to another shall be considered as an alteration.

AMENDMENT

A change or alteration to this Zoning Ordinance in one (1) of the following forms:

1.

A comprehensive revision or modification of the zoning text and/or map;

2.

A text change in the zone requirements; or

3.

A change in the zoning map, e.g., the zoning designation of a particular parcel or parcels.

ANIMAL HOSPITAL OR CLINIC

Any building or portion thereof designed or used for the care, observation or treatment of domestic animals by a doctor of veterinary medicine. This use does not include dog kennels.

APARTMENT

A room or suite of rooms within an apartment house arranged, intended or designed as a place of residence for a family.

APARTMENT COMPLEX

A building or buildings containing apartments used as a place of residence for three (3) or more families.

APPLICANT

The owner or duly designated representative concerning land for which an amendment or other zoning action has been requested. Consent shall be required from the legal owner of the premises, if applicant is other than the owner.

APPURTENANCE

A subordinate or accessory building or structure or portion of main building, the use of which is incidental and customary to that of the main building.

AUTOMATIC CAR WASH

Any building or portion thereof where automobiles are washed using a conveyor, blower, steam-cleaning equipment or other mechanical device of production-line nature.

AUTOMOBILE SALVAGE OR WRECKING YARD OR TOW LOT

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.

AUTOMOBILE SERVICE STATION

Any building or portion thereof or premises used for dispensing or offering for sale at retail any automotive fuels or oils, having pumps and storage tanks thereon; or where battery, tire and other similar services are rendered, but only if rendered wholly within lot lines. When dispensing, sale or offering for sale is incidental to the conduct of a repair garage, the premises are classified as a repair garage. Automobile service stations do not include open sales lots as defined herein.

BASEMENT

A portion of a building located partly underground, but having less than half its clear floor-to-ceiling heights below the average grade of the adjoining ground.

BLOCK

A tract of land bounded by streets or by a combination of one (1) or more streets and public parks, cemeteries, railroad rights-of-way or shore lines of waterways or corporate boundary lines.

BOARD OF ADJUSTMENT

The Harrisonville, Missouri Board of Zoning Adjustment.

BUILDING

Anything constructed for shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

BUILDING, ACCESSORY

A subordinate building, the use of which is incidental to that of the principal building and customary in connection with that use.

BUILDING, COMPLETELY ENCLOSED

A building separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and by exterior walls having only windows and normal entrance or exit doors or by party walls.

BUILDING COVERAGE

The amount of land covered or permitted to be covered by buildings or structures. Building coverage is generally measured as a ratio or a percent of a lot. Porches and decks shall be considered as part of a building or structure.

Exception: Swimming pools shall be computed as one-half (½) their area toward the maximum building coverage.

BUILDING, DETACHED

A principal building surrounded by open space on the same lot.

BUILDING HEIGHT

The vertical distance measured from the established curb level to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of rafters between the eaves and the ridge of a gable, hip or gambrel roof. Chimneys, spires, towers, elevator penthouses, tanks and similar projections shall not be included in calculating the height.

BUILDING, PRINCIPAL

A non-accessory building in which is conducted the principal use of the lot on which it is located.

BUILDING, RESIDENTIAL

A building arranged, designed, used or intended to be used for a residential occupancy by one (1) or more families.

BUILDING SETBACK LINE

A line within a lot or other parcel of land indicating the limit beyond which a building or structure may not be erected.

BUILDING, TEMPORARY

Any building not designed to be permanently located, placed or affixed in the place where it is.

BUSINESS

An occupation, employment or enterprise which occupies time, attention, labor and materials or wherein merchandise is existed or sold or where services are offered.

CAMPGROUND

An area of land, including supporting sanitary and other facilities, for the overnight or temporary parking of recreational vehicles and other modes of camping while traveling by auto.

CELLAR

The portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

DAYCARE

A child-care facility, as defined by Section 210.201, RSMo., that is licensed by the State of Missouri.

[Ord. No. 3469, 6-17-2019]

CLUB OR LODGE, PRIVATE

An association of persons who are bona fide members, paying dues and being generally restricted to members and their guests.

CLUSTER HOUSING

The site planning technique of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed to fronting all on a public street.

COMPREHENSIVE PLAN

The duly adopted General Development Plan for Harrisonville, Missouri, including subsequent amendments.

CONDOMINIUM

A building containing two (2) or more dwelling units which are designed and intended to be separately owned in fee under the Condominium Statutes of the State of Missouri.

CORRECTIONAL FACILITY

Any jail, prison, detention center, or place where people are kept when they are waiting to be tried, have been arrested, and/or are being detained or punished for a crime.

[Ord. No. 3577, 2-22-2022]

COURT

An open, unoccupied space, other than a yard, bounded on three (3) or more sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

CURB LEVEL

The level of the established curb in front of a building or structure measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the centerline of the street surface in front of a building or structure measured at the centerline of such front.

CHURCH(ES)/PLACES OF WORSHIP

A building(s) primarily used for public religious worship and associated religious functions (education, fellowship, etc.), including synagogues and temples.

[Ord. No. 3469, 6-17-2019]

DAY CARE CENTER

A building wherein more than eleven (11) children, and not being of the same family, are kept during portions of the day when the children's parents are employed or otherwise occupied elsewhere.

DAY CARE HOME

A family home occupied by the day care provider in which family-like care is given to children, not related to the day care provider, for any part of the twenty-four (24) hour day.

DECIBEL

A unit of measurement of the intensity (loudness) of sound. As used in this Chapter, decibel levels shall be measured on the "A Scale" and referred to as "dB(A)".

DENSITY

The average number of dwelling units per unit of land, expressed in terms of "per acre".

DEVELOPER

The owner or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of rezoning or seeking a conditional use on land.

DRIVE

A right-of-way which affords a means of vehicular access to or through an area and which is owned and maintained by the owner of the property it serves.

DRIVE-IN ESTABLISHMENTS

Any restaurant, financial institution or product vending enterprise where the patron does not enter and remain within the building during the transaction of his/her business. Food vending establishments where the food is not normally consumed within a building or where facilities are provided for eating outside a building shall be deemed a drive-in for purposes of this Chapter.

DOG KENNEL

Any premises where three (3) or more dogs are owned, boarded, bred and/or offered for sale.

DUMP

A lot or land or part thereof used primarily for the disposal, abandonment, dumping, burial, burning or storage of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

DWELLING

A building or portion thereof intended for occupancy for residential purposes but not including hotels, motels, rooming houses, nursing homes, tourist homes or trailers.

DWELLING, MULTIPLE-FAMILY

A dwelling or portion thereof containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY

A dwelling containing one (1) dwelling unit.

DWELLING, TWO-FAMILY (DUPLEX)

A dwelling containing two (2) dwelling units.

DWELLING UNIT

One (1) or more rooms constituting all or part of a dwelling and which are arranged, designed, used or intended for use exclusively as a single housekeeping unit for one (1) family and which include cooking, living, sanitation and sleeping facilities.

EASEMENT

An interest in land that is held by the public, a corporation or persons other than the owner that entitles the holder to a specific limited use or right. Ownership of said strip of land shall remain with the property owner.

EXCEPTION

An exception from the zoning regulations granted by the Board of Zoning Adjustment, but only in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of such regulations.

FACTORY-BUILT DWELLING

A factory-built structure designed for long-term residential use. For the purposes of these regulations, factory-built dwellings consist of three (3) types: modular homes, mobile homes and manufactured homes.

FAMILY

One (1) or more persons each related to the other by blood, marriage or legal adoption or group of not more than four (4) persons not so related and maintaining a common household and using one (1) set of kitchen facilities in a dwelling unit. A family may include not more than two (2) roomers, boarders or permanent guests not a part of a common households, whether or not gratuitous.

FENCE, SOLID

A fence, including solid entrance and exit gates, which effectively conceals from viewers in or on adjoining properties, streets, alleys or public ways, materials stored and operations conducted behind it.

FLOODPLAIN

Land which is subject to inundation of water as a result of what is commonly known as the 100-year flood or land that has at least a one percent (1%) chance of flooding in any given year. Floodplain boundaries in the are shown on the Federal Insurance Administration's "Flood Hazard Boundary Maps" for Harrisonville, Missouri.

FLOOR AREA

The sum of the gross horizontal areas of the several floors measured in square feet, including the basement floor, but not including the cellar floor of the building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area of a building shall also include elevator shafts and stairwells at each floor; floor space used for mechanical equipment; penthouse; attic space having headroom of seven (7) feet ten (10) inches or more; interior balconies and mezzanines;

enclosed porches; and floor devoted to accessory uses, provided that any space devoted to off-street parking or loading shall not be included in floor area.

FLOOR AREA FOR THE PURPOSE OF DETERMINING OFF-STREET PARKING REQUIREMENTS

The total floor area of the building, expressed in square feet, measured from the exterior surface of outside walls and including mezzanines, upper floors, whether finished or not, from which is subtracted the floor area of washrooms, elevator shafts, stairways, mechanical rooms and any permanent shopping center malls.

FLOOR-AREA RATIO

The numerical value obtained through dividing the floor area of a building or buildings by the area of the lot on which such building or buildings are located.

FOUNDATION, PERMANENT

A foundation built in accordance with plans prepared by a registered engineer providing for vertical loads, uplift and lateral forces in compliance with the City of Harrisonville Building Code. The foundation must either be a slab or contain a solid perimeter wall in all installations in which the finished floor is more than six (6) inches above finished grade at any point. The phrase "without a permanent foundation", when used in this Zoning Ordinance, indicates that the support system for the manufactured home, modular home or mobile home is constructed with the intent that the manufactured home, modular home or mobile home placed thereon may be moved from time to time at the convenience of the owner.

FRONT

The part or side of any building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for the building or structure.

FRONTAGE

That part of a lot or tract of land which borders along any given access to a public street or public right-of-way. Such public street or right-of-way shall not include any alley or access to the rear of such lot or tract.

FRONTAGE ROAD

A public or private roadway, generally paralleling and contiguous to a street or highway, which provides access to abutting properties and which is designed to promote safety by eliminating unlimited ingress and egress to such street or highway by providing points of access at generally uniform spaced intervals.

GARAGE, PRIVATE

An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the private passenger vehicles of the persons, family or families using the premises.

GARAGE, STORAGE

A building or premise used for housing of motor vehicles pursuant to previous arrangements and for duration greater than three (3) days.

GARDEN APARTMENTS

An apartment building located on a lot, either singly or together with other similar apartment buildings, generally having a low density of population and having substantial landscaped open space adjacent to the dwelling units.

GROUND-FLOOR AREA

The lot area covered by a building measured from the exterior faces of exterior walls, but excluding open terraces or open porches, garages or carports.

GROUP HOME FOR ADULTS

A residential facility of five (5) or more persons, eighteen (18) years of age or older, who have been institutionalized for various reasons and released or who have had physical

or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to becoming a functional member of society.

GROUP HOME FOR MINORS

A residential facility for five (5) or more persons under eighteen (18) years of age who, for various reasons, cannot reside in their natural home and where twenty-four (24) hour adult care, supervision and consultation shall exist.

GUEST, PERMANENT

A person who occupies or has the right to occupy a residence or dwelling accommodation for a period of thirty (30) days or more.

HEIGHT OF STRUCTURE OTHER THAN A BUILDING

The vertical distance from the average ground level at the base of the structure to the highest part thereof.

HOME OCCUPATION

Any gainful occupation or profession conducted in a dwelling by a member of the immediate family residing on the premises.

HOTEL

A building containing lodging rooms, a common entrance and lobby, halls and stairways and lodging rooms that do not have doorway openings directly to the outdoors except for emergencies; and where more than fifty percent (50%) of the lodging rooms are for rent, with or without meals, to transient guests a continuous period of less than thirty (30) days.

HOTEL, APARTMENT

A hotel, except more than fifty percent (50%) of the lodging rooms are available for permanent guests.

JUNK YARD

An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an auto wrecking yard, but does not include uses carried on entirely within enclosed buildings, nor does it include an establishment engaged only in the processing of scrap metal to be sold for the manufacture of steel.

LABORATORY

A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

LANDSCAPING

The bringing of the soil surface to a smooth finished grade, installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.

LODGING ROOM

A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room shall be counted as one (1) lodging room.

LOT

A parcel of land occupied by, or intended for occupancy by, one (1) principal building, unified groups of buildings or principal use and having access to a public street. A lot may be one (1) or more platted lots or tract of tracts as conveyed or parts thereof.

LOT AREA

The area of a horizontal plane boarded by the vertical planes through front, side and rear lot lines.

LOT, CORNER

A lot situated at the intersection of two (2) streets.

LOT DEPTH

The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT LINE

The boundary lines of any lot.

LOT LINE, FRONT

That boundary line between a lot and the street on which it fronts.

LOT LINE, REAR

That boundary of a lot which is opposite and most distant from and is or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE

Any boundary of a lot which is not a front or rear lot line.

LOT OF RECORD

A lot which is a part of a subdivision plat which has been recorded in the office of the Cass County Recorder of Deeds or a lot described by metes and bounds, the description of which has been recorded in the office of the Cass County Recorder of Deeds.

LOT, REVERSED CORNER

A corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of the first (1st) lot to its rear.

LOT, THROUGH

An interior lot having frontage on two (2) streets.

LOT WIDTH

The horizontal distance between side lot lines, measured at the front building line.

LOTS HELD IN SEPARATE OWNERSHIP

All platted lots in a subdivision which are still owned by the original developer or his/her successor shall be considered as lots held in separate ownership.

MANUFACTURED HOME

A structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. The manufactured home includes the plumbing, heating, air-conditioning and electrical systems. The manufactured home is constructed in conformance with the Federal Manufactured Housing Construction and Safety Standards, as evidenced by an affixed certification label. For the purposes of these regulations, a mobile home is not a manufactured home.

MANUFACTURED HOME LOT

A parcel of land in a manufactured home park.

MANUFACTURED HOME PARK

Any plot of ground upon which two (2) or more mobile homes and/or manufactured homes and/or modular homes, occupied as a dwelling and residence, are located, regardless of whether or not a charge is made for such accommodation. A manufactured home park has a system of utilities including water supply, sanitary sewers, power and telephone.

MANUFACTURED HOME, PERMANENT

A manufactured home placed upon a permanent foundation.

MANUFACTURED HOME SPACE

A plot of ground within a manufactured home park designed for the accommodation of one (1) mobile home or one (1) manufactured home or modular home.

MANUFACTURED HOME, TEMPORARY

A manufactured home not placed upon a permanent foundation.

MARIJUANA or MARIHUANA

Means Cannabis Indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seed thereof and resin extracted from the plant and marijuana-infused products. Marijuana does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (3/10 of 1%) on a dry weight basis, or commodities or products manufactured from industrial hemp.

[Ord. No. 3469, 6-17-2019]

MARIJUANA-INFUSED PRODUCTS

Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

[Ord. No. 3469, 6-17-2019]

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.

[Ord. No. 3469, 6-17-2019]

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana to a Qualifying Patient, a Primary caregiver, another licensed Dispensary Facility, a licensed Testing Facility, or a licensed Manufacturing Facility.

[Ord. No. 3469, 6-17-2019]

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

[Ord. No. 3469, 6-17-2019]

MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

[Ord. No. 3469, 6-17-2019]

MEDICAL MARIJUANA USE

A "Medical Marijuana Cultivation Facility," a "Medical Marijuana Dispensary Facility," a "Medical Marijuana-Infused Products Manufacturing Facility," and a "Medical Marijuana Testing Facility" as defined in Section **405.030**.

[Ord. No. 3469, 6-17-2019]

MINI-WAREHOUSE FACILITY

A structure or group of structures containing separate storage areas of varying sizes leased or rented on an individual basis for small article storage.

[Ord. No. 3530, 2-1-2021]

MOBILE HOME

A structure, transportable in one (1) or more sections, which has a body width of eight (8) feet or more and a body length of thirty-six (36) feet or more and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities and includes the plumbing, heating

and air-conditioning and electrical systems contained therein. The definition "mobile home" does not include any structure which is subject to the Federal Manufactured Housing Construction and Standards.

MOBILE HOME, PERMANENT

A mobile home placed on a permanent foundation.

MOBILE HOME, TEMPORARY

A mobile home not placed on a permanent foundation.

MODULAR HOME

A home constructed by joining together two (2) or more factory-built three-dimensional sections called modules. The modules are accepted by the U.S. Department of Housing and Urban Development and issued a Structural Engineering Bulletin which indicates it complies with the major national building codes. The modules are shipped to the construction site by trailer where they are lowered by crane or by other means onto a prepared foundation and then mated, which involves joining electrical, heating and plumbing systems connecting the utilities and matching up the trim work where the sections abut.

MOTEL OR MOTOR HOTEL

A building containing lodging rooms having adjoining individual bathrooms and used primarily by transient guests traveling by automobile.

MOTOR FREIGHT TERMINAL

A building or premises in which freight is received or dispatched by motor vehicle.

MOTOR VEHICLE

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys or other public ways.

NAMEPLATE

A sign indicating the name and address of a building or the name of an occupant thereof and/or the practice of a permitted occupation therein.

NATURAL OR ARTIFICIAL BARRIER

Any river, pond, canal, railroad, levee, embankment, fence or hedge.

NON-CONFORMING LOT

An unimproved lot which does not comply with the lot size requirements for any permitted use in the zoning district in which it is located.

NON-CONFORMING USE

Any land occupied by a use at the time of the effective date of this Zoning Ordinance which does not conform with the provisions of the same.

NOXIOUS MATTER

Material which is capable of causing injury or physical discomfort to living organisms by chemical reaction or is capable of causing detrimental effects upon the health or the psychological, social or economic well-being of human beings.

NURSING HOME

A residential establishment for the care of persons requiring a moderate level of health care.

OPEN SALES LOTS

Any land used or occupied for the purposes of displaying, buying or selling merchandise, passenger cars, trucks, motor scooters, motorcycles, boats and monuments or for the storing of same prior to sale.

OVERLAY ZONING DISTRICT

A zoning district that is described in the Zoning Ordinance text, mapped and imposed in addition to those in the underlying zoning district. Developments within the overlay zoning district must conform to the requirements of both zoning districts.

OWNERS

Those persons, firms, trusts, partnerships, associations or corporations whose names appear as "owners" of record in the office of the Cass County Recorder of Deeds.

PARKING SPACE

Any area for the purpose of storing one (1) parked motor vehicle.

PARTICULAR MATTER

Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric temperature and pressure.

PARTY WALL

A wall which is common to but divides contiguous buildings; such a wall contains no openings and extends from its footing below the finished ground grade to the height of the exterior surface of the roof.

PERFORMANCE STANDARD

A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare, heat or other effects generated by or inherent in uses of land or buildings.

PERMITTED USE

A use by right which is specifically authorized in a particular zoning district.

PLAN, CONCEPTUAL

A plan that sets forth the basic concepts for development of a tract of land. This plan can be of a general or outline nature and need not propose precise locations of buildings and facilities.

PLAN, FINAL

A plan showing the definite proposed location of buildings, facilities, landscaping and uses upon a tract of land. This plan may or may not be required by the Planning and Zoning Commission, at its discretion.

PLANNED ZONING DISTRICT

The zoning designation of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract.

PLANNING AND ZONING COMMISSION

The duly appointed advisory board having duties and jurisdiction in the City of Harrisonville as set out in Missouri Statutes and local ordinances and which board may be referred to herein as "Planning Commission" or "Commission".

QUALIFYING PATIENT

A Missouri resident diagnosed with at least one (1) qualifying medical condition.
[Ord. No. 3469, 6-17-2019]

REFUSE

All waste products resulting from human habitation or the conduct of business or industry, except sewage.

RESIDENTIAL CARE FACILITY

Any premises, other than a residential care facility, intermediate care facility or skilled nursing facility, which is utilized by its owner, operator or manager to provide twenty-four (24) hour care to three (3) or more residents, who are not related within the fourth degree of consanguinity or affinity to the owner, operator or manager of the facility and need or are provided with shelter, board and with protective oversight, which may include storage and distribution of administration of medications and care during short-term illness or recuperation.

ROOMING HOUSE

A building or portion thereof containing lodging rooms which accommodate persons who are not members of the keeper's family and where lodging rooms or meals, or both, are provided for compensation.

SALVAGE YARD

An area of land, with or without building, used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials such as waste paper, rags or scrap material; or used building materials, house furnishings, machinery, motor vehicles or parts thereof with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

SCHOOL

Any building which is regularly used as a public, private or parochial elementary and/or secondary school or high school.

[Ord. No. 3469, 6-17-2019]

SCREENING

A structure erected or vegetation planted as a screen designed to conceal materials and operations conducted behind it.

SIGN

Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used or which is in the nature of an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business, but shall not include any display of governmental notice or governmental, religious or fraternal flag.

STORAGE

The word storage, stored or store, when used in this Chapter, shall mean the keeping of materials, equipment or products of the following nature:

1.

In residential districts the keeping of building materials, industrial equipment, semi-trailer trucks, recreational vehicles and equipment and similar items for a period of time longer than would normally be involved in the day to day use of consumption of the same. The keeping of motor passenger cars, pickup trucks and similar vehicles used for daily transportation by occupants of the premises; recreational equipment and vehicles which are used one (1) or more times per month for recreation purposes during the period of keeping on the premises; and construction materials and equipment which are being used on construction on the premises shall not be considered storage.

2.

In commercial and industrial district the keeping of merchandise, raw materials, products or equipment which are a necessary part of the sales, manufacturing or other activity on the premises.

STORY

That portion of a building included between the surface of any floor and the floor or the ceiling next above. A basement shall be counted as a story and a cellar shall not be counted as a story.

STORY, HALF

A space under a sloping roof which has the line of intersection of roof decking and will not be more than three (3) feet above the top floor level and in which space not more than sixty percent (60%) of the floor area is completed for principal or accessory use.

STREET

A right-of-way dedicated to public use, which affords a primary means of vehicular and pedestrian access to abutting property.

STREET LINE

The dividing line between the street right-of-way and the abutting property.

STRUCTURAL ALTERATION

Any change, other than incidental repairs, in the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders.

STRUCTURE

Anything erected, the use of which requires more or less permanent location on the ground or attached to something having permanent location on the ground.

THEN EXISTING

Any school, child daycare center, or church with a written building permit from the City to be constructed, or under construction, or completed and in use at the time the Medical Marijuana Dispensary first applies for either zoning or a building permit, whichever comes first.

[Ord. No. 3469, 6-17-2019]

TRAILER

A vehicle, other than a mobile home, equipped with wheels and normally towed over the road behind a motor vehicle.

TRAVEL TRAILER OR RECREATION VEHICLE

A portable structure mounted on wheels or on a motorized chassis, including converted buses, and which is normally used as sleeping quarters and shelter while traveling but not as a dwelling.

TRAILER

Includes a separate vehicle not driven or propelled by its own power, drawn by some independent power. For purposes of these regulations, the term "*trailer*" shall not include mobile, manufactured or modular homes.

TRAILER CAMP

Any piece, parcel, tract or plot of ground which provides space for transient occupancy and is used or intended to be used for the parking of one (1) or more camping trailers. The term "*trailer camp*" does not include sales lots on which unoccupied camping trailers, whether new or used, are parked for the purposes of storage, inspection or sale.

USE

The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained.

USE, ACCESSORY

A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use.

USE, NON-CONFORMING

Any use of a building or premises which on the effective date of this Chapter does not, even though lawfully established, comply with all of the applicable use regulations as set forth herein for the zoning district in which such building or premise is located.

USE, PERMITTED

Any building, structure or use which, on the effective date of this Chapter, complies with the applicable regulations governing permitted uses of the zoning district in which such building, structure or use is located.

USE, PRINCIPAL

The main use of land or building as distinguished from a subordinate or accessory use.

USE, SPECIAL

A use of any building, structure or parcel of land by the Board of Aldermen that, by its nature, is perceived to require special care and attention in siting so as to assure compatibility with surrounding properties and uses. Special uses may have special conditions and safeguards attached to assure that the public interest is served.

VARIANCE

A variation or relief from a specific requirement in this Chapter as applied to a specific property and as approved by the Board of Zoning Adjustment.

YARD

An open space on a lot which is generally unoccupied and unobstructed from ground level to the sky, except as otherwise permitted in this Chapter. A yard extends along a lot line and at right angles to such line to a depth or width specified in the yard regulations for the district in which such lot is located.

YARD, FRONT

A yard across the full width of the lot and extending back from the front lot line to the front line of the main building.

YARD, REAR

The portion of the yard on the same lot with the principal building and located between the rear line of the building and the rear lot line and extending for the full width of the lot, provided that in those locations where an alley or a railroad lead track right-of-way is platted in the rear of the lots, one-half (½) of the width of the platted alley or such right-of-way may be included in the rear yard requirements.

YARD, SIDE

A yard extending along a side lot line between the front and rear yards.

Chapter 410. Subdivision Regulations

Article II. Definitions

Section 410.160. Definitions.

[Ord. No. 2766 §1(120.160), 4-1-2002; Ord. No. 2777 §1, 7-15-2002]

Any word or phrase which is defined in this Section shall have the meaning assigned to it by the Section whenever the word or phrase is used in these Subdivision Regulations.

ACCESS

The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

ADMINISTRATIVE OFFICER

The governmental officer charged with administering development regulations.

AGRICULTURAL USES

The use of a tract of land of not less than ten (10) acres for the growing of crops, pasturage or nursery, including the structures necessary for carrying out farming operations and the dwellings of those owning or operating the premises, a member of the family thereof or persons employed thereon and the family thereof.

ALLEY

A public or private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

APPLICANT

A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT

The application form and all accompanying documents required by ordinance for approval of a subdivision plat or site plan.

APWA

The American Public Works Association.

AS-BUILT PLANS

Construction plans revised to show a facility or structure as actually constructed and as it appears on the tract of land involved.

ASTM

American Society for Testing Materials.

AWWA

American Water Works Association.

BLOCK

An area of land within a subdivision that is entirely bounded by streets, highways or rights-of-way, except alleys, or between streets, highways, streams, parks, etc., or any other barrier or combination thereof to the continuity of development.

BOARD OF ALDERMEN

The Board of Aldermen of the City of Harrisonville, Missouri.

BOND

Any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit, in an amount and form satisfactory to the City. All bonds shall be approved by the City Attorney in an amount approved by the Board of Aldermen.

BUILDING LINE OR SETBACK LINE

A line parallel to a street or right-of-way line, shore of a lake, edge of a stream or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such building line and right-of-way, lakeshore, stream bank or other property line.

CHANNEL

The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

CHANNELIZATION

The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly.

CITY

The City of Harrisonville, Missouri.

CITY ADMINISTRATOR

The City Administrator of the City of Harrisonville, Missouri.

CITY CLERK

The City Clerk of the City of Harrisonville, Missouri.

CITY ENGINEER

The officially appointed engineer of the City of Harrisonville, Missouri, or his/her duly appointed designee.

COMMUNITY DEVELOPMENT DIRECTOR

The Community Development Director of the City of Harrisonville, Missouri.

CONSTRUCTION PLANS

The engineering drawings showing types of materials and construction details for physical structures and facilities, excluding dwelling units or other buildings to be installed in conjunction with development of a subdivision.

COUNTY

Cass County, Missouri.

CUL-DE-SAC

A street having one (1) end open to traffic and being terminated by a vehicle turnaround.

CURB

A vertical or sloping edge of a roadway.

CURRENT YEAR'S PRICE

1.

For the calendar year 2002, six thousand five hundred six dollars sixty-three cents (\$6,506.63) based on the price for one (1) acre of undeveloped residential land in the City;

2.

For all other calendar years, an amount equal to the product of six thousand five hundred six dollars sixty-three cents (\$6,506.63) times the percentage that the Consumer Price Index (CPI) has increased or decreased since December 31, 2001.

DEDICATION

An act transmitting property or interest thereto.

DENSITY

The permitted number of dwelling units per gross acre of land to be developed.

DESIGN FLOOD

The relative size or magnitude of a major flood of reasonable expectancy which reflects both flood experience and flood potential and is the basis of the delineation of the floodway, the flood hazard area and the water surface elevations.

DESIGN STANDARDS

Standards that set forth specific improvement requirements.

DETENTION BASIN

A pond, pool or basin used for the temporary storage of water runoff.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase or any other person having enforceable proprietary interest in such land.

DEVELOPMENT

A planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive purposes.

DEVELOPMENT REGULATIONS

Zoning, subdivision, site plan, official map, floodplain or storm water regulations or other governmental regulations of the use and development of land.

DIVIDED STREET

A street having an island or other barrier separating moving lanes.

DRAINAGE

The removal of surface water or ground water from land by drains, grading or other means.

DRAINAGE FACILITY

Any component of the drainage system.

DRAINAGE SYSTEM

The system through which water flows from the land, including all watercourses, waterbodies and wetlands.

DRIVEWAY

A paved or unpaved area used for ingress or egress of vehicles and allowing access from a street to a building or other structure or facility.

DUPLEX DEDICATION

The number of acres calculated by taking the number of duplex units to be included in the subdivision and multiplying that number times three (3) people per duplex unit and then taking the resulting number and multiplying that number times six one-thousandths (.006) of an acre per person.

EASEMENT

A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

ENGINEER

A professional engineer registered in the State of Missouri.

ESCROW

Money delivered to a third (3rd) person to be delivered by him/her to the grantee only upon fulfillment of a condition.

FINAL APPROVAL

The official action taken on a preliminarily approved subdivision after all conditions, engineering plans and other requirements have been completed or fulfilled.

FINAL PLAT

A plat prepared by a registered land surveyor or registered professional engineer to describe the precise location and dimension of lots, established easements, dedicated street right-of-way and otherwise describe property to be subdivided.

FIRE FLOW (Needed Fire Flow Or Required Fire Flow)

The rate of water flow, at a residual pressure of twenty (20) psi and for a specified duration, that is necessary to control a major fire in a specific structure.

FRONTAGE

See "*LOT FRONTAGE*".

GENERAL DEVELOPMENT PLAN

A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

GOVERNING BODY

The chief legislative body of the municipality.

GRADE

The slope of a street or other public way specified in percentage terms.

GUTTER

A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying runoff water.

IES

Illuminating Engineering Society.

IMPOUNDMENT

A body of water, such as a pond, confined by a dam, dike, floodgate or other barrier.

IMPROVEMENT

Street work, utilities, sidewalks, drainage structures and other physical modifications which are to be installed or constructed by the subdivider for the benefit of the lot owners and for the proper development of the community as a condition precedent to the approval and acceptance of the final plat.

LATERAL SEWERS

Pipes conducting sewage from individual buildings to larger pipes called trunk or interceptor sewers that usually are located in street rights-of-way.

LOT

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA

The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

LOT, CORNER

A lot situated at the intersection of two (2) streets.

LOT, DOUBLE FRONTAGE

A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

LOT FRONTAGE

That portion of a lot extending along a street line.

LOT LINES

The boundary lines of a lot.

MAIN

In any system of continuous piping, the principal artery of the system to which branches may be connected.

MAINTENANCE GUARANTEE

Any security which may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specific period of time.

MASTER PLAN

A comprehensive long-range plan intended to guide the growth and development of a community or region. Includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use.

MOUNTABLE CURB

A low curb with a flat slope designed to be crossed easily without discomfort.

MULTI-FAMILY DEDICATION

The number of acres calculated by taking the number of multifamily units to be included in the subdivision and multiplying that number times two (2) people per multi-family unit and then taking the resulting number and multiplying that number times six one-thousandths (.006) of an acre per person.

OFF-SITE

Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application or on a contiguous portion of a street or right-of-way.

OFF TRACT

Not located on the property that is the subject of a development application or on a contiguous portion of a street or right-of-way.

ON-SITE

Located on the lot in question.

OPEN SPACE

An area of land or water or combination thereof planned for passive or active recreation but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas or required front, rear or side yards.

PERFORMANCE GUARANTEE

Any security that may be accepted by a municipality as a guarantee that the improvements required as part of an application for development are satisfactorily completed.

PLANNING AND ZONING COMMISSION

The officially appointed Planning and Zoning Commission of the City of Harrisonville; the term may be abbreviated in this Chapter as the "Commission".

PLAT

A map or maps of a subdivision or site plan.

PRE-APPLICATION CONFERENCE

An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally.

PRELIMINARY APPROVAL

The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the City and the applicant.

PRELIMINARY DEVELOPMENT PLAN

A rough plan of a proposed subdivision or other development.

PRELIMINARY PLAT

A map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

RECORDER OF DEEDS

The Cass County Missouri, Recorder of Deeds.

REQUIRED PARKLAND DEDICATION

The number of acres calculated by adding together the single-family dedication, the duplex dedication and the multi-family dedication, where applicable.

RESIDENTIAL ACCESS STREET

The lowest order of residential street (see Street Hierarchy). Provides frontage for access to private lots and carries traffic having destination or origin on the street itself. Designed to carry

traffic at slowest speed. Traffic volume should not exceed two hundred fifty (250) ADT at any point of traffic concentration. The maximum number of household units should front on this class of street.

RESIDENTIAL COLLECTOR

The highest order of residential street (see Street Hierarchy). Conducts and distributes traffic between lower order residential streets and higher order streets (arterials and expressways). Since its function is to promote free traffic flow, access to homes and parking should be prohibited. Collectors should be designed to prevent use as shortcuts by non-neighborhood traffic. Total traffic volume should not exceed three thousand (3,000) ADT.

RESIDENTIAL DENSITY

The number of dwelling units per gross acre of residential land area, including streets, easements and open space portions of a development.

RETENTION BASIN

A pond, pool or basin used for the permanent storage of water runoff.

RIGHT-OF-WAY

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees or for another special use.

ROADWAY

The actual road surface area from curb line to curb line, which may include travel lanes and parking lanes. Where there are no curbs, the roadway is that portion between the edges of the paved or hard surface width.

SALE OR LEASE

Any immediate or future transfer of ownership, including contract of sale or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map or other written instrument.

SETBACK

The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

SEWER

Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

SHADE TREE

A tree in a public place, street, special easement or right-of-way adjoining a street.

SIDEWALK (AREA)

A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

SIGHT TRIANGLE

A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SINGLE-FAMILY DEDICATION

The number of acres calculated by taking the number of single-family units to be included in the subdivision and multiplying that number times three and seven tenths (3.7) people per single-family unit and then taking the resulting number and multiplying that number times six one-thousandths (.006) of an acre per person.

SITE PLAN

An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

SMALL SUBDIVISION

A subdivision of land of not more than four (4) lots and five (5) acres, provided that such subdivision does not involve a planned development, any new street or the extension of a utility or other municipal facility.

STREET

A right-of-way dedicated to the public use which provides vehicular and pedestrian access to adjacent properties.

STREET, ARTERIAL

A street or road that is designated in the Comprehensive Plan for large volumes of traffic to move quickly and safely and which provides service and access to abutting properties only as a secondary function.

STREET, COLLECTOR

A street or road that is designated in the Comprehensive Plan primarily to gather traffic from local streets and carry it to the arterial street system.

STREET HIERARCHY

The conceptual arrangement of streets based upon the function. A hierarchical approach to street design classifies streets according to function, from high-traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use and residential quality.

STREET, LOCAL

Any public street or road designed primarily to provide access to more than one (1) property.

STUB STREET

A portion of a street for which an extension has been proposed and approved. May be permitted when development is phased over a period of time, but only if the street in its entirety has been approved in the preliminary plan.

SUBDIVIDER

A person, firm, corporation, partnership or association which causes land to be divided into a subdivision for itself or for others.

SUBDIVISION

The division of a tract of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel of land. However, the division of land shall not be considered to be a subdivision when the smallest parcel created is more than forty (40) acres in area. The term "*subdivision*" includes "*resubdivision*", and the term "*resubdivision*", as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use or other purposes, which vary from the latest, approved plat of the same.

SURVEYOR

A professional land surveyor registered in the State of Missouri.

USGS

(Also USC&G and USC&GS). United States Coast and Geodetic Survey.

VARIANCE

A variation from compliance with a specific provision granted to a particular property owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the zoning regulations. The granting of variances on zoning issues is the responsibility of the Board of Zoning Adjustment.

WAIVER

A waiver from compliance with a specific provision granted to a particular property owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the Subdivision Regulations. The granting of waivers from the Subdivision Regulations is the responsibility of the Board of Aldermen.

ZONING CODE

The duly approved, enacted and amended ordinance which controls and regulates zoning in the City of Harrisonville.



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

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%. 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

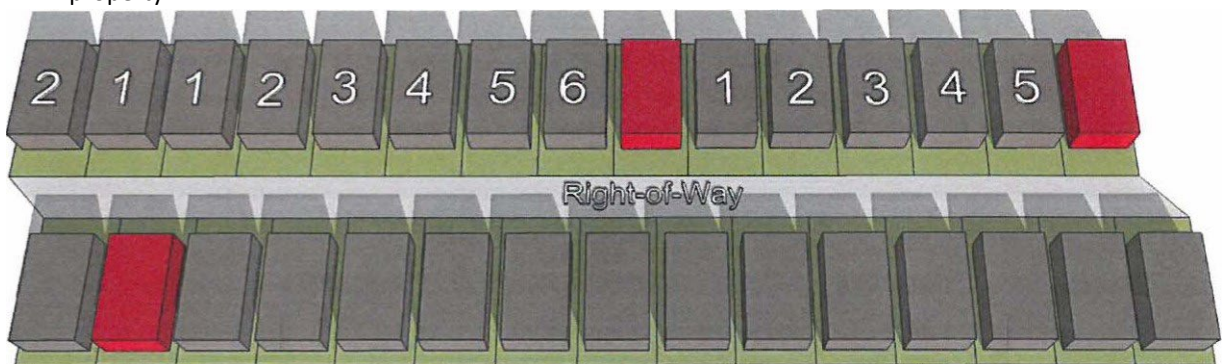
CHOOSE ONE

- (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	73% YES
WARRENSBURG	NO	
KCMO	YES	
WYCO KCK	YES	
OVERLAND PARK	YES	
RAYTOWN	YES	
GLADSTONE	NO	
INDEPENDENCE	YES	
LEES SUMMIT	YES	
BLUE SPRINGS	YES	
HARRISONVILLE	NO	

Attachment: ANTI-MONOTONY STATS (Codes Update)