

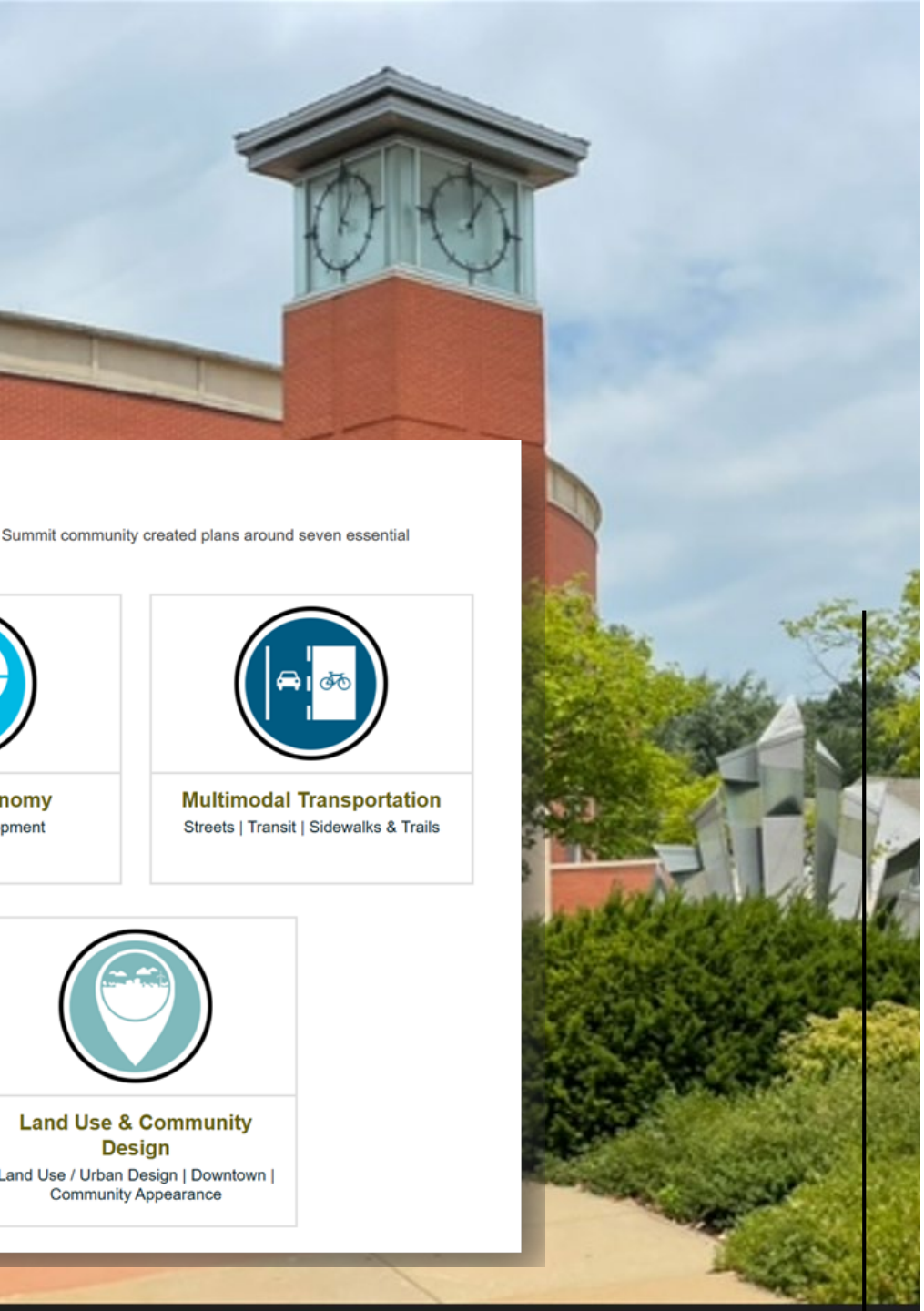
UNIFIED DEVELOPMENT ORDINANCE UPDATES

Aimee E. Nassif, AICP
Deputy Director of Development

Unified Development Ordinance Updates

-
- 1 ARTICLE 2, DIV II / MAILED NOTICES
 - 2 ARTICLE 2, DIV IV / SUBMITTAL REQUIREMENTS AND MODIFICATION REQUESTS
 - 3 ARTICLE 7, DIV 1 / MODIFICATIONS
 - 4 ARTICLE 8, DIV III / TREE REQUIREMENTS
 - 5 ARTICLE 5, DIV II / REFERENCE UPDATES TO THE NEW FLOOD INSURANCE STUDY BOOKS





Fuel Our Future Plan Elements

To continue to ignite "a vibrant community ensuring the finest quality of life for all generations" over the next 20 years, the Lee's Summit community created plans around seven essential elements of a successful community.



Quality of Life
Health | Safety | Arts / Culture / Preservation | Education | Parks & Rec




Strong Neighborhoods & Housing Choice
Housing



Resilient Economy
Economic Development



Multimodal Transportation
Streets | Transit | Sidewalks & Trails



Facilities & Infrastructure
City Services



Sustainable Environment
Environment



Land Use & Community Design
Land Use / Urban Design | Downtown | Community Appearance

Art. 2, Div. II Public Hearings and Notices

Current Language

Sec. 2.170. - Notice to surrounding property owners.

Section 2.170.B. Mailed notice requirements. Mailed notice shall be sent, by regular mail, to the last known record owner of all property within 300 feet from the boundaries of the property for which the application is being considered. The notice shall state the time and place of the hearing, and include a general description of the proposal, a location map of the property, the general street location of the property subject to the proposed change, and a statement explaining that the public will have an opportunity to be heard at the public hearing. Failure to receive mailed notice shall not invalidate any action taken on the application.

[Sec. 2.170. - Notice to surrounding property owners. | Unified Development Ordinance | Lee's Summit, MO | Municode Library](#)

Art. 2, Div. II Public Hearings and Notices

Proposed Language

Sec. 2.170. - Notice to surrounding property owners.

Section 2.170.B. Mailed notice requirements. Mailed notice shall be sent, by ~~regular~~ **certified** mail, to the last known record owner of all property within 300 feet from the boundaries of the property for which the application is being considered. The notice shall state the time and place of the hearing, and include a general description of the proposal, a location map of the property, the general street location of the property subject to the proposed change, and a statement explaining that the public will have an opportunity to be heard at the public hearing. Failure to receive mailed notice shall not invalidate any action taken on the application.

[Sec. 2.170. - Notice to surrounding property owners. | Unified Development Ordinance | Lee's Summit, MO | Municode Library](#)

Current Language

2.310 Preliminary development plans; applications—Contents and submission requirements

The following items shall be submitted in support of an application for preliminary development plan:

- A. All general application requirements contained in Section 2.040.A.
- B. All plan submission requirements in Section 2.040.B.
- C. Contents. The proposed preliminary development plan shall also include the following:

Proposed Language

2.310 Preliminary development plans; applications—Contents and submission requirements

The following items shall be submitted in support of an application for preliminary development plan:

- A. All general application requirements contained in Section 2.040.A.
- B. All plan submission requirements in Section 2.040.B.
- C. **A project narrative providing a written summary of the proposal.**
- D. Contents. The proposed preliminary development plan shall also include the following:

Current Language

2.310 Preliminary development plans; applications—Contents and submission requirements

Section 2.310.C. Contents. The proposed preliminary development plan shall also include the following:

5. Exterior building elevations.

a. Preliminary building elevations of all sides depicting the general style, size and exterior construction materials and color schedule of the building proposed. In the event of several building types, a minimum of one elevation of each building type is required.

b. Building height.

Proposed Language

Section 2.310.C.5. Exterior building elevations

- a. Be in color and drawn to a standard architectural scale. Include dimensions sufficient to determine relationship between various elements, building height, proportion.
- b. Depict the architectural style, size, exterior construction materials, and colors of all proposed buildings.
- c. Depict the elevations of all sides of proposed buildings and include notations of building materials and materials schedule describing the materials to be used on exteriors and roofs and screening of mechanical equipment.
- d. In the event of several building types, a minimum of one color elevation of each building type is required.

Current Language

2.310 Preliminary development plans; applications—Contents and submission requirements

Section 2.310C.7 Statement of need for modification from district regulations. A narrative statement that explains the need for modification of the applicable zoning district regulations, as such modification is permitted pursuant to [Article 4](#), shall be submitted in support of the application for the preliminary development plan approval.

Proposed Language

2.310 Preliminary development plans; applications—Contents and submission requirements

Section 2.310.C.7 Statement of need for modification ~~requests. from district regulations.~~ A narrative statement that explains the need for modification of the applicable zoning district **or development** regulations, **in accordance with Article 2.** ~~as such modification is permitted pursuant to [Article 4](#), shall be submitted in support of the application for the preliminary development plan approval.~~

Art. 2, Div. IV Consideration of preliminary development plans.

Current Language

2.320 Consideration of preliminary development plans

C. Modification of underlying district regulations. The Commission may recommend, and the Governing Body may approve, pursuant to the procedures set forth in this section, a preliminary development plan that modifies one or more of the restrictions or regulations found in this chapter, including, but not limited to, density and minimum lot size requirements, floor area ratios, building setback requirements, design standards, required minimum public improvements, building materials and color, maximum structure heights, parking, landscaping, buffering and tree protection requirements. Uses permitted as of right, uses permitted with conditions and special uses within each district, as set forth in [Article 4](#), cannot be modified pursuant to this subsection. A preliminary development plan that contains proposed modifications from one or more of the restrictions or requirements of this chapter, as authorized by this subsection, may be recommended for approval or approved, as the case may be, if the Governing Body concludes, in addition to the criteria for approval set forth in Subsection D. of this section, that the development proposed by the preliminary development plan will provide sustainable value to the City, incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent throughout the proposed project, effectively utilize the land upon which the development is proposed, and further the goals, spirit and intent of this chapter. No separate vote on proposed modifications is required by this subsection. It is the intent of this subsection that the Commission and the Governing Body evaluate the proposed preliminary development plan to determine if, as a whole, it is consistent with the approval criteria set forth herein and the purposes of this chapter.

Art. 2, Div. IV Consideration of preliminary development plans.

Proposed Language

2.320 Consideration of preliminary development plans

C. Modification of underlying district regulations. The Commission may recommend, and the Governing Body may approve, pursuant to the procedures set forth in this section, a preliminary development plan that modifies one or more of the restrictions or ~~regulations~~ **requirements** found in this chapter, including, but not limited to, density and minimum lot size requirements, floor area ratios, building setback requirements, design standards, required minimum public improvements, building materials and color, maximum structure heights, parking, landscaping, buffering and tree protection requirements.

1. Uses permitted as of right, uses permitted with conditions and special uses within each district, as set forth in [Article 4](#), cannot be modified pursuant to this subsection.
2. A preliminary development plan that contains proposed modifications from one or more of the restrictions or requirements of this chapter, as ~~authorized by this subsection,~~ **Modification requests** may be recommended for approval or approved, as the case may be, if the Governing Body concludes, in addition to the criteria for approval set forth in Subsection D. of this section, that the development proposed by the preliminary development plan **that the applicant has demonstrated that approval of the modification** will:
 - a. provide sustainable value to the City, and;
 - b. incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent throughout the proposed project, and;
 - c. effectively utilize the land upon which the development is proposed, and;
 - d. further the goals, spirit and intent of this chapter, and;
 - e. the project as a whole is consistent with the approval criteria of this chapter, and;
3. No separate vote on **the** proposed modifications **request** is required by this subsection. It is the intent of this subsection that the Commission and the Governing Body evaluate the proposed preliminary development plan to determine if, as a whole, it is consistent with the approval criteria set forth herein and the purposes of this chapter.

[Sec. 2.320. - Consideration of preliminary development plans. | Unified Development Ordinance | Lee's Summit, MO | Municode Library](#)

Art. 5, Div. II Floodplain Overlay District

Current Language

Sec. 5.110.C. – Findings of fact.

Methods used to analyze flood hazards. The flood insurance study (FIS) that is the basis of this division uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

1. Selection of a regulatory base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this division is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this division. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year, as delineated on the Federal Insurance Administrator's Flood Insurance Study and illustrative materials for Jackson County, Missouri dated January 20, 2017 as amended, and any future revisions thereto.

Art. 5, Div. II Floodplain Overlay District

Proposed Language

Sec. 5.110.C. – Findings of fact.

Methods used to analyze flood hazards. The flood insurance study (FIS) that is the basis of this division **of the UDO** uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

1. Selection of a ~~regulatory~~-base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this division **of the UDO** is representative of large floods which are ~~reasonably~~ characteristic of what can be expected to occur on the particular streams subject to this division **of the UDO**. ~~It is in the general order of a flood which could be expected.~~ **The base flood is the flood that is estimated** to have a one percent chance of occurrence ~~being equaled or exceeded~~ in any ~~one~~ **given** year, as delineated on the Federal Insurance Administrator's Flood Insurance Study (FIS), and illustrative materials for Jackson County, Missouri dated ~~January 20, 2017~~ **December 7, 2023** as amended, and any future revisions thereto.

Current Language

Sec. 7.060. - Modifications.

The requirements of this article may be modified only through approval of a preliminary development plan by the Governing Body in accordance with the procedure set forth in [Article 4](#), or through approval of a variance by the Board of Adjustments in accordance with the procedure set forth in Article 17.

Proposed Language

Sec. 7.060. - Modifications.

The requirements of this article may be modified only through approval of a preliminary development plan by the Governing Body in accordance with the procedure set forth in [Article 4](#) [Article 2](#), or through approval of a variance by the Board of Adjustments in accordance with the procedure set forth in Article 17.

Current Language


Sec. 8.740 – Tree Conservation Plan.

- A. A tree conservation plan shall be submitted to the Department prior to any grading, bulldozing, or other removal of existing vegetation that may affect existing tree coverage. A preliminary plan may be submitted in certain circumstances, as provided below:
1. The full tree conservation plan shall show the following:
 - a. The extent of the development site;
 - b. All significant trees to be removed and all other trees of ten-inch caliper or larger to be removed;
 - c. All significant trees and all other trees ten-inch caliper or larger that will remain on the development site and be protected during construction; and trees less than ten-inch caliper that are submitted for credit as part of the requirement of this division;
 - d. In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees and a list of the number, size, and type (e.g., hardwood, softwood; deciduous, evergreen) of trees in each stand that are submitted for credit;
 - e. Locations of proposed on-site underground utility lines;
 - f. Locations of other on- and off-site utility lines, indicating areas where trees cannot be planted because of interference with: (1) existing or proposed utilities on public rights-of-way or on utility rights-of-way or easements, and (2) existing utilities on adjoining properties;
 - g. Limits of land disturbance, clearing, grading, and trenching;
 - h. Limits of tree conservation areas, showing trees to be maintained and planted, specifying type and size;
 - i. Grade changes or other work adjacent to a significant tree or any other tree ten-inch caliper or larger that would affect it adversely, with drawings or descriptions as to how the grade, drainage, and aeration will be maintained around the tree; and
 - j. Planting schedule, if applicable.

[Sec. 8.740. - Tree conservation plan. | Unified Development Ordinance](#)
[| Lee's Summit, MO | Municode Library](#)

Current Language

Sec. 8.740 – Tree Conservation Plan.

A. A tree conservation plan shall be submitted to the Department prior to any grading, bulldozing, or other removal of existing vegetation that may affect existing tree coverage. A preliminary plan may be submitted in certain circumstances, as provided below: 

1. The full tree conservation plan shall show the following:

- a. The extent of the development site;
- b. All significant trees to be removed and all other trees of ten-inch caliper or larger to be removed;
- c. All significant trees and all other trees ten-inch caliper or larger that will remain on the development site and be protected during construction; and trees less than ten-inch caliper that are submitted for credit as part of the requirement of this division;
- d. In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees and a list of the number, size, and type (e.g., hardwood, softwood; deciduous, evergreen) of trees in each stand that are submitted for credit;
- e. Locations of proposed on-site underground utility lines;
- f. Locations of other on- and off-site utility lines, indicating areas where trees cannot be planted because of interference with: (1) existing or proposed utilities on public rights-of-way or on utility rights-of-way or easements, and (2) existing utilities on adjoining properties;
- g. Limits of land disturbance, clearing, grading, and trenching;
- h. Limits of tree conservation areas, showing trees to be maintained and planted, specifying type and size;
- i. Grade changes or other work adjacent to a significant tree or any other tree ten-inch caliper or larger that would affect it adversely, with drawings or descriptions as to how the grade, drainage, and aeration will be maintained around the tree; and
- j. Planting schedule, if applicable.

Nothing in this list speaks to when a preliminary plan may be submitted

[Sec. 8.740. - Tree conservation plan. | Unified Development Ordinance](#)
[| Lee's Summit, MO | Municode Library](#)

Proposed Language

Sec. 8.740 – Tree Conservation Plan.

A. A tree conservation plan shall be submitted to the Department prior to any grading, bulldozing, or other removal of existing vegetation that may affect existing tree coverage. ~~A preliminary plan may be submitted in certain circumstances, as provided below:~~

1. The full tree conservation plan shall show the following:

- a. The extent of the development site;
- b. All significant trees to be removed and all other trees of ten-inch caliper or larger to be removed;
- c. All significant trees and all other trees ten-inch caliper or larger that will remain on the development site and be protected during construction; and trees less than ten-inch caliper that are submitted for credit as part of the requirement of this division;
- d. In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees and a list of the number, size, and type (e.g., hardwood, softwood; deciduous, evergreen) of trees in each stand that are submitted for credit;
- e. Locations of proposed on-site underground utility lines;
- f. Locations of other on- and off-site utility lines, indicating areas where trees cannot be planted because of interference with: (1) existing or proposed utilities on public rights-of-way or on utility rights-of-way or easements, and (2) existing utilities on adjoining properties;
- g. Limits of land disturbance, clearing, grading, and trenching;
- h. Limits of tree conservation areas, showing trees to be maintained and planted, specifying type and size;
- i. Grade changes or other work adjacent to a significant tree or any other tree ten-inch caliper or larger that would affect it adversely, with drawings or descriptions as to how the grade, drainage, and aeration will be maintained around the tree; and
- j. Planting schedule, if applicable.

Nothing in this list speaks to when a preliminary plan may be submitted

[Sec. 8.740. - Tree conservation plan. | Unified Development Ordinance](#)
[| Lee's Summit, MO | Municode Library](#)

Current Language

Sec. 8.740. – Tree Conservation Plan.

2. A preliminary tree conservation plan may be submitted for development of an industrial park where multiple sites will be cleared and graded for purposes of marketing vacant sites to prospects. Planting of new trees will not be required on a lot until a use is developed on that lot, and locations of new trees need not be shown on the preliminary plan. The preliminary tree protection plan shall show the following:

Current Language

Sec. 8.740. – Tree Conservation Plan.

2. A preliminary tree conservation plan may be submitted for development of an industrial park where multiple sites will be cleared and graded for purposes of marketing vacant sites to prospects. Planting of new trees will not be required on a lot until a use is developed on that lot, and locations of new trees need not be shown on the preliminary plan. The preliminary tree protection **conservation** plan shall show the following:

Current Language

Sec. 8.750. - Acceptable plant materials.

Section 8.750.A.4. Deciduous trees shall be a minimum of three-inch caliper, measured at a point 6 inches above the ground or top of the root ball, at planting.

Current Language

Sec. 8.750. - Acceptable plant materials.

Section 8.750.A.4. Large deciduous trees shall be a minimum of ~~three~~ 2.5 inches caliper, measured at a point 6 inches above the ground or top of the root ball, at time of planting. Small deciduous ornamental trees shall be a minimum of 1.5 inches caliper, measured at a point 6 inches above the ground or top of the root ball, at time of planting.

Art. 8, Div. III

Landscaping, Buffers and Tree Protection Plans, Installation and Maintenance

Canopy/Large Deciduous Trees

Silver Birch
Ash
Oak
Sycamore
Walnut
American Basswood



Ornamental/Small Deciduous Trees

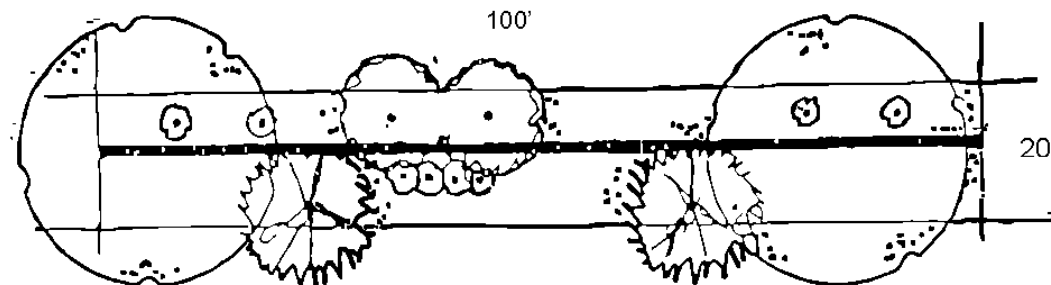
Redbud
Japanese Maple
Flowering Dogwood
Purple Leaf Plum
Crape Myrtle



Current Language

Sec. 8.900. - Required typical impact screens.

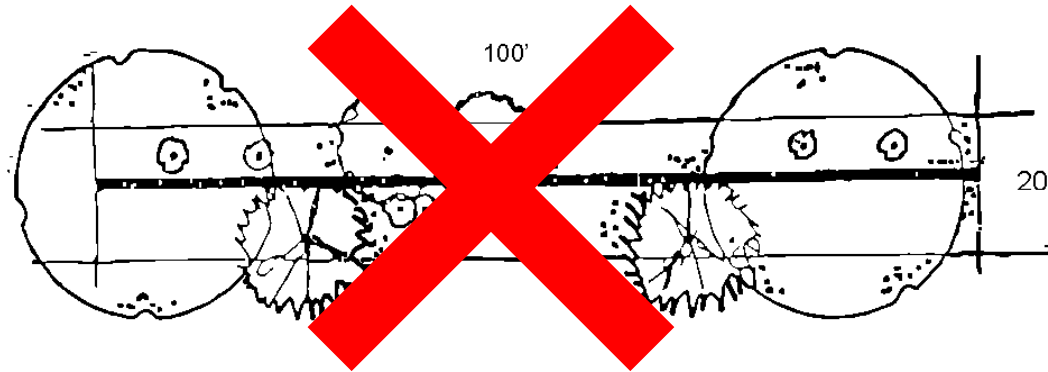
Section 8.900.A. High impact screening. A 100 percent opaque screen between land uses, which are dissimilar in character. When the proposed plan is considered to have a high impact on surrounding properties or the adjacent property is considered to have an adverse impact, both of the following shall be installed within the 20-foot buffer yard: (1) a six-foot high masonry wall or opaque vinyl fence, (2) and low impact screening shall be planted on both sides of the wall or the fence.



Proposed Language

Sec. 8.900. - Required typical impact screens.

Section 8.900.A. High impact screening. A 100 percent opaque screen between land uses, which are dissimilar in character. When the proposed plan is considered to have a high impact on surrounding properties or the adjacent property is considered to have an adverse impact, both of the following shall be installed within the 20-foot buffer yard: (1) a six-foot high masonry wall or opaque vinyl fence **or three-foot high berm**, (2) and low impact screening. ~~shall be planted on both sides of the wall or the fence.~~



Proposed Language

Sec. 8.900. - Required typical impact screens.

Section 8.900.A. High impact screening. A 100 percent opaque screen between land uses, which are dissimilar in character. When the proposed plan is considered to have a high impact on surrounding properties or the adjacent property is considered to have an adverse impact, both of the following shall be installed within the 20-foot buffer yard: (1) a six-foot high masonry wall or opaque vinyl fence **or three-foot high berm**, (2) and low impact screening. ~~shall be planted on both sides of the wall or the fence.~~



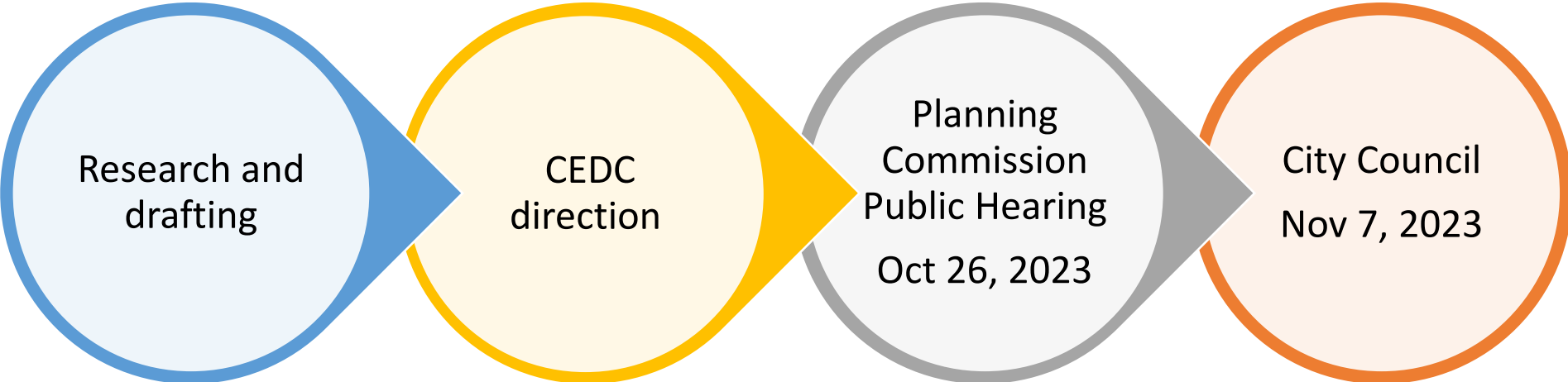
Photo examples of plantings with a berm

Art. 8, Div. III

Buffers/Screen Required Between Land Uses

Berm Examples





UDO UPDATE PROCESS

UNIFIED DEVELOPMENT ORDINANCE UPDATES

Aimee E. Nassif, AICP
Deputy Director of Development