



The City of Lee's Summit
Final Agenda
Community and Economic Development Committee

Wednesday, January 10, 2018

4:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

CALL TO ORDER

2. ROLL CALL
3. APPROVAL OF AGENDA
4. PUBLIC COMMENTS
5. APPROVAL OF ACTION LETTER
 - A. [2018-1767](#) Approval of the October 11, 2017 Community and Economic Development Committee Action Letter.
 - B. [2018-1768](#) Approval of the December 13, 2017 Community and Economic Development Committee Action Letter.
6. ITEMS FOR DISCUSSION
 - A. [2018-1772](#) Informational Presentation - Lee's Summit Code of Ordinances Chapter 5 - Animal Regulations
7. BUSINESS
 - A. [2017-1752](#) UDO Amendment # 65 Article 7 Design Standards - Division VII Design Standards for the Downtown Core Area - City of Lee's Summit Applicant
 - B. [2018-1769](#) Presentation and consideration of proposed amendments to the Unified Development Ordinance and Lee's Summit Property Maintenance Code pertaining to vehicle parking and storage regulations.
8. ROUNDTABLE
9. ADJOURNMENT

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Internet site at "www.cityofls.net".

Packet Information

File #: 2018-1767, **Version:** 1

Approval of the October 11, 2017 Community and Economic Development Committee Action Letter.

Issue/Request:

Approval of the October 11, 2017 Community and Economic Development Committee Action Letter.



The City of Lee's Summit
Action Letter - Draft
Community and Economic Development Committee

Wednesday, October 11, 2017

4:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. CALL TO ORDER

2. ROLL CALL

Present: 5 - Chairperson Diane Forte
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Liaison Donnie Funk
Alternate Craig Faith

Absent: 1 - Vice Chair Diane Seif

3. APPROVAL OF AGENDA

A motion was made by Councilmember Carlyle, seconded by Councilmember DeMoro, that the agenda be approved. The motion carried unanimously.

4. APPROVAL OF ACTION LETTER

A. [2017-1552](#) Approval of the September 13, 2017 Community and Economic Development Committee Minutes

A motion was made by Alternate Faith, seconded by Councilmember Carlyle, that the Action letter be approved. The motion carried unanimously.

5. PUBLIC COMMENTS

There were no public comments at the meeting.

6. ITEMS FOR DISCUSSION

A. [2017-0869](#) Presentation & Discussion - Parking Regulations - Recreational Vehicles, Boats, Trailers

The Committee provided feedback to staff to develop proposed ordinance amendments and bring back to the Committee for additional consideration.

B. [2017-1532](#) Status Update - Creation of Short Term Rental Regulations

The Committee provided feedback to staff to continue to refine the proposed ordinance regulations and bring back to the Committee for additional consideration.

Community and Economic Development Committee

Action Letter - Draft

October 11, 2017

C. [2017-1538](#) Discussion on Residential Rental Property Regulations

The Committee provided feedback to staff to continue research and amend proposed ordinance regulations and bring back to the Committee for additional consideration.

7. ROUNDTABLE

There was no roundtable discussion at the meeting.

8. ADJOURNMENT

There being no further business, Chairperson Forte adjourned the meeting at 6:10 pm.

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Packet Information

File #: 2018-1768, **Version:** 1

Approval of the December 13, 2017 Community and Economic Development Committee Action Letter.

Issue/Request:

Approval of the December 13, 2017 Community and Economic Development Committee Action Letter.



The City of Lee's Summit
Action Letter - Draft
Community and Economic Development Committee

Wednesday, December 13, 2017

4:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. CALL TO ORDER

2. ROLL CALL

Present: 5 - Chairperson Diane Forte
Vice Chair Diane Seif
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Liaison Donnie Funk

Absent: 1 - Alternate Craig Faith

3. APPROVAL OF AGENDA

A motion was made by Liaison Funk, seconded by Vice Chair Seif, that this agenda be approved. The motion carried unanimously.

4. PUBLIC COMMENTS

5. ITEMS FOR DISCUSSION

A. [2017-1724](#) Discussion on Residential Rental Property Regulations

The Committee provided feedback to staff to continue to refine the proposed regulations incorporating Fire Department in the process and revising the program to be referred to as a Quality Housing Program.

B. [2017-1723](#) Discussion over 2018 Building Code Adoption process.

Informational presentation only.

C. [2017-0869](#) Presentation & Discussion - Parking Regulations - Recreational Vehicles, Boats, Trailers

The Committee provided feedback to staff to develop proposed amendments to associated ordinances and bring back to the Committee for consideration.

6. BUSINESS

Community and Economic Development Committee

Action Letter - Draft

December 13, 2017

A. [2017-1718](#) Status Update - Creation of Short Term Rental Regulations

A motion was made by Councilmember Carlyle, seconded by Vice Chair Seif, to proceed to Planning Commission with the proposed Short Term Rental regulations. The motion carried unanimously.

7. ROUNDTABLE

ADJOURNMENT

There being no further business, Chairperson Forte adjourned the meeting at 5:37 pm.

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Packet Information

File #: 2018-1772, **Version:** 1

Informational Presentation - Lee's Summit Code of Ordinances Chapter 5 - Animal Regulations

Issue/Request:

At the December 13, 2017 concerns were expressed during public comment regarding the City's regulations and actions pertaining to an incident involving two dogs within a neighborhood. Staff suggested having Animal Control present an overview of the current regulations and enforcement actions to the Community and Economic Development Committee (CEDC) to gain a better understanding of how these matters are dealt with prior to considering any proposed changes or amendments.

Animal Control has two neighborhood meetings scheduled to meet with the affected neighborhood on January 9th and January 17th and would prefer to present the overview and feedback from these two neighborhood meetings at the February 14th CEDC meeting.

In anticipation of the February 14th presentation and discussion, staff felt it would be beneficial to provide the CEDC with a copy of the current Lee's Summit Code of Ordinances Chapter 5 Animal regulations to become more familiar with the regulations prior to the presentation and discussion in February. For reference - the two primary sections pertaining to dangerous dogs may be found in Sections 5-83 and 5-84.

ARTICLE I. - IN GENERAL

Sec. 5-1. - Scope.

Hospitals, clinics and other facilities operated by licensed veterinarians for the care and treatment of animals are exempt from all provisions of this chapter, except Section 5-31.

(Code 1988, § 5-1)

Sec. 5-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal shall mean any live, vertebrate creature, domestic or wild, other than humans.

Animal boarding/pet-sitting establishment shall mean a business holding a valid business license that provides temporary shelter or boarding to animals owned by other people and returns those animals to the owners after a temporary period. This definition shall also include licensed veterinarians who provide similar shelter or boarding services.

Animal shelter shall mean the facility operated by the City or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or State law and in charge of an Animal Control Supervisor employed by or duly authorized to act as such by the City.

Assistance dog shall mean a dog that has been or is being trained as a guide dog, hearing dog, or service dog. The Department may require that owners, keepers, or maintainers of assistance dogs produce appropriate proof that the dog was formally trained for work as an assistance dog and is being used for such purposes. The above terms are further defined as follows:

- A. *Guide dog* shall mean a dog that has been or is being specially trained to aid a particular blind or visually impaired person.
- B. *Hearing dog* shall mean a dog that has been or is being specially trained to aid a particular deaf or hard of hearing person.
- C. *Service dog* shall mean a dog that has been or is being specially trained to aid a particular person with a disability other than sight or hearing.

Attractant shall mean any substance which could reasonably be expected to attract wild animal or does attract a wild animal, including but not limited to garbage, food products, pet food, feed, grain, or salt.

Cat shall mean all domestic animals of the feline species, both male and female.

Chicken shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated chicken.

Chicken pen shall mean a wire enclosure connected to a henhouse or chicken tractor for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

Commercial animal establishment shall mean any pet shop, grooming shop, auction, riding school, stable, kennel, guard dog service, dog trainer, or business keeping animals in stock for retail or wholesale trade, or any establishment performing one or more of the principal activities of such establishments.

Competition dog shall mean a dog which is used to show, to compete or to breed, which is of a breed recognized by and registered with a valid registry approved by the department and meets one of the following requirements:

- A. The dog has competed in at least one dog show or sporting competition sanctioned by a valid registry approved by the department, within the last three hundred sixty-five (365) days;

- B. The dog has earned a conformation, obedience, agility, carting, herding, protection, rally, sporting, working or other title from a purebred dog registry referenced above or other registry or dog sport association approved by the department; or
- C. The owner or custodian of the dog is a member of a purebred dog breed club, approved by the department, which maintains and enforces a code of ethics for dog breeding that includes restrictions from breeding dogs with genetic defects and life threatening health problems that commonly threaten the breed.

Department shall mean the Animal Control Unit of the City of Lee's Summit, Missouri Police Department.

Dog shall mean all domestic animals of the canine species, both male and female.

Domestic animal shall mean any animal that is domesticated as opposed to wild, free-roaming, except dogs, cats and chickens.

Electronic fence or *electronic collar* shall mean a fence or collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's, harbinger's or maintainer's property. The collar may be controlled manually by a person or automatically in a predetermined manner.

Harboring shall mean offering asylum, refuge or sanctuary to any animal on a basis so temporary as to not be deemed to be owning, keeping or maintaining such animal.

Henhouse or *chicken tractor* shall mean a structure for the sheltering of chickens.

Hobby-kennel or *hobby-cattery avocation* shall mean the care, breeding, showing or sale of dogs or cats by an adult natural person who maintains a hobby-kennel or hobby-cattery containing more than three (3), but less than six (6) dogs or cats or a combination thereof over the age of six (6) months on the premises on which such person is resident or on a contiguous tract, which tracts are not zoned for business.

Humane officer shall mean the Supervisor of Animal Control, any police officer or any other person employed by the City to enforce this chapter.

Kennel or *cattery* shall mean the keeping, harboring or maintaining of six (6) or more dogs or cats or a combination thereof over the age of six (6) months upon a single tract.

Large animal shall mean any swine, bovine, goat, sheep, beast of burden or any other domestic or wild animal of similar or larger size, except dogs or cats of any kind.

License tag shall mean any system of animal identification approved by the Supervisor of Animal Control or Finance Director.

Owner shall mean any person owning, keeping, maintaining or otherwise having the care or control of an animal.

Owning, keeping or maintaining shall mean feeding or sheltering any animal for three (3) or more consecutive days or professing ownership of such animal.

Public nuisance shall mean any animal or group of animals that contains any animal that:

- A. Molests any passerby or chases passing vehicles including bicycles;
- B. Attacks any other animal;
- C. Is in heat and not properly confined in such a manner that the dog will not be accessible to other dogs except for planned breeding, as provided in this chapter;
- D. Is not under restraint in violation of this chapter;
- E. Damages public or private property;
- F. Barks, whines or howls in an excessive fashion, which is hereby defined as continuous or untimely so as to disturb the sleep of an individual who is a neighbor (a "neighbor" for this

purpose is hereby defined as an individual residing in a residence structure that is within one hundred (100) yards of the property on which the animal is kept or harbored) and who does in writing state that he will so testify, if called upon to testify about such matter under oath;

- G. Is ridden on public property without permission of the City or which obstructs or interferes with vehicular or pedestrian traffic;
- H. Causes injury to people;
- I. Threatens or causes a condition that endangers public health; or
- J. Impedes refuse collection by ripping any bag or tipping any container of such or interferes with the collector thereof.

Small animal shall mean any animal not within the definition of large animal.

Supervisor of Animal Control shall mean the person employed by the City as its Supervisor of Animal Control and shall also include the staff assigned to work under the direct control of the Supervisor of Animal Control, who may act through staff to perform any duty under this chapter unless otherwise specifically stated.

Unaltered shall mean not surgically spayed or neutered by a licensed veterinarian.

Under restraint shall mean an animal is within a fully enclosed or fenced area or under the hand-held leash of the owner, keeper, harbinger or maintainer, or a leash attached to a fixed object or structure, or confined to the premises of the residential property of their owner by an electronic fence or an electronic collar.

Under supervision shall mean that an owner, keeper, harbinger, or maintainer of an animal is in a position which allows him to maintain visual contact with the animal and allow him to readily respond in the event that a threat is posed to the animal or the animal poses a threat to another human being or animal.

Wild animal shall mean any animal that is predominantly free-roaming, as opposed to domesticated. This definition of wild animal shall include but is not limited to the following: bats, beavers, species of birds which are classified by the Missouri Department of Conservation as raptors or game birds (including waterfowl and turkeys), black bears, bobcats, cottontail rabbits, coyotes, deer, foxes, insects, lizards, minks, mountain lions, moles, muskrats, opossum, otter, raccoons, rodents in general, skunks, snakes, spiders, squirrels, and woodchucks.

(Code 1988, § 5-2; Ord. No. 6497, § 1, 9-20-2007; Ord. No. 6926, § 1, 5-6-2010; Ord. No. 7343, §§ 1, 2, 7-11-13)

Sec. 5-3. - Permitting animal to become nuisance; keeping a nuisance animal; running at large.

- A. It shall be unlawful for an owner, keeper, harbinger or maintainer of any animal to allow or permit any such animal to become a public nuisance, or to keep any animal that is or has become a public nuisance.
- B. It shall be unlawful for an owner, keeper, harbinger or maintainer of any animal to allow or permit any such animal to run at large. An animal shall be considered to be running at large if such animal is not under restraint as defined in Section 5-2.

(Code 1988, § 5-3; Ord. No. 6497, § 2, 9-20-2007)

Cross reference— Nuisances generally, ch. 16.

Sec. 5-4. - Places where animals kept to be kept clean.

No person shall cause or allow any place where an animal is or may be kept to become unclean and unwholesome.

(Code 1988, § 5-4)

Sec. 5-5. - Dangerous and prohibited animals.

- A. The following animals are hereby declared to be dangerous and the keeping or harboring of such animals within the City is prohibited, except as provided in Subsection B. of this section:
 1. Lions, tigers, bears, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, Canada lynx, bobcats, jaguarundi, hyenas, wolves, and coyotes;
 2. Nonhuman primates, raccoons, skunks, and foxes;
 3. Any deadly, dangerous, or poisonous reptile;
 4. Any other animal which is inherently dangerous because of past behavior, violations of this chapter, or the nature of the animal in relation to persons or domestic animals.
- B. The animals listed in Subsection A. of this section may be kept in a properly maintained and licensed zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge, only after such animals have been registered with the Supervisor of Animal Control.
- C. The Supervisor of Animal Control may determine the keeping or harboring of the animals listed in Subsection A. of this section in the locations listed in Subsection B. of this section has become a threat to humans or domestic animals by virtue of:
 1. Having inflicted a severe or fatal injury on a human being on public or private property. "Severe injury" means any physical injury, resulting directly from an animal's bite or strike which results in death, broken bones, lacerations requiring stitches, or hospitalization. The victim receiving severe injuries must provide the Supervisor of Animal Control a signed physician's statement documenting injury and treatment qualifying such as a severe injury or sign an authorization for release of such statement;
 2. Having killed a domestic animal, livestock, or poultry without provocation, while off the owner's property;
 3. Owning or harboring primarily or in part for the purpose of fighting or any animal trained for fighting;
 4. Having bitten a human being, without provocation, on public or private property other than the property of the owner;
 5. Having bitten while on the owner's property without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept;
 6. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds, or private property other than that property of the owner, in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by the animal;
 7. Possessing a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
- D. If the circumstances described in Subsection C. of this section are in dispute, then the owner has the option of submitting, within five (5) working days, a written request to the Chief of Police for a hearing on the matter as follows:
 1. A hearing board, consisting of the Chair of the Public Safety Advisory Board or his designee, the Chief of Police and the Administration Division Commander of the City's Police Department, or

their delegates, shall be convened within ten (10) working days after receipt of a written request from the owner.

2. Pending the outcome of such a hearing, the animal must be confined in such a manner so as not to be a threat to any person. The confinement may be on the homeowner's premises or with a licensed veterinarian.
 3. The hearing board shall determine whether the determination by the Supervisor of Animal Control is correct based upon evidence and testimony presented at the time of the hearing by the owner, in addition to witnesses, Animal Control Personnel, police or any other person possessing information pertinent to such determination.
 4. The hearing board shall issue written findings within five (5) days after the hearing. If the hearing board sustains the determination, the owner or possessor of the animal shall be required to maintain the animal as provided in this section.
- E. Actions to be taken for an animal on which a determination has been made under Subsection C. or D. of this section is as follows: The animal shall be humanely destroyed or removed from the City limits within forty-eight (48) hours after notification.
- F. The use of plastic in the construction of cages or other structures used to harbor deadly, dangerous or poisonous reptiles is prohibited.

(Code 1988, § 5-5)

Sec. 5-6. - Diseased animals.

- A. No animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of human or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Chief of Police or the Supervisor of Animal Control.
- B. It is hereby made the duty of the Supervisor of Animal Control to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the State Veterinarian is empowered to act.

(Code 1988, § 5-6)

Sec. 5-7. - Beekeeping.

It shall be unlawful to keep or harbor any bees in the City except in agricultural areas and four hundred (400) feet from inhabitants other than the owners thereof. Any beehive used or occupied by bees in violation of this section is hereby declared to be a nuisance. It shall be unlawful to keep or maintain any hive in the City except in areas four hundred (400) feet from inhabitants other than the owners thereof.

(Code 1988, § 5-7)

State Law reference— Apiaries, RSMo ch. 264.

Sec. 5-8. - Impoundment; notice of impoundment.

- A. If any animal, other than a dog or cat, is found in a state or situation in violation of the provisions of this chapter, the animal shall be impounded and a notice of violation of this Code may be delivered in person or sent by first class mail to the owner, keeper, harborer or maintainer of such animal, if known. Failure of the owner of an impounded animal to redeem such animal within the time

designated in Subsection B. or to sign a release of ownership of such animal to the City shall constitute a case of animal neglect under Section 5-163.

- B. If such a violation is a first, second, or third violation with respect to the animal, the owner, keeper, harbinger, or maintainer may appear at any time within two (2) weeks after receipt of such notice and after payment of any impoundment fee and board fee set forth in Section 5-9 then due and owing, have a right to sign a waiver of prosecution which shall amount to a plea of guilty and pay a fine as determined from time to time by the Municipal Judge. In fourth and subsequent violations of this chapter, the animal may be reclaimed within such period after payment of any impoundment fee and board fee set forth in Section 5-9 then owing, but a complaint shall be issued and the owner, harbinger, keeper, or maintainer shall appear in Municipal Court in response to the complaint and any penalty imposed by the Court shall be satisfied.

(Code 1988, § 5-8)

Sec. 5-9. - Fees for impounding and keeping of animals; disposition of unclaimed animals.

- A. Any owner redeeming an animal other than a dog or cat from impoundment at the Animal Shelter shall pay, before release, a boarding charge for each twenty-four (24) hours or fraction thereof that such animal has been impounded and an impoundment fee. Additional fees shall be assessed against the owner for any unusual expenses incurred either in the impoundment or the care of any such animal.
- B. The fees for the total period of any impoundment of an animal other than a dog or cat shall be as set forth in the City's Schedule of Fees and Charges.
- C. The fees for the feeding of animals other than dogs or cats during each day of impoundment shall be as set forth in the City's Schedule of Fees and Charges.
- D. All impounded animals, except dogs and cats, shall be kept for a period of five (5) days. If the owner has not been identified and has not claimed such animal within that period of time, the City may accept sealed bids for the sale of such animal or put it through adoption procedures. The City reserves the right to reject any and all bids and to waive technicalities. If no bids are received for the sale of such domestic animal or it is not adopted, it may be destroyed and disposed of in a humane manner.

(Code 1988, § 5-9)

Sec. 5-10. - Prohibition of waste on private or public property.

It shall be unlawful for an owner, keeper, harbinger or maintainer of any animal to permit it to defecate or deposit fecal matter on or upon private property (other than the property on which the animal is legally being kept), or on public property unless such waste is immediately removed and properly disposed.

(Ord. No. 4859, § 1, 9-16-1999)

Sec. 5-11. - Feeding of certain wild animals prohibited.

- A. *Prohibitions.*
 - 1. No person shall feed or in any manner provide any attractant to any wild animal within the corporate limits of the City.
 - 2. No person shall leave, store, or maintain any attractant in a manner, area, or location accessible to any wild animals within the corporate limits of the City.
- B. *Exceptions.*

1. Any person who is the legal owner of a wild animal and the wild animal is kept in compliance with all applicable state and local laws.
2. Any person who feeds or provides food to a trapped, injured or unweaned wild animal between the time that the City of Lee's Summit Animal Control Department is notified of the wild animal and the wild animal is picked up by the City of Lee's Summit Animal Control Department or its designated agent.
3. Any person with a bird feeder intended to feed song birds, provided the feeder is suspended on a cable or other device to make it inaccessible to wild animals, and the area below the feeder is kept free from the accumulation of seed debris.
4. Any person feeding animals in the normal course of raising farm animals for food production or in the care of livestock animals, provided all reasonable efforts are made to reduce attractants to wild animals in the course of feeding livestock/farm animals and in the storage of animal feed.
5. Nothing in this section shall restrict citizens' ability to maintain ornamental plants or vegetable gardens on their property, provided all reasonable efforts are made to reduce wild animals feeding off of such ornamental plants or vegetable gardens.
6. Nothing in this section shall prohibit the actions of agents of the City of Lee's Summit Animal Control Department, Missouri Department of Conservation, their authorized agents or other individual(s) acting lawfully pursuant to wildlife or waterfowl management programs duly authorized by the City of Lee's Summit, the State of Missouri, or the Federal Government of the United States of America.

(Ord. No. 6926, § 2, 5-6-2010)

Sec. 5-12. - Sale of animals in public places prohibited.

- A. *Prohibitions.* No person shall sell, exchange, barter, trade, lease, rent, give away, display or transfer any animal on any roadside, public right-of-way, parkway, median, park, playground, flea market, commercial or retail parking lot, or property adjacent to such locations, that is generally accessible to the public, regardless of whether such access is authorized or not.
- B. *Exceptions.*
 1. This section shall not apply to the Lee's Summit Animal Control Department or any animal shelter licensed by the State of Missouri; or any breeding permit holder, or individual breeder, possessing a valid litter permit, to sell at an exempt commercial special event as defined in Article 11 of the Unified Development Ordinance; or other transfers from a personal residence.
 2. Nothing in this section shall prohibit a commercial animal establishment, which possesses any and all required federal, state, and/or local licenses for such business, from displaying, selling, or transferring animals, pursuant to its normal business activities, in public areas abutting or adjacent to its place of business.
- C. The term "animal shelter," as used in this section, means a facility which is used to house or contain animals, which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of such animals, or a person whose primary purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer them for adoption.

(Ord. No. 7034, § 1, 5-5-2011)

Secs. 5-13—5-29. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 5-30. - Enforcement.

The Supervisor of Animal Control or anyone having the authority of Animal Control Officer, Humane Officer or City police officer shall have the duty of enforcing all the terms and provisions of this chapter and shall be empowered to issue a citation and summons to Municipal Court for violations thereof.

(Code 1988, § 5-30)

Sec. 5-31. - Right to enter, inspect, require exhibition of license.

Any Supervisor of Animal Control, police officer, or humane officer is authorized to enter any premises where any animal is kept or harbored to inspect conditions under which such animal is kept and may require the owner of any dog or cat to exhibit a license therefor.

(Code 1988, § 5-31)

Sec. 5-32. - Records.

- A. It shall be the duty of humane officers to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into their custody.
- B. It shall be the duty of humane officers to keep, or cause to be kept, accurate and detailed records of all bite cases reported to them, and its investigation of same.
- C. It shall be the duty of humane officers to keep, or cause to be kept, accurate and detailed records of all monies belonging to the City, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the City and shall be audited annually by the auditors selected by the City.

(Code 1988, § 5-32)

Sec. 5-33. - Violation.

Except as provided elsewhere, any person who fails to adhere to or otherwise violates the provisions of this chapter is guilty of a municipal ordinance violation punishable according to Section 1-13. Each day that such person shall continue violation of the provisions of this chapter shall constitute a separate and distinct offense and shall be punishable as such.

(Code 1988, § 5-33)

Secs. 5-34—5-50. - Reserved.

ARTICLE III. - RABIES CONTROL ^[2]

Footnotes:

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State Law reference— Protection against rabies, RSMo ch. 322.

Sec. 5-51. - Dogs and cats to be vaccinated; tags required.

- A. It shall be unlawful for a person to own, harbor, keep, or maintain any dog or cat over six (6) months of age within the City limits unless such dog or cat has been immunized against rabies by a licensed veterinarian within the previous three hundred sixty-five (365) day period or proof of currently effective rabies vaccination has been provided to the department within the previous three hundred sixty-five (365) day period and such dog or cat is wearing a valid rabies tag on its collar as proof of such immunization.
- B. Proof of currently effective rabies vaccination may be made by providing to the department a signed document from a licensed veterinarian stating that the last rabies vaccination provided by the veterinarian to the animal will remain effective throughout the next three hundred sixty-five (365) day period.
- C. Nothing in this section shall be construed to allow any owner, keeper, or maintainer to allow his animal to go without a rabies vaccination for a period of time longer than one thousand ninety-five (1,095) days.
- D. It shall be unlawful for an owner, keeper, harborer, or maintainer to refuse to exhibit a certificate of rabies vaccination or proof of currently effective rabies vaccination upon request of any humane officer.

(Code 1988, § 5-51; Ord. No. 6497, § 3, 9-20-2007)

Sec. 5-52. - Authority to order dog vaccinations.

During a rabies quarantine period and as long afterward as he decides it is necessary to prevent the spread of rabies, the Health Officer may require all dogs three (3) months of age and older to be vaccinated against rabies with a canine rabies vaccine approved by the biologics control section of the Federal Department of Agriculture. The types of approved canine antirabies vaccine to be used and the recognized duration of immunity for each shall be established by the Health Officer. All vaccinated dogs shall be restricted (leashing or confinement on enclosed premises) for thirty (30) days observation. During the quarantine period, the Health Officer shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the City.

(Code 1988, § 5-52)

Sec. 5-53. - Reporting required; quarantine; surrender, redemption of suspected animals.

- A. Every animal that bites or scratches a person or shows evidence of having rabies shall be promptly reported to the Supervisor of Animal Control or other humane officer, and shall thereupon be securely quarantined at the direction of the Supervisor of Animal Control for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the Supervisor of Animal Control. At the discretion of the Supervisor of Animal Control, such quarantine shall be within the City limits and may be on the premises of the owner, at the Animal Shelter or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals or in the case of animals whose ownership is not known such quarantine shall be at the Animal Shelter.
- B. The owner, upon demand by the Supervisor of Animal Control or other humane officer, shall forthwith surrender any animal that has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner. Such animal may be reclaimed by the owner, if it is adjudged free of rabies, upon payment of the impounding and boarding fees as set forth in the City's Schedule of Fees and Charges and upon

compliance of the licensing provisions as so set forth. No dog that has been impounded by reason of its being a stray or unclaimed by its owner may be allowed to be adopted from the Animal Shelter during the period of a rabies emergency quarantine, except by special permission of the City Health Officer and the Supervisor of Animal Control.

- C. When rabies has been diagnosed in an animal under quarantine or rabies suspected by a licensed veterinarian, and the animal dies while under such observation, the Supervisor of Animal Control shall immediately send the head of such animal to the State Department of Health for pathological examination and shall notify the Health Officer of reports of human contacts and the diagnosis.
- D. When one (1) or both reports indicate a positive diagnosis of rabies, the Supervisor of Animal Control shall recommend an area-wide quarantine for a period of sixty (60) days, and upon the invoking of such emergency quarantine by the Health Officer, no pet or animal shall be taken into the streets or permitted to be in the streets during such a period of quarantine. During such quarantine, no animal may be taken or shipped from the City without written permission of the Supervisor of Animal Control.
- E. If there are additional positive cases of rabies occurring during the period of a quarantine, such period of quarantine may be extended for an additional six (6) months.

(Code 1988, § 5-53)

Sec. 5-54. - Responsibilities of veterinarians.

It shall be the duty of every licensed veterinarian to report to the Supervisor of Animal Control any animal considered by him to be a rabies suspect.

(Code 1988, § 5-54)

Sec. 5-55. - Disposition of rabid animals.

- A. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies or any animal biting a human, except as provided in this article, nor remove such animal from the City limits without written permission from the Supervisor of Animal Control.
- B. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Supervisor of Animal Control.
- C. The Supervisor of Animal Control shall direct the disposition of any animal found to be infected with rabies.

(Code 1988, § 5-55)

Sec. 5-56. - Destruction of infected dogs.

Dogs bitten by a known rabid animal shall be immediately destroyed or if the owner is unwilling to destroy the exposed dog, strict isolation of the dog in a kennel for six (6) months shall be enforced. If the dog has been previously vaccinated, within the time limits established by the Center for Disease Control (CDC) based on the kind of vaccine used, revaccination and restraint (leashing and confinement) for thirty (30) days shall be carried out.

(Code 1988, § 5-56)

ARTICLE IV. - DOMESTIC ANIMALS

Sec. 5-57. - Running at large, grazing prohibited.

It shall be unlawful to permit any domestic animal to run at large in the City. It shall further be unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding.

(Code 1988, § 5-57)

Sec. 5-58. - Distance from residences.

It shall be unlawful to keep or have any domestic animal anywhere in the City kept nearer than four hundred (400) feet from the residence of any other inhabitant.

(Code 1988, § 5-58)

Cross reference— Current zoning regulations.

Sec. 5-59. - Offensive, noisy stock trucks.

It shall be unlawful for any person to park over one (1) hour within the City limits any truck loaded with domestic animals that would cause an offensive smell or noise, or which would unnecessarily annoy the rest of others.

(Code 1988, § 5-59)

Secs. 5-60—5-80. - Reserved.

ARTICLE V. - DOGS AND CATS^[3]

Footnotes:

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State Law reference— Dogs, cats, RSMo ch. 273.

DIVISION 1. - GENERALLY

Sec. 5-81. - Intent.

The intent of this article is to require dog and cat owners, keepers, harborer's or maintainers to comply with the ordinances of this City and not merely to operate an impoundment program. The enforcement of this article shall therefore place primary emphasis upon apprehending and initiating prosecution of violators of this article.

(Code 1988, § 5-81)

Sec. 5-82. - Collars and tags required.

The owner, keeper, harborer, or maintainer of a dog or cat shall keep on the dog or cat, at all times when the dog or cat is not inside a private building, a collar or harness, and a license tag issued by the

City, together with the rabies tag for such dog or cat, shall be affixed to the collar or harness in such a manner that the tags can be easily seen and failure to do so shall be unlawful.

(Code 1988, § 5-82)

Sec. 5-83. - Dangerous dogs—Classification.

A. Any dog with the following characteristics may be classified as dangerous:

1. Any dog that has inflicted a severe or fatal injury on a human being on public or private property. Severe injury means any physical injury, resulting directly from a dog's bite, that results in broken bones, lacerations requiring stitches, or in-patient hospitalization. A victim who receives severe injuries must provide the Supervisor of Animal Control a signed physician's statement documenting injury and treatment qualifying such as a severe injury or sign an authorization for release of such statement.
2. Any dog that has killed a domestic animal, dog, or cat without provocation, while off the owner's property.
3. Any dog owned or harbored primarily or in part for the purpose of dogfighting or any dog trained for dogfighting.
4. Any dog that has bitten a human being without provocation on public or private property other than the property of the owner.
5. Any dog that, while on the owner's property, has bitten without provocation a human being other than the owner or a member of the owner's family who normally resides at the place where the dog is kept.
6. Any dog that, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds or private property other than the property of the owner, in a menacing fashion or apparent attitude of attack, regardless of whether or not a person is injured by such dog.
7. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings, domestic animals, dogs or cats.

B. If the circumstances surrounding the classification as a dangerous dog under any of the definitions listed in Subsection A. of this section are in dispute, then the owner has the option of submitting, within five (5) working days, a written request to the Chief of Police for a hearing and possible appeal as follows:

1. A hearing board, consisting of the Chair of the Public Safety Advisory Board or his designee, the Chief of Police and the Administration Division Commander of the City's Police Department, or their delegates shall be convened within ten (10) working days after receipt of a bona fide written request.
2. Pending the outcome of such a hearing, the dog must be confined in such a manner so as not to be a threat to any person. The confinement may be on the owner's premises or with a licensed veterinarian.
3. The hearing board shall determine whether to declare the animal to be a dangerous dog based upon evidence and testimony presented at the time of the hearing by the owner, in addition to witnesses, Animal Control personnel, police or any other person possessing information pertinent to such determination.
4. The hearing board shall issue written findings within five (5) days after the hearing. The owner or possessor of the animal found to be dangerous shall be required to maintain the animal as provided in this section.

C. Exemptions to dangerous dog classification:

1. With the exception of Subsection A.1. of this section, no dog may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog; was teasing, tormenting, abusing, or assaulting the dog; has in the past been observed or reported to have teased, tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.
 2. With the exception of Subsection A. of this section, an Animal Control Officer may, because of extenuating circumstances, determine from the investigation of an incident, that an animal is not dangerous. However, the owner, being responsible for the dog, may be warned of the animal's tendencies and to take appropriate action to prevent subsequent incidents. This, however, does not exempt the owner from being cited for other animal control ordinance violations.
 3. Dogs owned by governmental or law enforcement agencies when being used in the services of those agencies are exempt from being classified as dangerous.
- D. Actions to be taken for dangerous dogs causing severe or fatal injuries:
1. Any dog, whether previously declared to be a dangerous dog or not, responsible for an unprovoked severe or fatal attack on a human being or another animal, may be humanely destroyed.
 2. A dog responsible for a provoked severe or fatal attack shall be maintained as a dangerous dog.

(Code 1988, § 5-83; Ord. No. 6497, § 4, 9-20-2007)

Sec. 5-84. - Same—Owners' responsibilities.

The following actions shall be required of owners of dogs that have been declared dangerous dogs:

- A. Any dangerous dog that bites or scratches a human being and any dog whose behavior immediately prior to or during an incident resulting in the biting or scratching of a human being that is determined to be dangerous, shall be impounded for a ten (10) day rabies quarantine at the municipal Animal Shelter or a veterinarian clinic within the City limits of the City. Any dog impounded shall not be released to its owner or keeper until the license and spay/neuter requirements of this article are complied with and the owner/keeper has paid all fines and/or costs associated therewith.
- B. Any dangerous dog shall wear at all times a bright orange collar with a large brightly colored metal tag attached to the collar so the dog can readily be identified as a dangerous dog.
- C. The owner or keeper shall notify the animal control unit immediately if a dangerous dog is loose, unconfined, or missing, has attacked another animal or has attacked a human being.
- D. The owner or keeper shall notify the Animal Control unit within twenty-four (24) hours if a dangerous dog has died or has been sold or given away. If the dog has been sold or given away, the owner or keeper shall provide the Animal Control Unit with the name, address and telephone number of the new owner. The new owner, if the dog is kept within the City limits of the City, must comply with the requirements of this section.
- E. While on the owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable for preventing the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure must also provide protection from the elements for the dog. The enclosure, when occupied by a dangerous dog, shall not be occupied by any other animal. If the dangerous dog is a female with a litter of puppies under three (3) months of age, the puppies may occupy the same enclosure as the mother.

- F. No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- G. The owner or keeper shall display a sign on his premises that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare from which the property is entered. In addition, a similar sign is required to be posted on the kennel or pen or fenced yard of such animal.
- H. A dangerous dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.
- I. The owner or keeper of a dangerous dog shall present to the Animal Control Unit proof that the owner or keeper has procured liability insurance in the amount of at least three hundred thousand dollars (\$300,000.00), covering the twelve (12) month period during which licensing is sought. This policy shall contain a provision requiring the Supervisor of Animal Control to be notified by the insurance company of any cancellation, termination, or expiration of the policy.
- J. All owners or keepers of dangerous dogs must within ten (10) days of such declaration provide the Supervisor of Animal Control two (2) color photographs, one showing the left profile and the other showing the right profile, of the animal clearly showing the color and approximate size of the animal.
- K. All owners or keepers of dangerous dogs must have such dogs implanted with an identifying microchip in a manner approved by the Supervisor of Animal Control. Owners or keepers shall then provide the Supervisor of Animal Control the microchip number, and shall notify the Supervisor and the national registry applicable to the implanted chip of any change of ownership of the dog, or any change of address or telephone number. Any costs associated with the microchip shall be born by the owner or keeper.
- L. It shall be unlawful for the owner or keeper of a dangerous dog within the City to fail to comply with requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section may be, in addition to other penalties provided by ordinance, subject to immediate seizure and impoundment for a minimum of ten (10) days or the time necessary for the owner or keeper to show compliance with this section, whichever is shorter.

(Code 1988, § 5-84; Ord. No. 6497, § 5, 9-20-2007)

Sec. 5-85. - Guard dogs.

- A. For the purpose of this section, guard dog is defined as a dog not owned by a governmental unit that is used to guard public or private property.
- B. No person shall own, keep, harbor, maintain or allow to be upon any premises occupied by such person or under his charge or control any guard dog without such dog being confined behind a fence from which it cannot escape; or a dog can be within any part of a house or structure except when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure and must not be used or maintained in a manner which, as determined by the Supervisor of Animal Control, endangers individuals on or off the premises guarded.
- C. Any guard dog, including law enforcement dogs, used in the City by virtue of such use is hereby declared to be subject to the license and rabies vaccination requirements of this chapter.
- D. All guard dogs residing in or used as such in the City must be registered annually with the Supervisor of Animal Control.

(Code 1988, § 5-85)

Sec. 5-86. - Hobby-kennel, hobby-cattery avocation permit.

- A. Any adult natural person residing in a one-family dwelling may, for each calendar year or part thereof, purchase from the Supervisor of Animal Control a hobby-kennel or hobby-cattery avocation permit to establish and maintain a hobby-kennel or a hobby-cattery on the lot on which such person is a resident or on a contiguous lot, which lot is not zoned for business, if the site is to be located at least one hundred (100) yards from the boundary of the lot it is on in the case of a hobby-kennel, or at least one hundred (100) feet from such boundary in the case of a hobby-cattery. The fee for such permit shall be the amount set forth in the City's Schedule of Fees and Charges. Before any such permit shall be sold by the Supervisor of Animal Control, he must have inspected and approved the hobby-kennel or hobby-cattery or have inspected and approved detailed plans and specifications for compliance with the requirements of this chapter; and, he must further certify, with the assistance of all City employees and officers whose assistance is necessary, as hereby authorized, that such proposed hobby-kennel or hobby-cattery will be in compliance with all of the ordinances of the City.
- B. Applicants for hobby-kennel or hobby-cattery avocation permits shall, as a condition to the granting of such permit, in writing authorize the Supervisor of Animal Control and all City inspectors to make inspections during daylight hours of such hobby-kennel or hobby-cattery sought to be established.
- C. All holders of hobby-kennel avocation permits must acquire the appropriate license for each animal that the permit holder owns, keeps, or maintains, as provided by Division 4 of this article and shall be subject to all requirements thereunder.

(Code 1988, § 5-86; Ord. No. 6497, § 6, 9-20-2007)

Cross reference— Occupational license tax generally, § 28-21 et seq.

Sec. 5-87. - Kennels and catteries.

- A. Any person who is deemed to be the operator of a kennel or cattery shall register such kennel on a form provided by the Finance Department. At the time of initial registration of each kennel or cattery and annually thereafter the operator of the kennel or cattery shall pay an inspection fee of the amount as set forth in the City's Schedule of Fees and Charges and shall have a valid business license issued by the City.
- B. It shall be unlawful to operate a kennel within the City limits which violates the standards of operation established in this section and which violates any zoning laws or regulations of the City.
- C. Kennel premises where permitted shall be maintained in a clean and sanitary condition at all times and sanitary methods shall be used to obliterate or prevent any offensive odors.
- D. The Supervisor of Animal Control shall have the right to inspect such kennels at all reasonable hours. The Supervisor shall inspect each registered kennel operating within the City limits at least once each calendar year to ensure compliance with the standards of operation.
- E. The operator of a kennel must acquire the appropriate license for each animal that the permit holder owns, keeps, or maintains, as provided by Division 4 of this article and shall be subject to all requirements thereunder.

(Code 1988, § 5-87; Ord. No. 6497, § 7, 9-20-2007)

Sec. 5-88. - Individual breeders.

Individual breeders are persons who own, keep, or maintain no more than two (2) dogs or cats and wish to breed those animals. All individual breeders must acquire an unaltered pet license for each animal that the permit holder owns, keeps, or maintains, and intends to use for breeding purposes, as provided by Division 4 of this article and shall be subject to all requirements thereunder.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-89. - Breeding permits.

- A. All hobby-kennel or hobby-cattery avocation permit holders and kennel or cattery operators are required to apply for and be granted a breeding permit from the Animal Control Department in order to breed any dog. Each individual breeder who has applied for and received a litter permit for a nominal fee as set forth in Section 5-92, and whose animal has already produced one litter of puppies, is required to apply for and be granted a breeding permit from the Animal Control Department in order to further breed his dog. Each person who breeds his animal must individually apply for and be granted a breeding permit, except in the cases of hobby-kennel or hobby-cattery avocation permit holders and individual breeders. For hobby-kennel or hobby-cattery avocation permit holders and individual breeders, a person's breeding permit shall extend to members of the permit holder's immediate family.
- B. Each application for a breeding permit shall be accompanied by a fee set forth in the City's Schedule of Fees and Charges and no breeding permit shall be issued until the application fee is paid.
- C. Each breeding permit is issued to the person, not the dog, and therefore a breeding permit cannot be sold, purchased, traded, or otherwise conveyed from the person to whom the breeding permit was initially granted.
- D. No breeding permit shall be granted to a person until the following conditions are met:
 1. The applicant has submitted the appropriate forms and fees required by the Supervisor of Animal Control for a breeding permit.
 2. The applicant has a space in which to breed the dogs and raise the offspring that will contain the dogs as well as provide them with safe, sanitary, and humane conditions, appropriate for breeding a specific breed, and which satisfies all applicable provisions of the Code of Ordinances and all applicable State animal welfare laws.
 3. The department has evaluated the physical and behavioral characteristics regarding the suitability of the particular dogs to be bred.
- E. The department may deny any application for a breeding permit if it finds that one or more of the following has occurred:
 1. The applicant has failed to appropriately license the pet to be bred.
 2. The applicant has failed to pay the appropriate application fee.
 3. The applicant has a history of allowing dogs to run loose or escape, or has otherwise been found to be neglectful; has had his dog identified as a nuisance; or, has previously been determined to have violated the provisions of this chapter.
 4. The applicant has applied for a breeding permit within the last ten (10) months.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-90. - Animal boarding/pet-sitting establishments.

Owners and operators of animal boarding/pet-sitting establishments shall not be required to acquire breeding permits, unless the establishment also breeds dogs.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-91. - Inspection of premises to be used for breeding purposes.

- A. The department may inspect the premises to be used for breeding purposes and conduct the evaluation set forth in Section 5-89.D. The department shall give the applicant 24-hour notice of the inspection and shall conduct such inspection at a reasonable time when the applicant or his representative is present.
- B. If the applicant refuses to allow the department to conduct such inspection, or cannot be contacted by the department to give notice of the inspection within two (2) weeks of its initial attempt, the application shall be denied.
- C. Up to one year after issuing the breeding permit, the department shall have the option, on one or more occasions, to inspect the premises being used for breeding purposes to ensure that the conditions required to receive a permit are continuing to be met. The department shall give the permit holder 24-hour notice of the inspection and shall conduct such inspection at a reasonable time when the permit holder or his representative is present.
- D. If the permit holder refuses to allow the department to conduct such inspection, or cannot be contacted by the department to give notice of the inspection within two (2) weeks of its initial attempt, the department will determine that the permit holder is conducting breeding activities in violation of this chapter, and the breeding permit shall be revoked.
- E. This section shall not affect the department's ability to conduct inspections pursuant to Sections 5-86 and 5-87.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-92. - Litter permits.

- A. Breeding permit holders and individual breeders must apply for and obtain a litter permit for every litter produced by the breeding permit holder's or individual breeder's dogs. Breeding permit holders and individual breeders should apply to the department for a litter permit before the dogs are bred. A litter permit application should be accompanied by a litter permit fee, the amount set forth in the City's Schedule of Fees and Charges. A litter permit should be applied for and granted for every litter to be produced by any animal owned, held, or maintained by the permit holder.
- B. In the event that a permit holder or an individual breeder fails to apply for a permit before the female dog enters its gestation period, the department may issue the litter permit without penalty if it determines that the failure to acquire a permit was not in bad faith.
- C. The department shall have the option of inspecting the premises in the manner set forth in Section 5-91 for an evaluation of the factors set forth in Section 5-89.D.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-93. - Litter permits for individual breeders.

Individual breeders shall be required to submit an application fee of a nominal amount, as set forth in the City's Schedule of Fees and Charges, in order to receive their first litter permit. Any litter permit applications beyond the first litter permit must be accompanied by the application fee set forth in the City's Schedule of Fees and Charges.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-94. - Enforcement of breeding and litter permit requirements.

Any person found breeding dogs without the required breeding and/or litter permits shall be in violation of this chapter and shall be subject to the following penalties:

- A. Each dog involved in illegal breeding activities shall be impounded and held until any applicable licenses are issued and the dogs may be surgically altered.
- B. A fine of no more than twenty dollars (\$20.00) shall be imposed for each puppy that the illegal breeding activities produced.
- C. The fines imposed under this section are in addition to any other fines that may be levied against the person under this chapter, and the person shall be responsible for costs related to impoundment, surgical alteration, or any other costs imposed by this chapter.

(Ord. No. 6497, § 8, 9-20-2007)

Secs. 5-95—5-105. - Reserved.

DIVISION 2. - LICENSING

Sec. 5-106. - Required; exception.

- A. It shall be unlawful for a person to own, keep, harbor or maintain any dog or cat within the City limits unless such dog or cat is licensed as provided in this division. Dogs and cats that are intended to be sold, given away or turned over to an animal control or humane agency before they reach the age of six (6) months are exempt from the provisions hereof.
- B. The licensing provisions of this division shall not apply to nonresidents of the City unless they keep a dog or cat within the City for more than thirty (30) days.
- C. Any person who is found to be in violation of the provisions of this division shall be subject to a fine of not less than one hundred dollars(\$100.00), which shall be levied in addition to any fees required by the provisions of this chapter, and the animal shall be subject to impoundment.
- D. Nothing in this article shall be construed to prevent animal boarding/pet-sitting establishments from lawfully providing temporary boarding/pet-sitting services to owners of unlicensed animals.

(Code 1988, § 5-106; Ord. No. 6497, § 9, 9-20-2007)

Sec. 5-107. - Application.

- A. Written application for a dog or cat license shall be made to the Finance Department or the Animal Shelter. The applications shall state the name, address, telephone number (if any), and a driver's license number (or in lieu of a driver's license number, a social security number) of the owner, proof of current rabies vaccination for any dog or cat over six (6) months of age and the name, breed, color, sex and distinguishing marks of the dog or cat. For dog licenses, the applicant shall also provide verification from a licensed veterinarian that the dog has been surgically altered (spayed or neutered), unless that dog qualifies for an unaltered pet license under Section 5-142. No individual under seventeen (17) years of age shall make application for a dog or cat license.
- B. The Supervisor of Animal Control is authorized to promulgate appropriate rules and regulations in order to establish and administer a program in which veterinarian clinics and animal boarding/pet-sitting establishments serve as a place where citizens can apply for and obtain licenses provided under this chapter. Participating veterinarian clinics and animal boarding/pet-sitting establishments may collect the application fees described in Sections 5-108 and 5-114 and charge a nominal fee not

to exceed \$3.00 for administrative costs incurred for providing such services in relation to this program.

(Code 1988, § 5-107; Ord. No. 6497, § 10, 9-20-2007; Ord. NO. 7294, § 1, 2-7-2013)

Sec. 5-108. - Fee.

- A. The annual license fee for neutered/spayed dogs and cats and for unaltered dogs and cats, respectively, shall be as set forth in the City's Schedule of Fees and Charges; provided, however, that upon application for such license accompanied with adequate proof that the dog to be licensed is trained as an aid to a handicapped person and is regularly used in the service of and by a handicapped person, then such license shall be issued without fee. This fee shall not apply to any dog used for service by a government law enforcement agency.
- B. The annual licensing fee for a license issued for any unaltered dog or cat within the first year of the animal's life shall be the same amount as the annual licensing fee for neutered/spayed dogs and cats. All subsequent annual licensing fees for unaltered dogs and cats shall be equal to the fee listed in the City's Schedule of Fees and Charges.

(Code 1988, § 5-108; Ord. No. 6497, § 11, 9-20-2007)

Sec. 5-109. - Receipt, tag and record required.

The Finance Department or Animal Shelter shall issue a receipt and a numbered metallic or plastic tag for each dog or cat licensed, and shall maintain records of such receipts and tags for five (5) years (after expiration), per State Records Retention Manual. Such record shall be open to public inspection during regular business hours.

(Code 1988, § 5-109)

Sec. 5-110. - Term; delinquency.

All licenses required by the provisions of this division shall be issued for one (1) year and shall be obtained by May 1 each year. Licenses shall be delinquent after May 1. A delinquency fee in the amount set forth in the City's Schedule of Fees and Charges shall be added to the regularly established fee. Any valid dog or cat license issued by another municipality shall be accorded full recognition as a legal substitute under this section for the remainder of the City license year.

(Code 1988, § 5-110)

Sec. 5-111. - Misusing tags prohibited.

It shall be unlawful for a person to use a dog or cat license tag or rabies tag for a dog or cat other than that for which it was issued.

(Code 1988, § 5-111)

Sec. 5-112. - Transfer.

If ownership of a dog or cat is transferred, the new owner may have the current license transferred to his name upon payment of a transfer fee in the amount set forth in the City's Schedule of Fees and Charges.

(Code 1988, § 5-112)

Sec. 5-113. - Lost or destroyed licenses.

If a dog or cat license is destroyed or lost, a duplicate may be obtained from the City for a fee in the amount set forth in the City's Schedule of Fees and Charges.

(Code 1988, § 5-113)

Sec. 5-114. - Lifetime licensing.

- A. Any person may apply for a lifetime license for a dog or cat in the same manner provided in Section 5-107. Any person who receives a lifetime license shall not be subject to the provisions of Section 5-110. Instead, the lifetime license shall be effective for the remaining life of the dog or cat for which the lifetime license was received. Fees for a lifetime license shall be set forth in the City's Schedule of Fees and Charges.
- B. Any person who receives a lifetime license must provide the Supervisor of Animal Control an annual certificate of rabies vaccination, according to the provisions of Article III of this chapter, or the lifetime license may be revoked.
- C. For any dog that receives a lifetime license and subsequently is declared a dangerous dog under Division 1 of this article, the lifetime license shall be revoked and the owner of such dog shall be required to license the dog annually according to the provisions of Division 1 and Section 5-110 of this article.
- D. Any person who receives a lifetime license must have such dog or cat implanted with an identifying microchip in a manner approved by the Supervisor of Animal Control. The owner or keeper shall then provide the Supervisor of Animal Control the microchip number, and shall notify the supervisor and the registry applicable to the implanted chip of any change of ownership of the dog or cat, or any change of address or telephone number. Any costs associated with the microchip shall be born by the owner or keeper.

(Ord. No. 6497, § 12, 9-20-2007)

Secs. 5-115—5-135. - Reserved.

DIVISION 3. - IMPOUNDMENT, REDEMPTION AND ADOPTION

Sec. 5-136. - Intent.

The intent of this division is to require dog or cat owners to comply with the law, not merely to operate an impoundment program. Humane officers shall, therefore, place primary emphasis upon apprehending and initiating prosecution of violators of this division.

(Code 1988, § 5-136)

Sec. 5-137. - Impoundment; notice of impoundment.

- A. Dogs or cats not licensed pursuant to this article, or found not under restraint or abandoned, or improperly tethered, or without proper license and rabies tags, may be picked up and impounded by any humane officer. Impoundment may be in any animal shelter designated by the City Council. Such shelter shall be built and equipped to care for the animals in a humane manner.

- B. If the dog or cat's owner can, by any reasonable means, be identified and located, the owner shall be notified as soon as possible that the dog or cat has been impounded. Owners must reclaim impounded dogs or cats within the time specified by Subsection D. or sign a written release relinquishing ownership of such dog or cat. Failure to reclaim or sign a release constitutes animal neglect under Section 5-163.
- C. If the licensed dog or cat wears proper license and rabies tags and the owner can be immediately contacted, the humane officer who picked up such animal, or any other humane officer, will provide transportation of the animal back to the owner's place of residence. There shall be no charge to the owner for such transportation.
- D. Impounded animals shall be kept for not less than five (5) days except when:
 - 1. Given to be disposed of by an owner, in which case the dog or cat shall be held until the next calendar day before making a disposition;
 - 2. A dog or cat arrives at the shelter in so sick or injured a condition that in the judgment of the Supervisor of Animal Control or a licensed veterinarian, human compassion requires that the suffering be promptly ended, in such instance the time period shall not apply and the animal will be humanely euthanized to prevent needless suffering;
 - 3. A dog or cat arrives at the shelter brought from outside the City limits, in which case the dog or cat shall be held until the next calendar day before making a disposition.
- E. If an impounded dog or cat is not redeemed by the owner within five (5) days after impoundment, the dog or cat may be disposed of in one of the following ways:
 - 1. Euthanasia, using a method approved by the State Veterinary Medicine Association; or
 - 2. Release for adoption by a new owner who shows evidence of ability and intention to provide the dog or cat with an appropriate home and humane care.

(Code 1988, § 5-137; Ord. No. 6497, § 13, 9-20-2007)

Sec. 5-138. - Fees for impounding, boarding and adoption.

- A. Any owner redeeming a dog or cat from impoundment at the animal shelter shall pay to the Finance Director or his designee, before release, a boarding charge for each twenty-four (24) hours or fraction thereof that the dog or cat has been impounded, plus an impoundment fee. Additional fees shall be assessed against the owner for any unusual expenses incurred either in the impoundment or the care of the dog or cat.
- B. If such a violation is a first, second, or third violation with respect to the dog or cat, the owner, keeper, harborer, or maintainer may appear at any time within five (5) days after receipt of the notice provided in Section 5-137 and after payment of any impoundment fee and board fee set forth in this section then due and owing, and shall have the right to sign a waiver of prosecution which shall amount to a plea of guilty and pay a fine as determined from time to time by the Municipal Judge. In fourth and subsequent violations of this chapter, the dog or cat may be reclaimed within such period after payment of any impoundment fee and board fee set forth in this section then owing, but a complaint shall be issued and the owner, harborer, keeper, or maintainer shall appear in Municipal Court in response to the complaint and any penalty imposed by the Court shall be satisfied.
- C. The fees for the total period of any impoundment of a dog or cat shall be as set forth in the City's Schedule of Fees and Charges.
- D. In addition to the impoundment fees set out in Subsection C., there shall also be assessed a feeding and caring fee as set forth in the City's Schedule of Fees and Charges for each day that a dog or cat is impounded.
- E. Any new owner adopting an impounded dog or cat shall first obtain a license for the dog or cat, and shall, in addition, pay the adoption fee as set forth in the City's Schedule of Fees and Charges.

- F. The adoption fee includes deposit of funds for sterilization, rabies vaccination, City license, microchip and adoption administration.

(Code 1988, § 5-138)

Sec. 5-139. - Fraudulent acts prohibited.

It shall be unlawful for any person to adopt a dog or cat for the purpose of circumventing the provisions of Section 5-138. It shall be unlawful to engage in any fraudulent scheme, device, or trick to obtain any animal from the animal shelter. It shall be unlawful for any person to aid or assist any such tricks, devices, or schemes.

(Code 1988, § 5-139)

Sec. 5-140. - Penalty.

Violators of this division shall be punished in accordance with the provisions of Section 1-13.C. of the Code.

(Code 1988, § 5-140)

DIVISION 4. - MANDATORY SPAY AND NEUTER PROGRAM FOR DOGS

Sec. 5-141. - Mandatory spaying, neutering of dogs.

- A. No person may own, keep, or maintain a dog over the age of six (6) months in violation of this section. An owner or custodian of an unaltered dog must have the dog spayed or neutered or obtain an unaltered dog license in accordance with Section 5-142.
- B. The owner or custodian of a dog which is unable to be spayed or neutered without a reasonable likelihood of suffering bodily harm or death due to age or infirmity, must obtain written confirmation of that fact from a licensed veterinarian. The writing must also state the date by which the dog may be safely spayed or neutered. If the dog is unable to be spayed or neutered within thirty (30) days, the owner or custodian must apply for an unaltered dog license.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-142. - Unaltered dog license—Requirements.

- A. An owner or custodian of an unaltered dog over the age of six (6) months must obtain an annual unaltered dog license for the dog.
- B. The license shall be issued if the department has determined that all of the following conditions are met:
 - 1. The dog is one of the following: a competition dog as defined in Section 5-2; a dog used by a law enforcement agency for law enforcement purposes; a qualified assistance dog as defined in Section 5-2; a dog which is unable to be spayed or neutered as set forth in Section 5-141.B; a dog owned, kept, or maintained for breeding purposes by a person with a valid breeding permit issued pursuant to Section 5-89; or a dog owned, kept, or maintained for breeding purposes by an individual breeder, as defined in Section 5-88;
 - 2. Any dog owned, kept, or maintained for breeding purposes by an individual breeder that has produced at least one litter of puppies is ineligible to receive an unaltered dog license unless the

individual breeder who owns, keeps, or maintains such dog obtains a valid breeding permit pursuant to Section 5-89;

3. The owner or custodian has submitted the required application and has paid the fee set forth in Sections 5-107 and 5-108; and
4. The unaltered dog will be maintained in accordance with the provisions of this chapter, and with applicable State animal care and control laws.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-143. - Denial or revocation of unaltered dog license—Grounds and re-application.

- A. The department may deny or revoke an unaltered dog license for one or more of the following reasons:
 1. The applicant or licensee is not in compliance with all of the requirements of Section 5-142;
 2. The applicant or licensee has been previously found guilty of violating a State law, County code or other municipal provision relating to the care and control of animals;
 3. The unaltered dog has been declared to be a dangerous dog;
 4. Any unaltered dog license held by the applicant has been revoked;
 5. A female unaltered dog has had more than one litter per year, or five (5) or more litters in her lifetime; or
 6. The license application is discovered to contain a material misrepresentation of fact.
- B. *Re-application for unaltered dog license.* When an unaltered dog license is denied, the applicant may re-apply for a license upon a showing that the requirements of Section 5-142 have been met. The department shall refund one-half of the license fee when an application is denied. The applicant shall pay the full fee upon re-application.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-144. - Appeal of denial or revocation of unaltered dog license.

- A. *Request for hearing.*
 1. *Notice of intent to deny or revoke.* The department shall mail to the owner or custodian a written notice of its intent to deny or revoke the license for an unaltered dog which includes the reason(s) for the denial or revocation. The owner or custodian may request a hearing to appeal the denial or revocation. The request must be made in writing within ten (10) days after the notice of intent to deny or revoke is mailed. Failure to submit a timely written hearing request shall be deemed a waiver of the right to appeal the license denial or revocation.
 2. *Hearing officer.* The hearing shall be conducted by the Chief of Police or a designee.
 3. *Notice and conduct of hearing.* The department shall mail a written notice of the date, time, and place for the hearing not less than ten (10) days before the hearing date. The hearing date shall be no more than thirty (30) days after the department's receipt of the request for a hearing. Failure of the owner or custodian or his agent to appear at the hearing will result in forfeiture of the right to a hearing. The hearing will be informal and the rules of evidence will not be strictly observed. The department shall mail a written decision to the owner or custodian within ten (10) days after the hearing. The decision of the hearing officer shall be the final administrative decision.

- B. *Change in location of dog.* If the dog is moved after the department has issued a letter of intent to deny or revoke, but has not yet denied or revoked the license, the owner or custodian must provide the department with information as to the dog's whereabouts, including the current owner or custodian's name, address, and telephone number.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-145. - Transfer, sale and breeding of unaltered dog.

- A. *Offer for sale or transfer of unaltered dog:* An owner or custodian who offers any unaltered dog for sale, trade, or adoption must include a valid unaltered dog license number with the offer of sale, trade or adoption, or otherwise state and establish compliance with Section 5-141. The license number must appear on a document transferring the dog to the new owner.
- B. *Transfer of unaltered dog:* The owner or custodian of an unaltered dog over the age of six (6) months, which is not a competition dog as defined in Section 5-2, must demonstrate compliance with Section 5-141 prior to the transfer, and must notify the department of the name and address of the transferee within ten (10) days after the transfer.
- C. *Notification of litter and sale or transfer of puppies:* Within thirty (30) days after a litter is born to a female dog, the owner or custodian of the female dog shall advise the department in writing of the number of live born puppies. When a puppy under the age of six (6) months is sold or otherwise transferred to another person, the owner or custodian shall advise the department of the name and address of the new owner or custodian, and the microchip number of the puppy, if applicable, within ten (10) days after the transfer.
- D. *Personal responsibilities:* Nothing in this section shall be construed to impair the responsibilities of a person required to comply with the breeding and litter permit requirements of Division 1 of Article V of this chapter.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-146. - Penalties.

The penalties for violations of any provision of this part are as follows:

- A. *First violation.* A first violation shall be an infraction punishable by a fine not less than fifty dollars (\$50.00). If the owner or custodian fails to correct the underlying cause of the violation within thirty (30) days after being notified of the violation, it shall be deemed a second violation.
- B. *Second violation.* A violation within a year of a first violation shall be deemed a second violation. A second violation is punishable by imprisonment for a period not to exceed six (6) months or by a fine not less than one hundred dollars (\$100.00), or by both such fine and imprisonment. Each subsequent violation within one year shall be considered an additional violation.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-147. - Impoundment of unaltered dog.

- A. *Reclaiming impounded dog.* When an unaltered dog is impounded, the owner or custodian may reclaim the unaltered dog when one of the following occurs:
1. The dog is spayed or neutered by a licensed veterinarian at the expense of the owner or custodian.
 2. The owner or custodian demonstrates compliance with Section 5-141.

- B. *Costs of impoundment.* The owner or custodian of the unaltered dog shall pay the costs of impoundment, which shall include daily board costs.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-148. - Allocation of fees and fines collected.

All costs and fines collected under this division and the fees collected under this chapter shall be paid to the City for the purpose of defraying the cost of the implementation and enforcement of this chapter.

(Ord. No. 6497, § 14, 9-20-2007)

Secs. 5-149, 5-150. - Reserved.

DIVISION 5. - TETHERING AND FENCING OF DOGS

Sec. 5-151. - Tethering.

- A. No owner, keeper, harborer, or maintainer of a dog may tether, fasten, chain, or tie a dog, or allow his dog to be tethered, fastened, chained, or tied to any permanent or temporary structure, any post attached to the ground or any permanent or temporary structure, or to any weight designed to restrict the dog's freedom of movement to a limited area of space, except where:
1. The tethering, fastening, chaining, or tying of the dog to any structure, post, or weight, is temporary; and
 2. The tethering, fastening, chaining, or tying of the dog to any structure, post, or weight is under supervision of the owner, keeper, harborer, or maintainer or a responsible person to whom the task of supervision is delegated.
- B. The tethering, fastening, chaining, or tying of a dog to any structure or post shall be considered temporary only if the time the dog is tethered, fastened, chained, or tied to any structure, post, or weight is:
1. No more than one half ($\frac{1}{2}$) an hour at any one time; and
 2. No more than a total of three (3) hours within a twenty-four (24) hour period.
- C. No owner, keeper, harborer, or maintainer of a dog may tether, fasten, chain, or tie a dog, or allow his dog to be tethered, fastened, chained, or tied to any structure, post, or weight under any circumstances, whether temporary and under supervision or not, in any area of property that is considered frontage, as defined by Section 2.1280 and other applicable sections of the Unified Development Ordinance, except:
1. A dog may be tethered temporarily and while under supervision in an area of property that is considered frontage when the only area of the property available to the owner, keeper, harborer, or maintainer for such purposes is frontage.
- D. Any violation of this section shall be considered an act of animal abuse under Section 5-164 of this chapter.

(Ord. No. 6497, § 15, 9-20-2007)

Sec. 5-152. - Fencing.

- A. No owner, keeper, harborer, or maintainer of a dog shall allow that dog to remain in the yard of any property unless the dog is under supervision, as defined in Section 5-2, or confined as provided in this section.
- B. If the dog is not under supervision while remaining in the yard of any property, the dog must be securely confined by enclosed fencing or in a securely enclosed and locked pen, structure, or run. Such fencing or pen, structure, or run must be suitable for preventing the animal from escaping. A locked pen, structure, or run must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure must also provide protection from the elements for the dog.
- C. If the dog is confined to the residential property of the owner, keeper, harborer or maintainer by an electronic fence or an electronic collar, the dog shall not be permitted to be nearer than five (5) feet away from any public street or sidewalk or property line that is contiguous to neighboring property.
- D. No dog having been found as a dangerous dog, as defined by Section 5-83, shall be confined by an electronic fence or an electronic collar. Electronic collars may not be used to control a dog when it is off the owner's, keeper's, harborer's or maintainer's property.

(Ord. No. 6497, § 15, 9-20-2007)

Secs. 5-153—5-160. - Reserved.

ARTICLE VI. - NEGLIGENCE AND ABUSE

Sec. 5-161. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care shall mean normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal.

Adequate control shall mean to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal or property.

Harbor shall mean to feed or shelter an animal at the same location for three (3) or more consecutive days.

Pests shall mean birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the State Wildlife Code.

(Code 1988, § 5-161)

Cross reference— Definitions and rules of construction generally, § 1-2.

State Law reference— Similar definitions, RSMo 578.005.

Sec. 5-162. - Scope of article.

The provisions of this article shall not apply to:

- A. Care or treatment performed by a licensed veterinarian within the provisions of RSMo ch. 340;

- B. Bona fide scientific experiments;
- C. Hunting, fishing or trapping as allowed by RSMo ch. 252, including all practices and privileges as allowed under the State Wildlife Code;
- D. Facilities and publicly-funded zoological parks currently in compliance with the Federal "Animal Welfare Act," as amended;
- E. Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;
- F. The euthanizing of an animal by the owner thereof, the agent of such owner or by a veterinarian at the request of the owner thereof;
- G. The lawful euthanizing of an animal by the animal control officer, the operator of the animal shelter, a veterinarian or any police officer or health official;
- H. With respect to domestic animals and chickens, normal or accepted practices of animal husbandry;
- I. The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or livestock animal, but not including police or guard dogs while working;
- J. The killing of house or garden pests;
- K. Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri;
- L. Slaughtering or butchering as allowed by Section 5-167 of this chapter.

(Code 1988, § 5-162; Ord. No. 7343, § 3, 7-11-13)

State Law reference— Similar provisions, RSMo 578.007.

Sec. 5-163. - Animal neglect.

- A. A person commits the offense of animal neglect when he has custody or ownership, or both, of an animal and fails to provide adequate care and adequate control.
- B. All fines and penalties for a first conviction of animal neglect may be waived by the Municipal Court provided that the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived.

(Code 1988, § 5-163)

State Law reference— Similar provisions, RSMo 578.009.

Sec. 5-164. - Animal abuse.

A person commits the offense of animal abuse when he:

- A. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of this article;
- B. Purposely, intentionally or recklessly causes injury, suffering or pain to an animal;
- C. Abandons an animal in any place without making provisions for its adequate care;
- D. Overworks or overloads an animal or drives or works an animal unfit for work;

- E. Having ownership or custody of an animal, willfully fails to provide adequate care or adequate control.
- F. Improperly tethers a dog in violation of Section 5-151.

(Code 1988, § 5-164; Ord. No. 6497, § 16, 9-20-2007)

State Law reference— Similar provisions, RSMo 578.012.

Sec. 5-165. - Responsibility for adequate care.

The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of or harbored by such minor child.

(Code 1988, § 5-165)

State Law reference— Similar provisions, RSMo 578.014.

Sec. 5-166. - Neglected or abused animal not to be returned to owner.

If a person is adjudicated guilty of animal neglect or animal abuse and the Municipal Court is satisfied that an animal owned or controlled by such person would in the future be subject to such neglect or abuse, such animal shall not be returned to or allowed to remain with such person, but its disposition shall be determined by the Court.

(Code 1988, § 5-166)

State Law reference— Similar provisions, RSMo 578.021.

Sec. 5-167. - Slaughtering—Butchering restricted.

- A. No person or business, except a licensed commercial slaughterhouse in compliance with City ordinances, shall slaughter or dress any animal, fowl, or fish within the City at any time; provided however, that wild game, fowl and fish legally taken for sport and not to be sold, and chickens kept in accordance with Article VII of this chapter, may be slaughtered and dressed in an enclosed area and in such a manner so as to eliminate any and all potential for public viewing.
- B. Except for licensed commercial butcher shops, lockers, or food stores operating in compliance with City ordinances, the butchering of animals or animal parts shall be conducted in an enclosed area and in such a manner so as to eliminate any and all potential for public viewing.
- C. No person shall slaughter, dress or butcher as permitted by this section without disposing of all animal waste in a sanitary manner, as provided in Chapter 25 of this Code.

(Ord. No. 7343, § 5, 7-11-13)

Sec. 5-168. - Entry warrants for enforcement; impoundment; costs.

- A. Any duly authorized public health official, law enforcement official or other person having authority to enforce the provisions of this chapter may seek a warrant from the appropriate court to enable him to enter private property in order to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to

believe a violation of this article has occurred. A person acting under the authority of a warrant shall not be liable for any necessary damage to property while acting under such warrant.

- B. All animals impounded pursuant to a warrant issued under this section shall be:
 - 1. Placed in the care or custody of a veterinarian, the Supervisor of Animal Control, or the animal shelter. If none of these resources are available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose; or
 - 2. If it is determined by a veterinarian that an animal impounded under a warrant is diseased or disabled beyond recovery for any useful purpose, that animal may be humanely killed.
- C. The owner or custodian of any animal who has been convicted of animal neglect or animal abuse shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until the reasonable costs have been paid, and may put up for adoption or humanely kill such animal if such costs are not paid within ten (10) days after demand. Any monies received for an animal adopted pursuant to this subsection in excess of costs shall be paid to the owner of such animal.
- D. The owner or custodian of any animal killed pursuant to this section shall be entitled to recover the actual value of the animal if the owner or custodian shows that such killing was unwarranted.

(Code 1988, § 5-167; Ord. No. 7343, § 4, 7-11-13)

Editor's note— Ord. No. 7343, § 4, adopted July 11, 2013, renumbered § 5-167 as § 5-168.

State Law reference— Similar provisions, RSMo 578.018.

Secs. 5-169—5-199. - Reserved.

ARTICLE VII. - CHICKENS

Sec. 5-200. - Number and type of chickens allowed.

- A. The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the track.
- B. Only female chickens are allowed. There is no restriction on the chicken species, as defined in Section 5-2.
- C. Subparts A. and B. of this subsection shall not apply when the chicken(s) kept are four hundred (400) feet or more from the residence of any other inhabitant.

(Ord. No. 7343, § 7, 7-11-2013; Ord. No. 7416, § 1, 1-6-2014)

Sec. 5-201. - Non-commercial use only.

It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-202. - Enclosures.

- A. Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard if under supervision as

defined in Section 5-2. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.

- B. Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- C. Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
- D. Henhouses and chicken tractors.
 - 1. Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
 - a. A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one inch openings.
 - b. Materials.
 - (1) The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal or similar materials is prohibited.
 - (2) Materials used shall be impervious to moisture so that the surface does not permit the absorption of fluids. This may be accomplished by sealing with paint, or using a material that is impervious to moisture by nature, i.e., plastic, metal, concrete, glazed faced tile, etc. The surface shall be routinely maintained. If paint is peeling, it must be repainted to seal the surface.
 - (3) Henhouses and chicken tractors shall be well maintained.
 - 2. No henhouse, chicken tractor or chicken pen shall be placed in any area of property that is considered frontage, as defined by Section 2.1280 and other applicable sections of the Unified Development Ordinance.
 - 3. Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from the property line and at least forty (40) feet from any adjacent residential dwelling, church, school, or place of business.
 - 4. Henhouse and chicken tractor size.
 - a. The minimum size of any henhouse or chicken tractor shall be two (2) square feet per chicken.
 - b. The maximum size of any structure henhouse or chicken tractor shall be four (4) square feet per chicken.
 - c. The interior roosting area of any henhouse or chicken tractor shall be not less than two (2) feet in height.
 - d. The exterior height of any henhouse or chicken tractor, including any risers or pedestals, shall not to exceed ten (10) feet.
- E. A chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.
- F. Subparts A. through E. of this section shall not apply when chicken(s) are kept four hundred (400) feet or more from the residence of any other inhabitant.

(Ord. No. 7343, § 7, 7-11-2013; Ord. No. 7416, § 2, 1-6-2014)

Sec. 5-203. - Chickens at large.

- A. Chickens shall not be allowed to run at large. It shall further be unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding.
- B. No dog, cat or other domesticated animal, which kills a chicken running at large will, for that reason alone, be considered a dangerous or prohibited animal.

(Ord. No. 7343, § 7, 7-11-2013; Ord. No. 7416, § 3, 1-6-2014)

Sec. 5-204. - Odor and noise impacts.

- A. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible at the property boundaries.
- B. Perceptible noise from the chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.
- C. It shall be unlawful for any person to park over one (1) hour within the City limits any truck loaded with chickens that would cause an offensive smell or noise, or which would unnecessarily annoy the rest of others.

(Ord. No. 7343, § 7, 7-11-2013; Ord. No. 7416, § 4, 1-6-2014)

Sec. 5-205. - Predators, rodents, insects, and parasites.

The chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an animal control officer.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-206. - Feed and water.

Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-207. - Waste storage and removal.

The chicken owner must provide for the storage and removal of chicken manure. All stored manure shall be covered in a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-208. - Unlawful acts.

- A. It shall be unlawful for any person to keep chickens in violation of any provision of this article.
- B. It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this article.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-209. - Violation.

As provided in Section 5-33, any person who fails to adhere to or otherwise violates this article is guilty of a municipal ordinance violation punishable according to Section 1-13. Each day that such person shall continue violation of the provisions of this article shall constitute a separate and distinct offense and shall be punishable as such.

(Ord. No. 7343, § 7, 7-11-2013)

Packet Information

File #: 2017-1752, **Version:** 1

UDO Amendment # 65 Article 7 Design Standards - Division VII Design Standards for the Downtown Core Area
- City of Lee's Summit Applicant

Amendment #1 for consideration.

Recently a project involving a downtown storefront rehabilitation was brought before the City Council on appeal from the Director's decision concerning materials proposed to be used. There was discussion at that time to relook at the downtown design standards for their continued relevance today. A small group was assembled with representatives from Downtown Main Street, a downtown business, Historic Preservation Commission, City Council and city staff to review the design standards and bring forth recommendations on any amendments that might be necessary to more clearly define regulations that support historic preservation efforts in the future.

The attached document is the result of the committee's review and recommendation being brought forward for your consideration. The majority of the proposed amendments are meant to more clearly define and bolster regulations that support our historic downtown. The amendments are also designed to resist exterior renovation and rehabilitation efforts that will negatively impact and erode the historical significance that currently exists in our Downtown National Register District. Many products and materials are available today that, although they may fit the same time period, do not belong in Downtown Lee's Summit. Introducing foreign materials into historical themed architecture begins the erosion of the District character and once allowed, acts like a cancer that is difficult to stop. These proposed amendments are intended to set a basis for which renovation and rehabilitation should adhere to and also restructures the appeal process making it much less onerous for all involved.

Amendment #2 for consideration.

Staff has been reviewing some of the parking lot lighting requirements and offer several amendments to be considered along with this UDO Amendment #65. Primarily the proposed lighting amendments impact glare and light intrusion from the source to other properties. Staff will be prepared to discuss the proposed changes at the meeting.

Recommendation: Staff recommends authorizing the proposed UDO Amendment #65 to proceed to the Planning Commission for public hearing

Presenter: Robert McKay, AICP, Director of Planning and Special Projects

ARTICLE 7. DESIGN STANDARDS

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Division I: Introduction to design standards

Section 7.010. Applicability.

1. The design standards are provided as a tool to be used by developers and property owners intending to improve or modify their property. These standards reflect both required and optional standards of design that the City would like to see implemented for developments within the City. All proposed development will be reviewed in accordance with these regulations and in conjunction with:
 - a. Article 4, including modifications allowed upon approval of a preliminary development plan as provided in Section 4.370;
 - b. Article 5, which contains land use and lot dimension regulations for each zoning district;
 - c. the standards for parking, signage, and landscaping contained in Articles 12, 13, and 14 of this Chapter; and
 - d. the standards in the Design and Construction Manual.
2. The design standards are to apply to all districts within the City, with the exception of the AG Agricultural District, RDR Rural Density Residential District, RLL Residential large lot and R-1 Single-Family Residential District or special uses that are specifically exempt in Article 10 hereof.

Section 7.020. Purpose.

This Article describes the specific design requirements and alternatives that should guide development in the City. The purpose of the following design standards is to:

1. Protect property values, enhance community appearance, and preserve neighborhood character.
2. Enable developers to create more attractive, efficient, sociable, and pedestrian-friendly living, shopping, and working environments.
3. Overcome the traffic problems, the nuisance factors, and the non-elastic characteristics that are inherent in single-use zoning districts.
4. Increase beauty and quality of community life by improving the character of building exteriors and surroundings.
5. Increase public infrastructure efficiency through mixed uses and efficient densities.
6. Increase beauty and quality of employees' working and leisure-time experiences by improving the pedestrian environment and exterior building character in office, commercial, and industrial districts.

Division II: Planned Residential district design standards

Section 7.030. Planned Residential design objectives

- A. Encourage developments with mixtures of densities, housing types and land uses.
- B. Foster neighborhood security with means for maintaining activity at all times of the day. Examples include “corner stores”, home offices and useable front porches.
- C. Link neighborhoods with safe, attractive pedestrian connections both along the street and on open space greenways.
- D. Connect residences to each other and to neighborhood parks, schools, and shops with direct pedestrian pathways.
- E. Provide for optional vehicular circulation routes through a neighborhood to distribute traffic evenly and avoid excessive traffic on any one street.
- F. Minimize cut-through traffic within a neighborhood.
- G. Emphasize the public realm, by encouraging parks and community facilities to be located as focal points in the neighborhood.
- H. Provide for varying front yard depths including allowance for increasing the proportion of rear yard area to front yard area to provide for privacy and to foster a more intimate and friendly neighborhood street.
- I. Facilitate people’s ability to watch out for each other thereby improving neighborhood security.
- J. Maintain natural topography, substantial trees and tree groupings, and other existing landscaping features.

Section 7.040. Laterally attached residential units and multi-family structures

- A. Building Separation. Separations between multifamily structures shall be at least twenty (20) feet, unless fully sprinklered for fire safety and further approved through the development process, then the separation may be reduced per the allowances of the building code.
- B. Exterior Appearance. All exterior sides of three or more laterally attached single-family residences and all multi-family residence buildings shall be designed with the consideration that they will be visible from surrounding residences. Building materials, window size and placement, and general façade composition shall be compatible on all four (4) sides of the structure.

Section 7.050. Planned Residential district open space requirements

An Open Space Plan including the following elements shall be provided with all “Planned” residential developments and shall be included with the preliminary development plan submittal:

- A. A minimum of ten (10%) per cent of the total land area shall be devoted to open/green space area. The proportion of public to private open space and the designated uses of the

open space shall be determined by the City, based upon particular recreational, environmental, cultural, and scenic objectives in the area where the development is to be located.

- B. The City may accept a fee in lieu of dedication when the city determines that it is in the City's best interest to do so. The appropriate fee shall be determined by the City.
- C. Common open spaces shall be designed with usable sizes and proportions.
- D. Common open spaces shall be distributed throughout the neighborhood.
- E. Existing natural features on a development site shall be preserved wherever possible by incorporating them into common open space.
- F. Natural areas that are unsafe for or not easily accessible to pedestrians, including steep slopes and wooded preserves may be included as common open space.
- G. The area occupied by non-residential buildings or uses, including active private recreation facilities, such as swimming pools, and tennis courts shall not be included in common open space calculations.
- H. Common open spaces may be crossed by easements for public utilities, where such easements will involve access by persons or vehicles only for periodic maintenance or repair. Land on easements for overhead electric transmission lines shall not be counted in common open space calculations.
- I. Other than motorized wheelchairs, no vehicles shall be operated within common open spaces except for maintenance purposes.
- J. Additional plan review and approval may be required for the following specific uses and conditions:
 - 1. agricultural uses;
 - 2. bridle paths;
 - 3. environmentally sensitive areas; and
 - 4. lakes, ponds, and flood control provisions.
- K. Common open space location and orientation, where possible, shall take into account significant vistas and view corridors toward natural or man-made community features. Particularly important views shall be retained in areas accessible to all residents in the neighborhood.
- L. Existing trees shall be protected in the creation and maintenance of any common open space.

Section 7.060. **Residential street design (See Article 16).**

Section 7.070. **Residential sidewalks (See Article 16 and Division IV of this Article)**

Section 7.080. **Pedestrian lighting in residential areas (see Division V, Lighting Standards)**

Section 7.090. Residential parking (see Article 12)

Section 7.100. Residential traffic calming

In planned residential district developments traffic-calming may be encouraged at the intersection of residential streets or along residential streets, including local and collector streets, subject to need, safety and effectiveness, as determined by the City Engineer.

Division III: Office, Commercial and Industrial district design standards

Section 7.110. Design objectives

A. Office districts: Development in office districts:

1. Shall incorporate designs and uses that not only facilitate efficient and attractive working conditions, but also provide places for employees to socialize and enjoy recreation as well. For example, office districts can be designed to facilitate socialization for business and pleasure by including restaurants, health clubs, and other supportive uses that serve both the employees in the district and the community as a whole.
2. Shall incorporate thematic architecture for unity of design (Amend. #1) in the development of multiple building environments. Architectural theme examples might include, but are not limited to, prairie or mission style buildings. Architectural themes may also be demonstrated by the common use of a particular building material throughout the development such as concrete tile, barrel tile, slate, standing seam metal or similar type roofing materials incorporating the same color. Similar or compatible colors and shapes of brick or textures of stucco wall finishes, cornices, coins, roof lines and pitch, columns, and arcades between buildings, can lend to the theme within the development.
3. Are encouraged to locate business and personal services within the district to improve business efficiency and competitiveness as well as personal well being among employees; and provide for a high degree of walkability between office buildings and these services.
4. Are encouraged to include multi-family residences in office districts to meet the demand for people who want to be able to walk to work or to the social and recreation facilities provided in the district. Residences within office districts also can utilize parking spaces that are not used at night.

B. Commercial districts: Development in commercial districts:

1. Are encouraged to provide a variety of uses that will enable the districts to function as centers of community life. For example, retail districts can include housing “above the store.” Civic uses such as libraries and community recreation centers can be located in retail districts. An outdoor gathering place or town square can provide for concerts, art fairs, school rallies, and for crossing paths with neighbors on a daily basis. Elementary schools can be located adjacent to a retail district so that picking up children and shopping can become one trip; or so that families can attend an event at school and walk across the street to a restaurant afterward.

2. Are encouraged to design storefront windows, signs and lighting to facilitate pedestrian circulation among shops. Opportunities exist to position small local stores in front of big box stores to create a continuous shopping environment.
 3. Shall incorporate thematic architecture in the development of multiple building environments.
 4. Are encouraged to design the commercial development as a “district” rather than a “strip,” so that the groupings of businesses can be approached from more places around the perimeter, resulting in less congestion and more accessibility, especially for pedestrians and bicyclists.
- C. Industrial districts: Development in the industrial districts:
1. Are encouraged to include the kinds of amenities and services for employees that office districts provide. Distances to common facilities may be greater due to the horizontal expansiveness of most industrial uses. This warrants close attention to the location of common facilities in site planning to minimize these distances;
 2. Shall utilize building materials, orientation, and landscaping that are visually attractive thereby affecting the value and reputation of the City as a whole; and
 3. Shall minimize the awareness of operations from the surrounding community.
- D. Downtown Core Area: Development in the commercial and transition districts in the downtown core area is subject to the design standards in Division VIII of this Article.

Section 7.120. Building form and use

- A. Office districts:
1. Building height shall be a maximum of five (5) stories or seventy-five (75) feet. For an area developed as a higher density “mixed-use” development that includes both commercial and residential uses, the maximum height limit shall be twelve (12) stories or one hundred eighty (180) feet.
 2. Buildings shall incorporate four (4) sided architecture. Horizontal and vertical elements shall extend completely around the building and utilize the same, compatible or complimentary materials on all building facades.
 3. Lodging facilities are permitted within office buildings or in freestanding locations subject to the same design standards. Lodging facilities shall be pedestrian accessible to restaurants and other services utilized by guests.
 4. Awnings, canopies, and arcades may extend into the front yard setback to provide shelter for pedestrians from sun, rain, and snow. (Amend. #3)
 5. The color of service and delivery doors that are visible to the public shall be similar to the adjoining wall color unless specifically approved by the Commission as a color contrast. (Amend. #3)
 6. Solar energy devices, if provided, must be integral to overall building design. (Amend. #3)

B. Commercial districts:

1. Buildings shall incorporate four (4) sided architecture. Horizontal and vertical elements shall extend completely around the building and utilize the same or similar materials on all building facades.
2. Residences, lodging, or offices are permitted above the commercial businesses.
3. Building height shall be a maximum of fifty (50) feet to the façade cornice line. Roof peaks may extend an additional ten (10) feet above the cornice line. For example, four stories may be built consisting of offices or residential uses above one floor of commercial businesses.
4. Residential dwellings are permitted in freestanding locations within the development. They are subject to RP-3 District regulations.
5. Freestanding lodging facilities shall be directly accessible on foot to restaurants and other services utilized by guests. Designs are subject to Office District Design Standards.
6. The color of service and delivery doors that are visible to the public shall be similar to the adjoining wall color or as specifically approved by the Commission as a color contrast (Amend. #3).
7. Individuality of businesses shall be expressed in building façade designs through the following:
 - a. Varied parapet wall heights and shapes;
 - b. Varied roof lines;
 - c. Variations in building orientation;
 - d. Undulation insets and projections of the front façade;
 - e. Expression of vertical structure; and
 - f. Expressions of reveals or breaks between businesses.
8. Commercial businesses located along public streets shall be subject to the following design standards:
 - a. wherever possible, parking areas and pedestrian walks shall connect internally to parking areas and pedestrian walks of existing adjoining businesses. Provisions shall be made for future connections to adjoining property not yet developed or redeveloped. Wherever possible, pedestrian walks shall be provided to connect building entrances to public sidewalks.

C. Industrial districts

1. Industrial buildings shall be designed with four (4) sided architecture as in B.8.a. above.
2. Mechanical units shall be screened as in B.8b, above.
3. Awnings, canopies, and arcades are permitted to extend into the front yard setback to provide shelter for pedestrians from wind, rain, and snow. (Amend. #3)
4. The color of service and delivery doors that are visible to the public shall be similar to the adjoining wall color or as specifically approved by the Commission as a color contrast. (Amend. #3)

5. Solar energy devices, if provided, shall be integral to overall building design.

Section 7.130. Public gathering places in office and commercial districts. (Amend. #6)

- A. A minimum of five percent (5%) of the development site shall be designated as open space usable for public gathering. Open space remaining after the maximum impervious coverage is reached may be used to meet this requirement, provided other requirements of this section are met. (Amend. #6)
- B. The open space shall be directly accessible on foot from the entrance to offices and services.

Section 7.140. Building relationships to street network in office, commercial and industrial districts

- A. Building entrances and entrances to business services are encouraged to face onto an existing street or a landscaped open space.
- B. Office and commercial buildings are strongly encouraged to have windows along the street facing façade. (Highly reflective, in excess of 40% reflectivity, or mirror glass is not acceptable.) Industrial buildings are strongly encouraged to present their building fronts with windows and provide employee and general public entrances on an existing street or major internal drive.

Section 7.150. Development relationship to limited access highways or arterial streets

If a development abuts or contains an existing or proposed limited access highway or arterial street, the Commission and/or Council may require frontage roads or parallel streets to separate through and local traffic and to provide for visually safe and attractive roadways.

Division IV: Other required design standards

Section 7.160. Sidewalk location standards

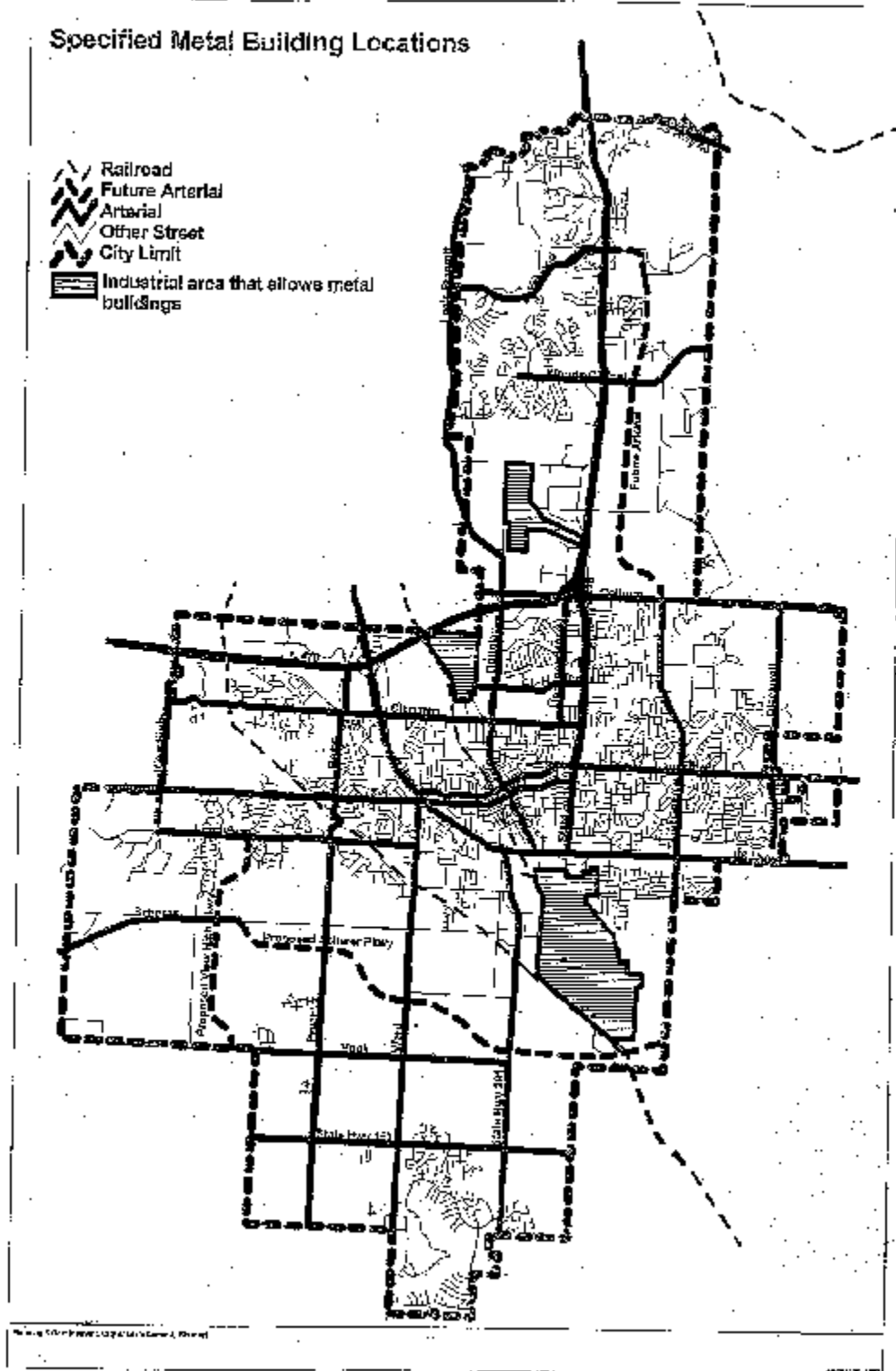
Sidewalks shall be a minimum width of five (5) feet. A landscaping strip with a minimum width of five (5) feet shall be located between the sidewalk and the curb. The sidewalk shall be placed one (1) foot from the property line. Exceptions to this standard may be approved by the City Engineer if topographic or other constraints are encountered during construction. Meandering sidewalks may be used provided that where a sidewalk encroaches onto private property, outside the public right-of-way, an access and maintenance easement shall be provided to the City.

Section 7.170. Building materials for office, commercial/retail and industrial districts (Amend. #3)

- A. The following building materials shall be used for all office and commercial/retail buildings located within the city.

1. Masonry – brick, stone, concrete masonry units (CMU's) with split-face, fluted, scored or other rough texture finish. (Specifically excluding smooth finish CMU or concrete brick i.e. “Cherokee block”, with the color and texture of clay brick.)
 2. Concrete – precast, exposed aggregate, cast in place, or tilt up panels provided a rough texture is present or to be added.
 3. Stucco – including E.I.F.S., Dryvit, but excluding pre-manufactured panels.
 4. Structural clay tile – excluding glazed surface finish.
 5. Glass – glass curtain walls, glass block, excluding mirror glass which reflects more than 40 percent of incident visible light.
 6. Metal – used only in an incidental role i.e., trim, architectural features, standing seam metal roofing or other architectural metal siding or roofing as approved by the Planning Commission and/or City Council. (Amend. #3)
 7. Roofing materials-as approved per development plan.
- B. Industrial buildings fronting on arterial streets may utilize the following approved materials.
1. Fronts of all industrial buildings located on streets classified as arterials or higher i.e., four (4) lanes or greater, shall utilize one hundred (100%) approved materials specified in (A) above.
 2. Sides of all industrial buildings facing or fronting on a street (Amend. #6) as in (1) above shall incorporate a minimum of fifty (50%) per cent of the approved materials listed in “A” above on the remaining sides. The other fifty (50%) of the sides may use pre-engineered and pre-finished rough textured metal siding panels and/or pre-engineered and pre-finished rough textured metal siding panel systems, meeting adopted building codes.
- C. Industrial buildings fronting on other than arterial streets may utilize the following materials:
1. Fronts of all buildings facing a street shall incorporate a minimum of fifty (50%) percent of the approved materials listed in “A” above.
 2. Sides of all industrial buildings facing or (Amend. #6) fronting on other than arterial streets as in (1) above (Amend. #6) may utilize the same metal panels as stated in “B” above.
- D. Industrial buildings located in areas designated as “specified metal building locations” may utilize the following materials:
1. Fronts of all buildings facing a street shall incorporate a minimum of fifty (50%) percent of either the approved materials listed in “A” above or rough textured metal siding panels/systems meeting adopted building codes. (Amend. #3)
 2. The remaining sides of all buildings may utilize 100% metal panel siding or metal panel systems, meeting adopted building codes.
- E. Conditional materials. (Only as approved by the Planning Commission and/or Governing Body).
1. Wood – Only when used to provide compatibility to surrounding buildings or residential districts.
 2. Vinyl – Only when used to provide compatibility as in 1 above.
 3. New materials not listed as approved, prohibited or conditional.

- F. Temporary materials. Materials for temporary use may only be allowed for a specific period of time as determined by the City Council on a case by case basis. Approval of temporary materials shall be established at the time of approval of the preliminary plan and shall be noted on the preliminary and final development plans.
- G. Prohibited materials. Exterior building materials not listed either as approved, conditional or temporary materials as defined herein shall be prohibited. New materials may be considered as “conditional materials and may be approved as in “E” above.



Section 7.180. Architectural characteristics.

A. Offsets.

1. Horizontal breaks – shall be provided on all sides of buildings to provide architectural relief and may include bands of accent color, brick course variances in color or placement, i.e., soldier course bricks for bands of different texture, windows, cornices, wall protrusions, horizontal belt courses, etc.
2. Vertical breaks – shall be provided on all sides of buildings to provide architectural relief as in (1) above.

B. Four-sided architecture – all sides of a building shall include similar architectural details materials and colors to avoid a back side or at least to minimize a back side presentation to other buildings or residential neighborhoods.

C. Roofs

1. Pitched roofs – Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade. Buildings located adjacent to residential districts shall incorporate the use of pitched roofs for the entire structure.
2. Flat roofs – Buildings using flat roofs with a pitch of two (2) inches vertical to twelve (12) inches horizontal or less shall incorporate detailed parapets or exaggerated cornice lines to provide architectural relief.
3. Roof penetrations – All roof penetrations shall be placed in architecturally designed appurtenances. Small vent pipes may be painted to blend in with a roof to disguise their presence. Roof penetrations shall be shown on the preliminary and final plans to the extent possible.

D. Color – Colors of all exteriors including walls, trim, accents, roofs, mechanical equipment, etc., shall be indicated on the preliminary and final development plans and, when required, shall be approved by the Planning Commission and/or by the City Council following recommendation by the Planning Commission. (Amend. #3)

E. Roof mounted equipment – All roof-mounted equipment shall be screened entirely from view by using parapet walls at the same height as the mechanical units. For additions to existing buildings that do not meet this standard, individual screens will be permitted, with the design subject to approval by the Director.

F. Ground mounted equipment – Ground mounted equipment shall be totally screened from view by landscaping or masonry wall up to a height of the units to be screened.

G. Trash enclosures – All exterior trash storage containers shall be screened so that they are not visible from off the property. Each trash enclosure shall be constructed of masonry walls with a steel **opaque gate painted to be compatible with the color of the masonry walls and building it is to serve. (Amend. #2)**

Division V: Lighting Standards (Amend. #30)

Section 7.190. Purpose and Intent

The purpose and intent of this section is to establish outdoor lighting standards in all zoning districts that:

1. Reduce or eliminate glare, light trespass/spillover and overlighting from on-premise light sources to off-premise properties, but not to include significant elevation differences as determined by the Director to be unreasonable to shield ;
2. Promote safety and security by incorporating Crime Prevention Through Environmental Design (CPTED) Principles per Division VI of this Article;
3. Encourage energy conservation and provide attractive lighting fixtures and layout patterns that contribute to a unified exterior lighting design of non-residential developments.

For purposes of determining light levels for installed light fixtures per this Article, the Director shall use a digital light meter, illuminance meter, meeting C.I.E.(International Commission on Illumination) standards. Light meter readings shall be taken at 3 feet above grade on a horizontal axis unless otherwise specified.

Section 7.200. Applicability and General Provisions

These lighting standards shall apply to the installation of new outdoor lighting fixtures or the replacement of existing outdoor lighting fixtures. Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of the fixture. Routine lighting maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, lenses and similar components, shall not constitute replacement and shall be permitted provided such changes do not result in a higher light level output such as replacing a 150 watt bulb with a 200 watt bulb. If the housing of the fixture is deteriorated or damaged to point of needing replacement, it shall only be replaced with a permitted fixture type in accordance with this Article.

Section 7.210. Existing Outdoor Lighting Fixtures

Outdoor lighting fixtures lawfully existing prior to January 1, 2009, that do not conform to these provisions shall be deemed to be a lawful nonconforming use and may remain. A nonconforming lighting fixture that is changed to or replaced by a conforming lighting fixture shall no longer be deemed nonconforming, and thereafter such lighting fixture shall be maintained in accordance with this Article.

Section 7.220. General Outdoor Lighting Standards

- A. Light Source. Metal halide, light emitting diodes (LED's), or other new light source technology approved by the Director shall be the required light source for all outdoor lighting. These outdoor lighting fixtures are to be color-correct types to ensure true-color at night for security purposes and support CPTED principles.

- B. Design of Fixtures/Prevention of Spillover Glare. All outdoor light fixtures shall use full cut-off lenses, as classified by the Illuminating Engineering Society of North America (IESNA), to prevent glare and light spill from the project site onto adjacent properties, buildings and roadways. All lights shall be International Dark-Sky Association (IDA) approved fixtures.
- C. Prohibited Lights. The following lights are prohibited:
 - 1. Aerial or search lights;
 - 2. Laser source lights;
 - 3. Pulse, blinking, tracing or flashing lights;
 - 4. Outline lights;
 - 5. Mercury vapor lights;
 - 6. Fluorescent, except when used as Accent Lighting or in shielded wall packs or wall sconces;
 - 7. Neon, except when used as Accent Lighting;
 - 8. High and Low pressure sodium;
 - 9. Halogen, except when used as Accent Lighting; and
 - 10. Flood light fixtures, except when used as Accent Lighting and only when directionally shielded eliminating glare to motorists and pedestrians.
- D. Exceptions. The following lights are excepted from these requirements:
 - 1. Egress lights as required by the Building Code 100-Watts or less for incandescent, 26-Watts or less for compact fluorescent, or 40-Watts or less for other lighting sources;
 - 2. Construction and emergency lighting used by construction workers or police, firefighting, or medical personnel, provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency requiring said lighting;
 - 3. Security lighting controlled and activated by motion sensor devices for a maximum duration not to exceed 10 minutes and not to exceed 100-Watts for incandescent, 26-Watts for compact fluorescent, or 40-Watts for other lighting sources.
- E. Exemptions. The following lights are exempted from these requirements:
 - 1. Lighting attached to one and two-family dwellings
 - 2. Airport lighting;
 - 3. Street lighting installed per the Design and Construction Manual.

Section 7.230. **Photometric Plans Required**

A photometric plan shall be required for all new development, redevelopment, parking lot development or expansion where outdoor lighting is proposed or when otherwise required by the Director. The photometric plan shall be prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a State licensed professional engineer, architect, landscape architect or land surveyor and shall contain the following information:

- A. Location and limits of the canopy or outdoor display area at a scale of not less than 1 inch equals fifty feet (1"=50').
- B. Location and height of:
 - 1. All underside canopy lighting for service stations and service station convenience stores, and
 - 2. All pole and building mounted light fixtures for outdoor display areas, and
 - 3. All pole lights fixtures for parking lots
- C. A photometric diagram showing predicted maintained lighting levels produced by the proposed lighting fixtures.
- D. The photometric plan shall indicate footcandle levels on a 10-foot by 10-foot grid. When the scale of the plan, as determined by the Director, makes a 10' by 10' grid plot illegible, larger grid spacing may be permitted.
- E. All photometric plans shall provide a breakdown indicating the maximum footcandle, minimum footcandle, average maintained footcandle, and the maximum to minimum ratio for each lighting zone.
- F. All photometric plans shall include all structure(s), parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting. The plan shall contain a layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type. The plan shall include all other exterior lighting (e.g., architectural, building-entrance, landscape, flag, accent, etc.).
- G. For projects abutting or adjacent to residential properties, a photometric plan providing the as-constructed lighting levels shall be provided to the Department of Planning and Development prior to the issuance of a Final Certificate of Occupancy. The as-constructed photometric plan shall indicate the footcandle levels on a 10-foot by 10-foot grid.

Section 7.240. Pedestrian Lighting in Residential Areas

Pedestrian-oriented lighting (metal halide preferred) is permitted, on twelve (12)-foot poles at eighty-two and one-half (82.5) foot or less spacing with light intensity and spread patterns to be determined by the Governing Body. Pedestrian-oriented lighting may either supplement or substitute for the standard street lighting, based upon acceptable intensity, spread and glare reduction characteristics. (Amend.#3)

Section 7.250. Parking Lot Lighting

- A. Parking lot lighting required. Multi-family, institutional and commercial uses or developments providing parking lots accommodating 11 or more parking spaces shall provide parking lot lighting in accordance with this Article.
- B. Fixtures. Parking lot lighting shall utilize flat lens fixtures with full cut-offs and be mounted to the parking lot light pole at 90 degrees (horizontal to the ground) and shall be non-adjustable.
- C. Maximum Base Height. Concrete pedestals/bases shall not exceed three (3) feet in height and shall be included in the maximum overall height.

- D. Maximum height. The maximum overall fixture height, measured to the top of the fixture from grade, shall comply with the following:
1. All light fixtures on properties within or adjoining residential uses and/or districts shall not exceed 15 feet in height within the perimeter area. For purpose of this standard, the perimeter area shall be measured 100 feet from the property line closest to the residential use and/or district. Outside the perimeter area, the overall height may be increased to 20 feet, measured to the top of the fixture from grade.
 2. All light fixtures on properties within or adjoining residential uses and/or districts that are separated by a non-arterial street and are within the perimeter area shall not exceed 15 feet. Outside the perimeter area, the overall height may be increased to 20 feet in height, measured to the top of the fixture from grade.
 3. All light fixtures on properties adjoining residential uses and/or districts that are separated by an arterial street and are within the perimeter area shall not exceed 24 feet. Outside the perimeter area, the overall height may be increased to 28 feet in height, measured to the top of the fixture from grade.
 4. All light fixtures on properties that do not adjoin residential uses and/or districts in (1) through (3) above shall not exceed 28 feet.
 5. The solar panel for any solar powered light fixture may extend 5 feet above the height of the fixture.
- E. Maximum Footcandles at residential property line. The maximum maintained vertical footcandle at an adjoining residential property line shall be 0.5 footcandles, measured at three (3) feet above the grade.
- F. Uniformity Ratios. Light pole fixtures shall be arranged to provide uniform illumination throughout the parking lot not to exceed 10 footcandles.
- G. Maximum Wattage
1. All fixtures on developments that adjoin residential uses and/or districts shall be limited to 175-Watts maximum per head through the entire parking lot.
 2. All fixtures on developments separated from residential uses and/or districts by a non-arterial street shall be limited to 175-Watts maximum per head along the perimeter area. For the purpose of this standard, the perimeter area shall be measured 100 feet from the property line closest to the residential use and/or district. Outside the perimeter area, higher wattage fixtures may be utilized, but shall not exceed 250-Watts.
 3. All fixtures on developments separated from residential uses and/or districts by an arterial street shall be limited to 250-Watts maximum per head along the perimeter area, as defined above. Outside the perimeter area, higher wattage fixtures may be utilized, but shall not exceed 400-Watts.
 4. All fixtures on developments that adjoin commercial, office or industrial uses and/or districts shall be limited to 400-Watts maximum per head.
 5. The total aggregate wattage for multiple headed fixtures mounted on a single pole shall be limited to 800-Watts maximum.
- H. Maximum Light Fixture Heads. Developments adjoining residential uses and/or districts including those separated by a street shall utilize single headed fixtures on the perimeter area.

- I. Lighting may be further restricted depending on physical characteristics of the site.
- J. Solar Powered or LED Light Fixtures Required. A minimum of 50% of the parking lot light fixtures shall be solar powered or 100% of the parking lot lighting shall utilize LED light fixtures.
- K. Mandatory Illumination Reduction. On all non-residentially developed lots which contain a minimum of four (4) parking lot light poles, parking lot lighting levels for surface parking lots and the top levels of parking decks and structures shall be reduced by at least 50% of the full operational levels within 60 minutes after the close of business. Lighting levels may be reduced by turning off 50% of the parking lot lights or by dimming parking lot lighting levels to no more than 50% of the levels used during business or activity hours, or by some combination.

Section 7.260. Wall-Mounted Lighting

- A. Wall mounted lighting is defined as any light fixture mounted to the building wall excluding accent lighting, canopy lighting, and excepted lights, as identified in this Division.
- B. Full Cut-Offs. Wall-mounted lights shall utilize full cut-off fixtures.
- C. Maximum Wattage. Wall-mounted fixtures shall be metal halide and not exceed 150-Watts.
- D. Mounting Height. Wall-mounted/building-mounted fixtures shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater. For structures within 100 feet of a residential use and/or district, the mounting height of these fixtures shall not exceed 15 feet measured from the top of the fixture to grade.

Section 7.270. Accent Lighting

- A. Accent lighting is defined as any lighting used to accent architectural features, fascia, landscaping, flags, art or other objects for architectural or landscape purposes.
- B. Fixtures used for accent lighting shall be full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated to minimize glare, sky glow and light trespass. All lights shall terminate on opaque surfaces within the property.
- C. Fixture Type Allowed. The following fixture types may be used as accent lighting:
 - 1. Neon and fluorescent tube lighting when recessed or contained in a cap or architectural reveal. A diffusing or refracting lens that covers the recess, cap or reveal shall be provided.
 - 2. Floodlights;
 - 3. Wall sconces or lanterns;
 - 4. Recessed can lights; or
 - 5. Any other fixture type that, in the opinion of the Director or designee, meets the intent of this section.
- D. Maximum Wattage. Fixture wattage shall not exceed 100-Watts for incandescent, 26-Watts for compact fluorescent, or 40-Watts for other lighting sources.

- E. The maximum illumination of any vertical surface or angular roof surface shall not exceed 4.0 footcandles.

Section 7.280. Canopy and Drive Thru Lighting

- A. Canopy and drive thru lighting shall be adequate to facilitate the activities taking place in such locations and shall not be used to attract attention to the business.
- B. Any facility utilizing a canopy or drive-thru area such as banks, service stations, convenience stores, car washes, etc., shall comply with the following requirements:
 - 1. Canopy light fixtures shall be recessed so that the lens cover is flush with the bottom surface (i.e., ceiling) of the canopy.
 - 2. Indirect lighting may be used where light is beamed upward lighting the underside of the canopy. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the canopy. The underside of the canopy shall be finished with a surface treatment that minimizes the potential of glare.
 - 3. Lights shall not be mounted on the top or sides (fascias) of the canopy, and the canopy sides or fascias shall not be illuminated except when approved as part of a preliminary development plan or separate sign package.
- C. Areas under the service station canopy shall be illuminated so that the minimum lighting level is at least 10.0 footcandles and no more than 30.0 footcandles.
- D. Automatic Teller Machines (ATMs). The lighting around freestanding ATMs shall be a minimum of 5.0 footcandles and not to exceed 16.0 footcandles, measured within a ten (10) foot radius from the ATM or 4.0 footcandles within a thirty (30) foot radius.

Section 7.290. Exterior Display Lighting

- A. Exterior display lighting is any lighting used to illuminate any outdoor display or sales area including but not limited to vehicle sales, storage lots, garden center, etc.
- B. The display area lighting shall not exceed 25.0 footcandles with an average illumination to minimum illumination of not greater than 5.0:1.
- C. The height of the exterior light fixtures shall be as follows:
 - 1. Wall-mounted/building-mounted fixtures shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater. Fixtures on structures within 100 feet of a residential use and/or district shall not exceed 15 feet measured from the top of the fixture to grade.
 - 2. Pole mounted fixtures shall not exceed 20 feet as measured from finish grade to the top of the light fixture. Concrete pedestals/bases shall not exceed three (3) feet in height and shall be included in the overall height. Fixtures within 100 feet of a residential use and/or district shall not exceed 15 feet measured from the top of the fixture to grade.
- D. Parking lot display illumination shall meet the mandatory illumination reduction requirement for parking lot lights between 10:00 p.m. and 7:00 a.m. when located adjacent to residential areas.

Section 7.300. Outdoor Recreation Lighting

- A. Lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, special event or show areas, shall meet the conditions in this section.
- B. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed and shielded so that their beams fall within the primary playing area and immediate surroundings.
- C. The main lighting of the facility shall be turned off no more than 60 minutes after the end of an activity or event. A low level lighting system shall be installed to facilitate patrons leaving the facility, cleanup, nighttime maintenance, etc.
- D. The maximum mounted heights for recreational lighting shall be in accordance with the following:
 - 1. Football Fields – 70 feet
 - 2. Soccer Fields – 70 feet
 - 3. Baseball/Softball Fields (250' or greater) – 70 feet
 - 4. Baseball/Softball Fields (less than 250') – 60 feet
 - 5. Little League Fields – 60 feet
 - 6. Basketball Court – 20 feet
 - 7. Tennis Court – 30 feet
 - 8. Swimming Pool – 20 feet
 - 9. Track – 20 feet
 - 10. Horseshoe Court – 30 feet
 - 11. Skate Park – 30 feet
 - 12. Volleyball Court – 30 feet
 - 13. Other recreational activities shall be determined on a case by case basis by the Director after consultation with the City's Parks and Recreation Department and/or industry standards. In no circumstance shall heights exceed 30 feet.
- E. The average maintained lighting levels for recreational uses, other than professional sports teams, shall not exceed the following:
 - 1. 80.0 footcandles in the infield and 50.0 footcandles in the outfield for baseball/softball/little league fields. The maximum lighting level to average lighting level ratio shall not exceed 2.0:1.
 - 2. 80.0 footcandles for football/soccer/tennis courts. The maximum lighting level to average lighting level ratio shall not exceed 2.0:1.
 - 3. 50.0 footcandles for basketball court/track. The maximum lighting level to average lighting level ratio shall not exceed 2.0:1.
 - 4. 20.0 footcandles for swimming pool. The maximum lighting level to average lighting level ratio shall not exceed 2.0:1.
 - 5. Other lighting levels shall be in accordance with IESNA, Illuminating Engineering Society of North America standards.

- F. All light fixtures/light poles shall be set back a minimum of one (1) foot for every foot in height from any residential property line and/or right-of-way.
- G. Lighting levels shall not exceed 0.5 footcandles at any common property line with residential district and/or use.

Division VI: Crime Prevention Through Environmental Design (CPTED) Requirements (Amend. #33)

Section 7.310. CPTED Defined

CPTED is defined as the proper design and effective use of the built environment that can lead to a reduction in the fear and incidents of crime, and an improvement in the quality of life. The four (4) basic CPTED principles include:

1. Natural access control – guides people entering and leaving space through the placement of entrances, exits, fences, landscaping and lighting.
2. Natural surveillance – uses design features to increase the visibility of a property or building
3. Territorial reinforcement – physical design provides clear distinction between private and public property
4. Maintenance – Proper upkeep signals property is being well cared for and inhospitable to criminals

Adopted for reference purposes are two publications dealing with CPTED. *Designing Safer Communities** and *CPTED Guidelines – Safety by Design: Creating a Safer Environment In Virginia***.

Designing Safer Communities is a publication of the National Crime Prevention Council funded by the Bureau of Justice Assistance Programs, U.S. Department of Justice.

Safety by Design is a publication of the Virginia Crime Prevention Association funded by a grant from the Allstate Foundation.

Section 7.320. CPTED Review Committee Established

The CPTED Review Committee, CRC, is comprised of a select number of city staff members from the Development Review Committee, DRC, who have completed both basic and advanced training in CPTED Principles through the National Crime Prevention Council. The adopted “Mission Statement” of the CRC reads as follows:

“...to utilize CPTED principles and innovative crime prevention techniques to maintain and improve the quality of life by reducing crime and/or the fear of crime, whereby creating a safer environment.”

Section 7.330. CPTED Review Requirement

All development applications shall be subject to CPTED review and recommendations. The application of CPTED concepts and strategies is site specific and the level of review shall be determined on a case by case basis. Some requests during development review will require mandatory compliance. Others will be strongly encouraged but compliance will be voluntary. Mandatory compliance elements will be addressed in Article 9 “Uses with Conditions”.

Section 7.340. CPTED Uses Specified

The following uses have been classified as “Uses with Conditions” per Article 9 of this Chapter, having been determined with a tendency toward an increased risk of crime,. Specific conditions for such uses are found in Article 9 and shall be required to be met prior to receiving any zoning approval, business license or approval to occupy any commercial space.

1. Bank/Financial Services
2. Bank Drive-Thru Facility
3. Check Cashing and Payday Loan Business
4. Convenience Store (C-Store)
5. Financial Services with Drive-up Window or Drive-Thru Facility
6. Pawn Shop
7. Title Loan Business, if performing on site cash transactions with \$500 or more in cash on hand
8. Unattended self-serve gas pumps
9. Unsecured Loan Business
10. Other similar uses shall meet the same standards as the above

Division VII: Miscellaneous

Section 7.350. Lee's Summit Municipal Airport

Metal hangars shall be permitted at the Lee's Summit Airport provided that a painted or textured finish is provided. (Amend. #7)

Section 7.360. Oil and Gas Well setbacks

- A. In property where oil and/or gas wells are or have been in existence, the following setbacks must be maintained for all buildings or structures:
1. Any foundation or any other part of any building or structure shall be set back at least ten (10) feet from any capped well; and, if fill is placed over any well cap, the setback from the foundation or structure shall be increased by two (2) feet for each one (1) foot of fill. The setback shall be measured from the cap or survey marker identifying the capped well.
 2. Any foundation or any other part of any building or structure shall be set back at least 150 feet from any active well.
 3. No setback is required for streets or driveways, which may be constructed over capped wells.

Section 7.370. Vision Clearance – Sight Triangle

- A. "Sight Triangle" is defined as the triangular area for sight distance preservation defined by the American Association of State Highway and Transportation Officials (AASHTO) "Green Book." This sight triangle is normally formed by lines at least 25 feet in length along the edges of the pavement of intersecting streets or a driveway intersecting a street, from their point of intersection.
- B. No landscaping or screening materials, signs, parked vehicles, or other objects other than essential directional signs, traffic control devices, and utility structures approved by the city shall interfere with the line of sight between a height of two (2) feet and eight (8) feet above the adjoining street or driveway pavement, within the triangular area formed by:
1. Lines 25 feet in length along the edges of the pavement of intersecting streets or a driveway intersecting a street, from their point of intersection.
- C. No landscaping or screening materials, signs, parked vehicles, or other objects other than essential directional signs, traffic control devices, and utility structures approved by the city shall interfere with the line of sight between a height of two (2) feet and eight (8) feet above the adjoining pavement, within the triangular area formed by
1. lines twenty (20) feet in length along the edges of the pavement of intersecting driveways or a sidewalk intersecting a driveway, from their point of intersection, and
 2. a line connecting them in the following instances:
 - a. A vehicular accessway or driveway and a sidewalk.
 - b. Two or more vehicular accessways or driveways.

3. Nothing in this section shall be construed to allow placement of objects in the public right-of-way.
4. Near highway intersections, the American Association of State Highway and Transportation Officials (AASHTO) sight distance triangle requirement shall be utilized.

Section 7.380. Maintenance

Exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become faded, chalked, or otherwise deteriorated or unsightly shall be refinished, painted or replaced. Exterior grounds including parking lots and associated pavement shall be maintained without pot holes, unfilled cracks, broken sidewalks and curbing.

Maintenance occurring in the Downtown Core and Transition Area shall also comply with the regulations of Division VIII of this Article, including 7.420B.1.b.2).

Section 7.390. Materials standards

All materials approved for use as provided in this Article shall be manufactured and installed in accordance with applicable ASTM and other standards and codes adopted and accepted by the City.

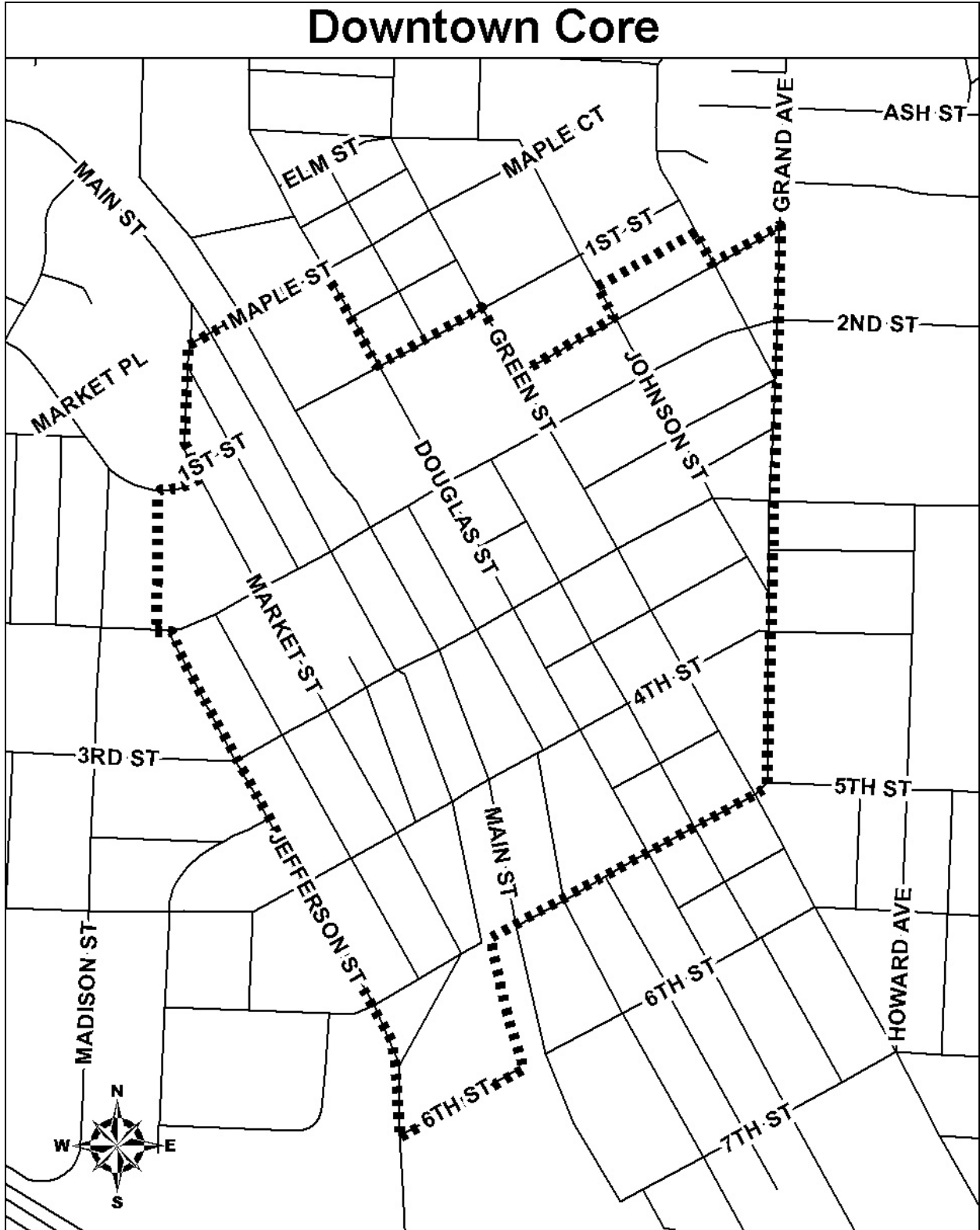
Section 7.400. Adoption of administrative guidelines

The Director of Planning and Development is authorized, as he/she deems necessary, to prepare an interpretation manual and administrative guidelines in order to augment, implement and provide further details for the carrying out of these minimum design standards. The Director is also charged in assisting City staff, the Planning Commission and City Council in the evaluation compliance with these standards for development applications.

Division VIII: Design Standards for the Downtown Core Area (Amend. #64)

Section 7.410. Introduction

- A. **Statement of Intent and Purpose.** The design standards for the Downtown Core Area are intended to provide parameters for the physical appearance, structure and placement of buildings located in the areas defined herein, for commercial, mixed use, non-residential and multi-family residential development. The purpose of these design standards is to:
1. Promote development and redevelopment that are complementary and consistent with the character of existing historic, historically eligible and historically contributing structures.
 2. Foster reinvestment in and redevelopment of existing structures.
 3. Provide site plan and architectural standards to foster sustainable development, with an appreciation for the elements of scale and character of the historic buildings.
 4. Implement the Old Lee's Summit Downtown Master Plan, a part of the Lee's Summit Comprehensive Plan, including recommendations for the Downtown Core Area, as defined therein.
- B. **Downtown Core Area.** The boundaries of the Downtown Core Area shall be those shown in the Downtown Master Development Plan adopted as a part of the Lee's Summit Comprehensive Plan on May 10, 2005. (See map on the following page.)
- C. Two distinct areas are further defined within the Downtown Core, the Commercial Core Area and the Transition Area, both having their own set of standards for compliance purposes.
- D. **Streetscape.** When applicable the streetscape shall be consistent with the "Lee's Summit Downtown Improvements Street Reconstruction & Streetscape Plan".
- E. **Local Historic Districts.** Any conflict with this Division resulting from the voluntary establishment of a local historic district shall follow the requirements of the local historic district. Refer to Article 6, Division III, Historic Preservation Overlay District, of this Chapter.



Section 7.420. **Development and Renovation within the Downtown Core Area**

- A. Preliminary and Final Development Plans. Applications for new development or redevelopment of any commercial or mixed use property in the Downtown Core Area shall be reviewed through the preliminary development plan and final development plan application, modification and appeal processes as set forth in Article 4, Applications and Procedures, of this Chapter.
- B. Exterior Renovation Permit. An Exterior Renovation Permit is required for all exterior work in the Downtown Core Area when the Design Standards of this Division apply, but the preliminary and final development plan review processes of Article 4 do not apply, and as otherwise provided herein. The applicability of the Design Standards is described in detail in sections 7.440(A) and 7.450(A) of this Division.
1. Requirements:
 - a. An Exterior Renovation Permit shall be required prior to any:
 - 1.) Exterior rehabilitation (returning to an original condition)
 - 2.) Exterior remodeling, including façade removal or replacement, window and door replacement
 - 3.) Replacement lighting or similar fixtures within the Commercial Core
 - 4.) Window replacement
 - 5.) Signage, new or replacement in the Commercial Core
 - 6.) Awnings, new or replacement in the Commercial Core
 - 7.) New construction or reconstruction of a building addition or any other exterior work, not defined as maintenance herein, on any building located in the Downtown Core Area
 - 8.) An Exterior Renovation shall be required prior to any work on a building listed in the National Register, for which tax credits are being requested and where the Secretary of the Interior's Standards for the Treatment of Historic Properties apply
 - b. An Exterior Renovation Permit shall not be required for:
 - 1.) General repair and maintenance of existing single and two family dwellings occupied as a residential use in the Transition Area including:
 - (a) Reroofing
 - (b) Siding replacement
 - (c) Exterior painting - provided colors are period specific or are compatible with colors typically seen in the neighborhood. **Painting unpainted brick is specifically prohibited.**
 - (d) Tuck pointing
 - (e) Crack repair
 - (f) Sidewalk repair or replacement
 - (g) Driveway repair or replacement

- 2.) General repair and maintenance of buildings or properties located within the Commercial Core including:
 - (a) Reroofing
 - (b) Tuck pointing
 - (c) Crack repair
 - (d) Exterior painting - provided period specific colors are used. Does not apply to painted wall signs, murals or unpainted brick
 - (e) Concrete step repair/replacement
 - (f) Parking lot repairs
- c. An Exterior Renovation Permit is not required for interior remodeling, underground utility work, or maintenance and repair of public infrastructure.
2. Applications for an Exterior Renovation Permit shall be made to Planning Services on a form provided by the Director. The Director shall review the application and issue a written decision based upon the provisions of this Division within ten (10) business days of the receipt of the application. For the purpose of this section, the Director's decision is deemed to have been served on the date it is personally delivered, or if mailed, the date that is three (3) days from the date that the decision is placed in the U.S. mail.
3. Appeal of a Denial of an Exterior Renovation Permit.
 - a. If the Director disapproves an application for an Exterior Renovation Permit or otherwise fails to approve or make a recommendation within 10 business days on an application in the manner requested by the applicant, the applicant may appeal the Director's decision to the City Council by filing a written application for appeal with the City Clerk within twenty (20) business days of the date that the Director's decision is served. Upon receipt of any appeal filed pursuant to this section, the City Clerk shall forward the written application for appeal to the Director, who upon receipt shall schedule an appeal hearing before the Planning Commission for its recommendation to City Council.
 - b. Notice of the hearings before the City Council and the Planning Commission.

Notice of such hearings, including the date, location and time, shall be provided by U.S. mail, postage prepaid, to all persons who own property or hold business licenses for businesses located on the same block as the subject property and those who own property or hold business licenses on the block that faces and is across the street from the subject property. In addition, the property shall be posted with the information regarding the date, location, time and summary of the appeal that is being presented.
 - c. Appeal Recommendation Hearing before the Planning Commission.

The purpose of the hearing before the Planning Commission is to make a recommendation to the City Council on appeals of denials of exterior renovation permits in the Downtown Core area. The Commission shall hold a hearing upon notification by the Director that an appeal has been filed. During the hearing, the

Applicant and Director may present information, other persons who may provide information on their respective behalf, and other evidentiary matters for the Commission's consideration, but the formal rules of evidence shall not apply. Any person who received a mailed notice shall be permitted to provide information to the Commission. The Commission may also receive information from anyone who attends the hearing. Upon the close of the hearing, but not later than two regularly scheduled meetings of the Commission, the Commission shall submit to the City Council its recommendation on whether or not to affirm, reverse or modify the decision of the Director and the reasons therefore. In doing so, the Commission shall consider whether or not the application is compliant with the City's Code and guidelines as well as the same criteria as set out in Section 7.420.

- d. Upon receipt of the Commission's recommendation, the City Clerk shall place the consideration of the appeal on the next available regular session meeting agenda of the City Council and provide notice to the applicant of the date, time and place that the appeal shall be heard by the City Council. The applicant may present evidence and testimony in support of his/her appeal before the City Council in the same manner as a public hearing for a rezoning of property. The Staff shall prepare a staff report for consideration by the City Council summarizing the evidence and testimony presented by all parties at the Planning Commission hearing. Rules of evidence in a court tried case shall not apply.
- e. In reaching its decision on the appeal and in addition to the recommendations of the Planning Commission, the City Council shall consider whether or not the renovations contained within the application:
 - 1.) Are consistent with the adopted guidelines for the area,
 - 2.) Are compliant with City Code,
 - 3.) Propose to use materials that were used in Lee's Summit at the time the building or structure in question was built,
 - 4.) Tend to or do preserve or hinder historic preservation of the structure in the present and future,
 - 5.) Are consistent with exteriors and materials currently used for buildings and structures in the immediate vicinity of the subject property,
 - 6.) Maintain historical aspects and architectural details of the building or structure including but not limited to location of doors, windows, and roofline,
 - 7.) Have any impact on property values of the subject and adjacent properties,
 - 8.) Have any impact on the structural integrity of the subject building or surrounding properties,
 - 9.) Are consistent with the strategic plan for the Downtown Core,
 - 10.) Are consistent with the Secretary of the Interior's standards; and
 - 11.) Will have an adverse or favorable impact on future historic district applications of the Downtown Core area or adjacent properties.
- f. The City Council shall vote on its initial decision at the end of the hearing of the appeal. If the City Council denies the appeal, it shall issue its written decision at the next scheduled regular session meeting of the City Council. If the City Council grants the appeal or modifies the decision of the Director, it shall also issue its

written decision at the next scheduled regular session meeting of the City Council. The written decision shall include written findings of fact and conclusions of law which shall be adopted by passage of a Resolution approving same. In the event the City Council is unable to adopt findings of fact with an affirmative vote of five (5) members at the next regularly scheduled session meeting, the item shall be moved to the next agenda where it may be taken up again. It shall continue to be moved forward to agendas until a vote of five (5) members approves a set of findings of fact and conclusions of law. The decision of the City Council shall be final. Any persons aggrieved by the decision of the City Council may appeal such decision pursuant to Chapter 536, RSMo

Section 7.430. Demolition & Casualty Loss

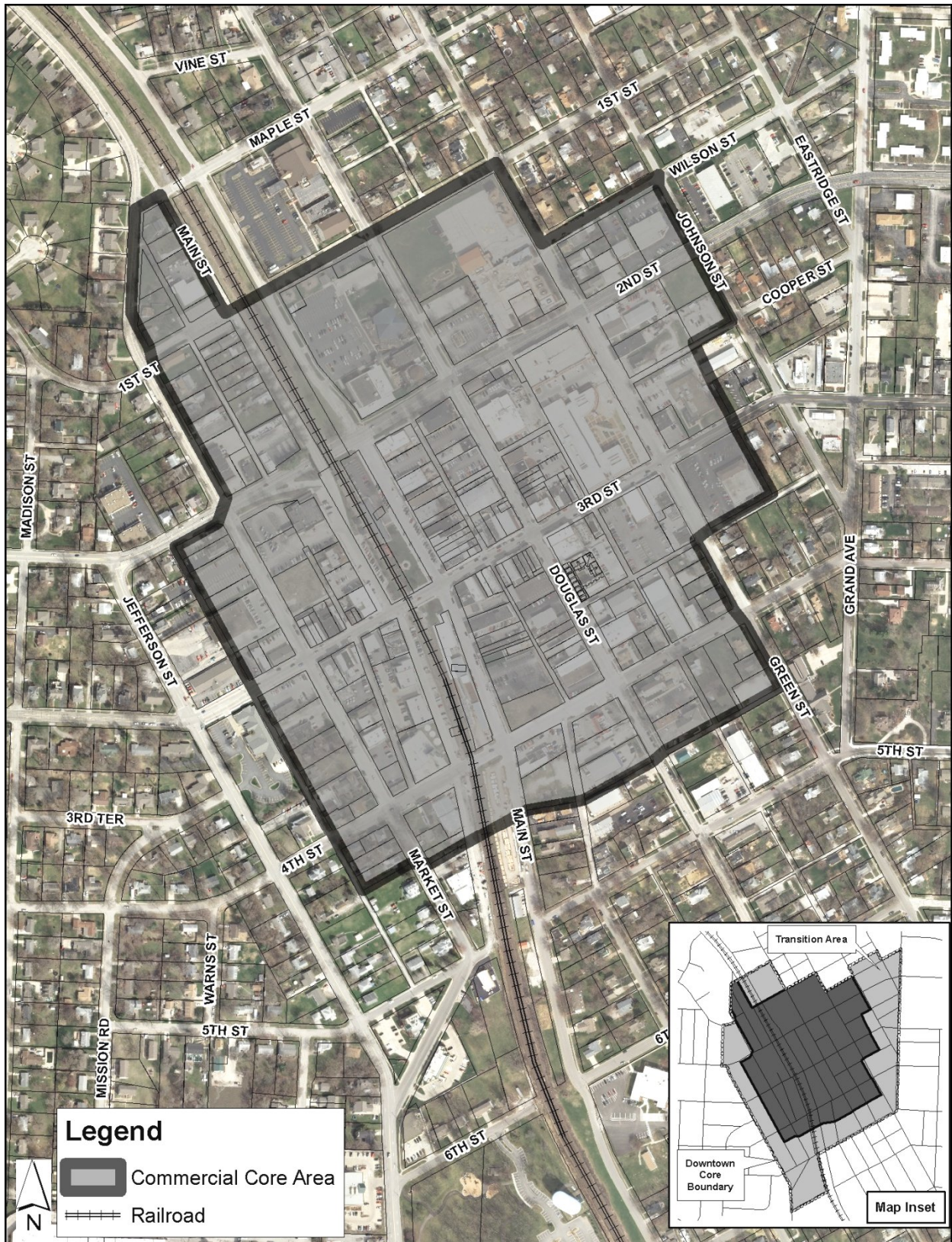
- A. Demolition. Demolition of buildings and structures, including any demolition or de-construction of a building or structure in the Downtown Core Area, requires a demolition permit under Section 7-127 of the City of Lee's Summit Code of Ordinances. All applications for demolition permits involving demolition or de-construction of a building or structure in the Downtown Core Area, but not including demolition permits for interior demolition and remodeling, underground utility work, or maintenance and repair of public infrastructure, shall remain pending for 30 days from the date of the application, during which time the application shall be forwarded to the chair of the Historic Preservation Commission. The chair may place the application on an agenda of the Historic Preservation Commission as a discussion item, but shall have no authority to act on the permit. No such demolition permit may be issued until the date that is 30 days from the receipt of the application or the day of the Historic Preservation Commission's review, whichever comes first, except in those circumstances where the Building Official determines that demolition or de-construction is required because of an emergency or threat to public health, safety and welfare.
- B. Casualty Loss. The requirements of subsection 7.430(A) do not apply to demolition required as a result of a casualty loss, but the requirements of the Code of Ordinances, including, without limitation, the permit requirements of Section 7-127 of the Code, still apply.

Section 7.440. Design Standards – Commercial Core

- A. Applicability. The Commercial Core Design Standards shall apply to all new construction or reconstruction but not to include maintenance items as defined in Section 7.380 and Section 7.420.B.1.b.2), within the boundaries shown on the map below, including, but not limited to, new buildings, building additions, exterior alterations, and changes or additions to parking areas or driveways. The standards do not apply to interior remodeling, underground utility work, or maintenance and repair of public infrastructure.

- B. Overview. All structures shall exhibit the basic features of traditional structures within the downtown area of Lee's Summit. These buildings shall align along the sidewalk edge or in relative relationship thereto consistent with traditional downtown building alignments, define the pedestrian zone and provide a sense of scale and visual interest. Strengthening this pattern of development will enhance the economic sustainability of the Downtown Core Area. The standards that follow establish a consistent identity while accommodating individual design solutions.

Commercial Core Area



- C. Other Resources. For additional information and to use as a resource, see Lee's Summit Design Guidelines Manual for the Downtown Core Area, Lee's Summit, Missouri, prepared by the City of Lee's Summit, Missouri, and Thomason and Associates, Preservation Planners, and approved by the Historic Preservation Commission on June 26, 2006. If owners of properties listed in the National Register choose to participate in federal or state preservation programs, rehabilitation must follow federal guidelines. These guidelines are known as The Secretary of the Interior's Standards for the Treatment of Historic Properties by the U.S. National Park Service. The intent of these Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. For information regarding federal or state historic preservation tax credits, contact the Missouri State Historic Preservation Office.

- D. Historic Architectural Styles and Building Types.

The downtown commercial buildings of Lee's Summit were largely built between 1877 and 1930. The fires of 1885 and the mid 1890's devastated the wooden structures that were predominant in the downtown commercial area. The majority of these buildings were replaced and were constructed of dark brick of one and two stories with either no discernible style or a formal architectural style, in particular, the influences of the Italianate and Late Victorian commercial styling of the late nineteenth century and the Modern Movement in the pre- and post-World War II period. Colonial Revival architectural style was used for the two government buildings in the downtown core area. These vernacular forms are known as "Tapestry Brick" or "Brick Front" and were widely built throughout the country at the turn-of-the-century. Most buildings from this period in downtown Lee's Summit are two stories in height, share similarities in their design, and have separate façade zones; the lower for commercial storefront businesses and upper facades for office use, or in some cases, residential use.

Storefronts were designed to be as transparent as possible for merchandise display. Storefronts were built with large display windows resting on short lower panels known as bulkheads, and often the front entrance had a single-light (glass in wood frame) door. Upper facades of one-story buildings generally feature decorative brickwork and cornices. In addition to the decorative brickwork and cornices, two-story buildings feature symmetrically placed windows. Buildings from the 1880s and 1890s generally have segmental brick arches over the windows.

During the early 20th century, traditional storefront designs continued to be utilized for most downtown buildings. The influence of the Colonial Revival style led to more rectangular window forms and restrained detailing in contrast to the earlier Victorian styles. The use of stone, terra cotta, and cast concrete for decorative features was widespread from ca. 1900 to the 1920s. Little new construction occurred in the downtown area after the 1930s and the commercial district of Lee's Summit continues to be defined by its turn-of-the-century appearance.



**By the mid-twentieth century, downtown Lee's Summit continued to be characterized by its turn-of-the-century commercial buildings.
(Photo courtesy of the City of Lee's Summit.)**



One-story Tapestry Brick commercial building at 110 SW 3rd Street. This building features an intact storefront and corbelled brick cornice.

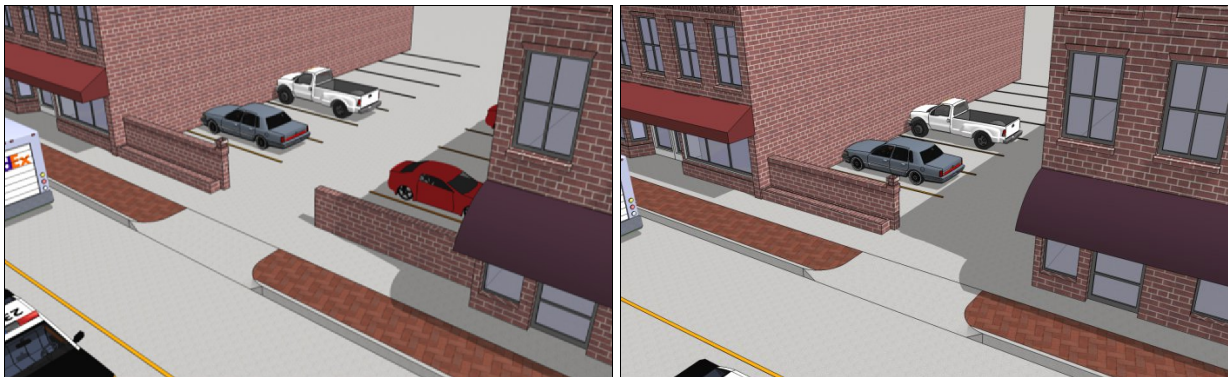


Two-story Tapestry Brick commercial building at 228 SW Main Street. This building's storefront was remodeled in the early 20th century with terra cotta and large display windows. At the roofline is a sheet metal cornice.

E. Site Design

1. Parking

- a. To the greatest extent feasible, on-site parking shall be located behind buildings at ground level or completely above or below the first floor of a building.
- b. Parking shall be accessed from the rear of the property on parcels with alleys.
- c. For parcels without alley access, driveways serving on-site parking shall be avoided on arterial streets. When necessary, such driveways shall be minimized in width and provide for good visibility of pedestrians and traffic.
- d. A new parking lot shall not be located so that it interrupts storefront continuity along the sidewalk.
- e. If a new parking area is approved adjacent to an existing building, a brick screen wall, or a similar material compatible with the adjacent buildings, shall be used to avoid the appearance of missing teeth along the street. The screen wall shall be in line with the front walls of adjacent buildings. An upper story over the parking lot or an upper façade to give the appearance of a continuous building may be considered.



Parking areas added between buildings should be screened with a structure compatible with adjacent buildings and in the same line as historic buildings.



Corner parking lots shall have the edges defined through a masonry wall or other structure. Landscaping may be used in conjunction with the solid screen wall.

2. Mechanical equipment and service areas.

- a. Ground-mounted mechanical equipment and loading/service areas, including trash enclosures, shall be located out of public view whenever feasible and shall not front onto an arterial street. Ground-mounted mechanical equipment shall be located behind the building and screened from public view with fencing or landscaping or both.
- b. Electrical and communication transformers/cabinets shall be installed below grade in the right-of-way, including alleys, or located on-site and screened from public view.
- c. Electrical and gas meters, conduits, and other mechanical equipment should be located on rear facades.
- d. Backflow prevention/anti-siphon valves shall be integrated into the building design and concealed from public view. Such devices shall not be located within the public right-of-way.
- e. New buildings and building additions shall have rooftop mechanical equipment fully screened from view by using parapet walls of the same height as the mechanical units. New or replacement roof-top mechanical equipment on existing buildings may be screened with individual screening panels the same height as the proposed mechanical unit(s), be painted to match the building, or screening may not be required, depending on existing conditions.



HVAC units and condensers at rear facades shall be screened through fencing or landscaping. Units should have 36” of clearance to allow for maintenance and servicing.

- f. New trash enclosures shall be provided and shall be located behind the building when feasible. All exterior trash storage containers shall be stored within an enclosure so that they are not visible from off the property. Each trash enclosure shall be constructed of masonry walls with a steel gate painted to be compatible with the color of the masonry walls and the building it is to serve.

F. Mass and Scale.

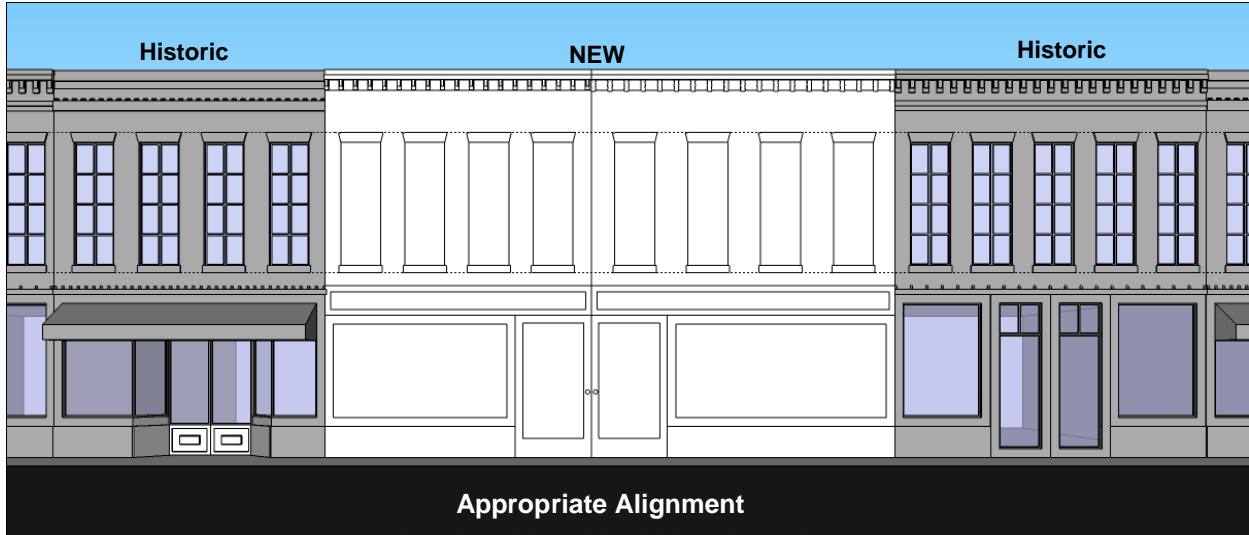
1. In order to establish a pattern for more efficient land use, greater building height may be allowed; however, consideration shall be given to the traditional height of buildings in the Commercial Core.

- a. New buildings should be multi-storied to reflect the overall downtown look and vision.
 - b. Although the maximum height of buildings in the Central Business Zoning District (CBD) is four (4) stories, or fifty (50) feet, consideration shall be given to the character and heights of buildings in the block or neighborhood. Buildings over two (2) stories in height may be required to have the upper stories set back to reduce the mass and scale of the structure.
2. New buildings shall be aligned with adjacent buildings along the street and conform to established setbacks.

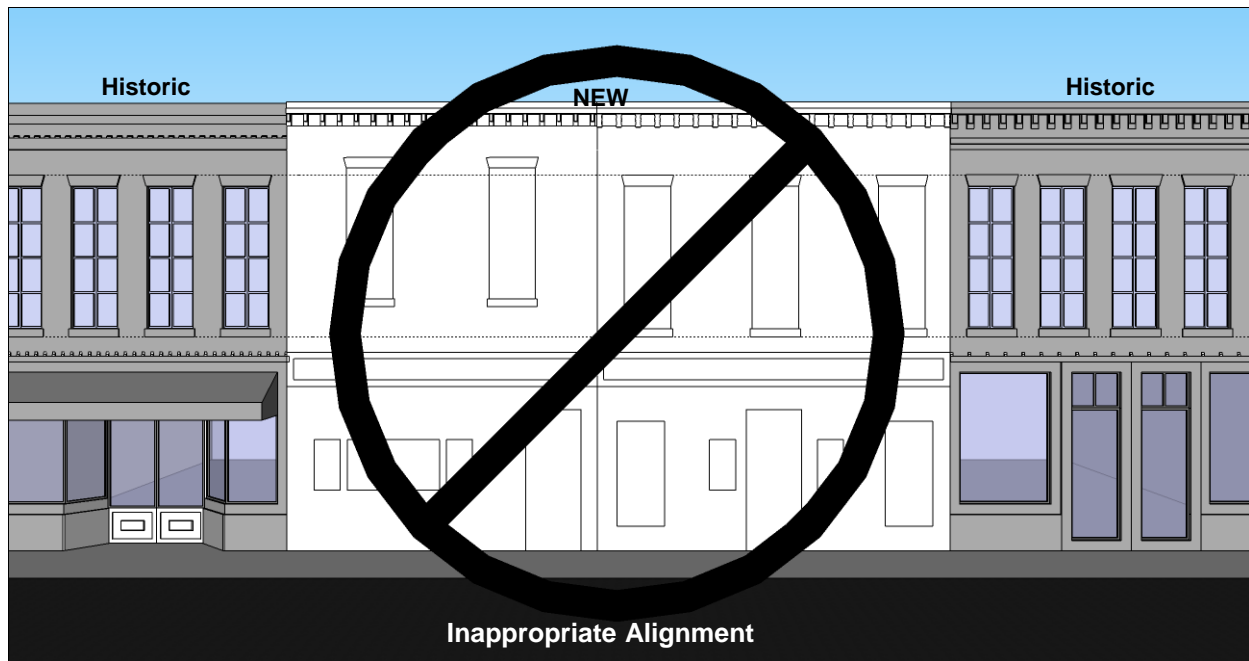


New commercial buildings shall be consistent with adjacent setbacks.

3. New buildings and additions shall be delineated both vertically and horizontally to reflect traditional patterns and convey a human scale.
 - a. The facades of new buildings shall be visually divided into "modules" that appear similar in scale to buildings seen traditionally.
 - b. The facades of new buildings shall have vertical divisions similar in width to the pattern of existing buildings within the block.
 - c. The facades shall depict a clear visual division between street level and upper floors.
4. Floor-to-floor heights shall be consistent with adjacent buildings.
 - a. First floor windows shall be a minimum of 6 feet in height.
 - b. Upper floor windows shall be divided into individual units and not consist of a "ribbon" of glass.
 - c. Primary upper floor windows shall have a taller vertical dimension than horizontal dimension.



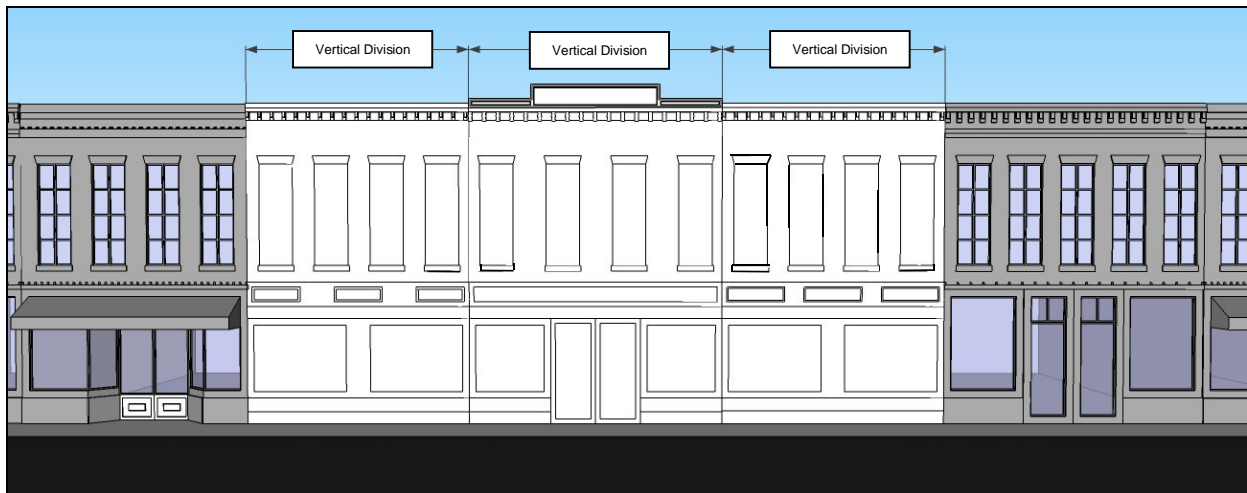
New construction shall be consistent with storefront and window size and spacing.



New construction shall be consistent with storefront and window size and spacing.



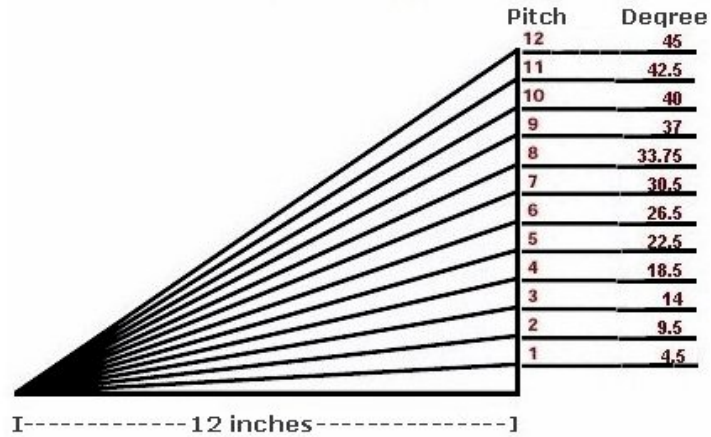
New Construction shall maintain traditional storefront and upper facade alignments.



Large buildings of new construction shall have vertical divisions consistent with building widths along the block.

G. Building Form and Roofline.

1. Simple rectangular building forms are preferred.
 - a. New buildings and additions should be designed with simple rectangular volumes.
 - b. Cylindrical, pyramidal and other elaborate building forms are prohibited.
2. Flat roof forms are preferred.
 - a. Parapet walls shall be used for screening flat roofs and be detailed with elements such as cornices to define the building roofline.
 - b. Sloping roof forms may be considered in an incidental role, and on building additions on the rear of buildings. A sloping roof is defined as 3/12 pitch or less.
 - c. Pitched roofs are prohibited. A pitched roof is defined as greater than 3/12 pitch.



This drawing demonstrates how many degrees rise for each pitch of a typical roof. Look at the column labeled pitch, then look under degrees to get the corresponding amount of degrees. Example: 3/12 pitch = 14 degrees.

H. Building Entrances.

1. Primary entrances.

- a. Primary entrances to ground floor spaces and upper stories shall be oriented to the sidewalk and primary pedestrian ways.
- b. Corner buildings may be designed with angled entrances at the corner.



Example of angled entrance on corner building.



Examples of buildings that do and do not contribute to human scale.

- c. The primary entrance shall be clearly identified
 - d. The primary entrance shall convey a sense of human scale.
 - e. The entry may be defined by using an awning, a change in roofline or other architectural feature consistent with traditional Downtown Lee's Summit design.
 - f. A sign mounted at the entry may be used to identify the primary entrance.
 - g. Special paving treatments shall not be used to enhance the entry within the public right-of-way.
2. Recessed entries:
- a. Shall be retained and are required in new storefront construction.

- b. Increase window display area and provide a sheltered transition to the interior of the store.
 - c. Shall be centered on the tenant space and be highly transparent.
 - 3. First floor entry doors shall contain a minimum of 50% glass. Solid or residential type entrance doors with less than 50% glass are prohibited.
- I. Awnings and Canopies.
 - 1. The use of awnings on commercial buildings in downtown Lee's Summit is appropriate.
 - 2. Awnings may be retractable or fixed in place.
 - 3. Awnings should fit the opening to which they are applied. Shed/rectangular awnings are appropriate for rectangular openings while arched awnings are appropriate for arched openings.
 - 4. Awnings with bubble, concave, convex or mansard forms are prohibited.
 - 5. Storefronts and upper facade windows are both appropriate locations for awnings.
 - 6. Awning materials shall be high quality architectural metal, as determined by the Director, canvas, acrylic, or vinyl coated. (See prohibited materials).
 - 7.
 - 8. Internally illuminated or translucent awnings and canopies are prohibited.
- J. Building Materials (Exterior) and Color.
 - 1. All new construction and reconstruction.
 - a. Street facing facades including alley facing facades (for corner buildings that have both) shall consist of:
 - 1.) First and second floor elevation - Brick,
 - 2.) Additional floors above the second floor - Durable masonry materials such as stone, brick, traditional stucco (a cement and sand based material), or pre-cast or poured-in-place concrete
 - b. Facades not meeting the criteria above shall consist of one or more of the following:
 - 1.) Those materials listed in (1a) above
 - 2.) Rough faced masonry block
 - 3.) fiber cement siding (such as "HardiePlank")
 - 4.) new, high quality materials that are recognized by an approved third party testing agency which meet or exceed the quality of the materials listed
 - 5.) Innovative or "green" materials, provided they appear similar in quality, texture, finish and dimension to permitted materials and which are recognized by an approved third party testing agency which meet or exceed the quality of the materials listed.
 - 6.) Architectural metal or historic metal, as determined by the Director, to match existing building.

2. Prohibited materials shall include:
 - a. Faux brick products (not made of fired clay).
 - b. Painted brick, except existing painted brick
 - c. Wood, except for deck floors and sub structures.
 - d. Corrugated metal and sheet metal, except when it is determined by the Director to be high quality architectural metal.
 - e. Vinyl. except vinyl coated awnings
 - f. Existing buildings with metal siding on the rear and sides may be maintained and repaired with similar materials.
 - g. Exterior finish systems , made of a lightweight synthetic wall cladding that includes foam plastic insulation and thin synthetic coatings; except as a trim, accent, cornice or profile material.
 - h. Mirror glass which reflects more than 40 percent of incident visible light
3. Simple material finishes are encouraged.
4. Matte finishes are preferred.
5. Building colors.
 - a. Brick buildings shall utilize traditional brick colors. .
 - b. Accent colors shall be selected to compliment and contrast the primary building color.
 - c. Colors should be compatible to complement and support the overall character of Downtown Lee's Summit.
 - d. Florescent and metallic colors are prohibited as a primary building color.
 - e. Unpainted brick shall remain unpainted.
- K. Signs shall comply with Article 13, Signs, of this Chapter.
- L. Lighting.
 1. The lighting standards set forth in this Article 7, Division V, Lighting Standards, shall apply, in addition to the standards below.
 2. Lighting fixtures shall be tied in historically with the building.
 3. Period lighting is encouraged to fit the historic framework of the Downtown Core Area.
 4. Exterior building lighting should be used to accentuate the building design and other overall ambiance of the Downtown Core Area.
 5. Architectural details and features may be highlighted with lighting integrated into the building design.
- M. Outdoor Spaces.
 1. Outdoor spaces are encouraged and may consist of:
 - a. Art gardens
 - b. Interior courtyards

- c. Public spaces
 - d. Plazas
 - e. Outdoor spaces may not be used or converted for vehicle parking or product display.
2. Upper story decks, balconies, staircases and railings:
- a. Modern additions to buildings and shall be simple rather than ornate in design.
 - b. Shall be appropriately scaled and incorporated into the overall design of the building.
 - c. Shall be inset if proposed on the street side of a building, and shall not extend beyond the property line.
 - d. May project beyond the plane of the building only when located on the side and rear of a building, but may not extend over property lines or public right-of-way.
 - e. Shall be metal, and shall be painted to match or blend with the colors of the buildings.
 - f. Decks may utilize wood, except for the railings, provided they are painted, stained or sealed to blend with the colors of the building.

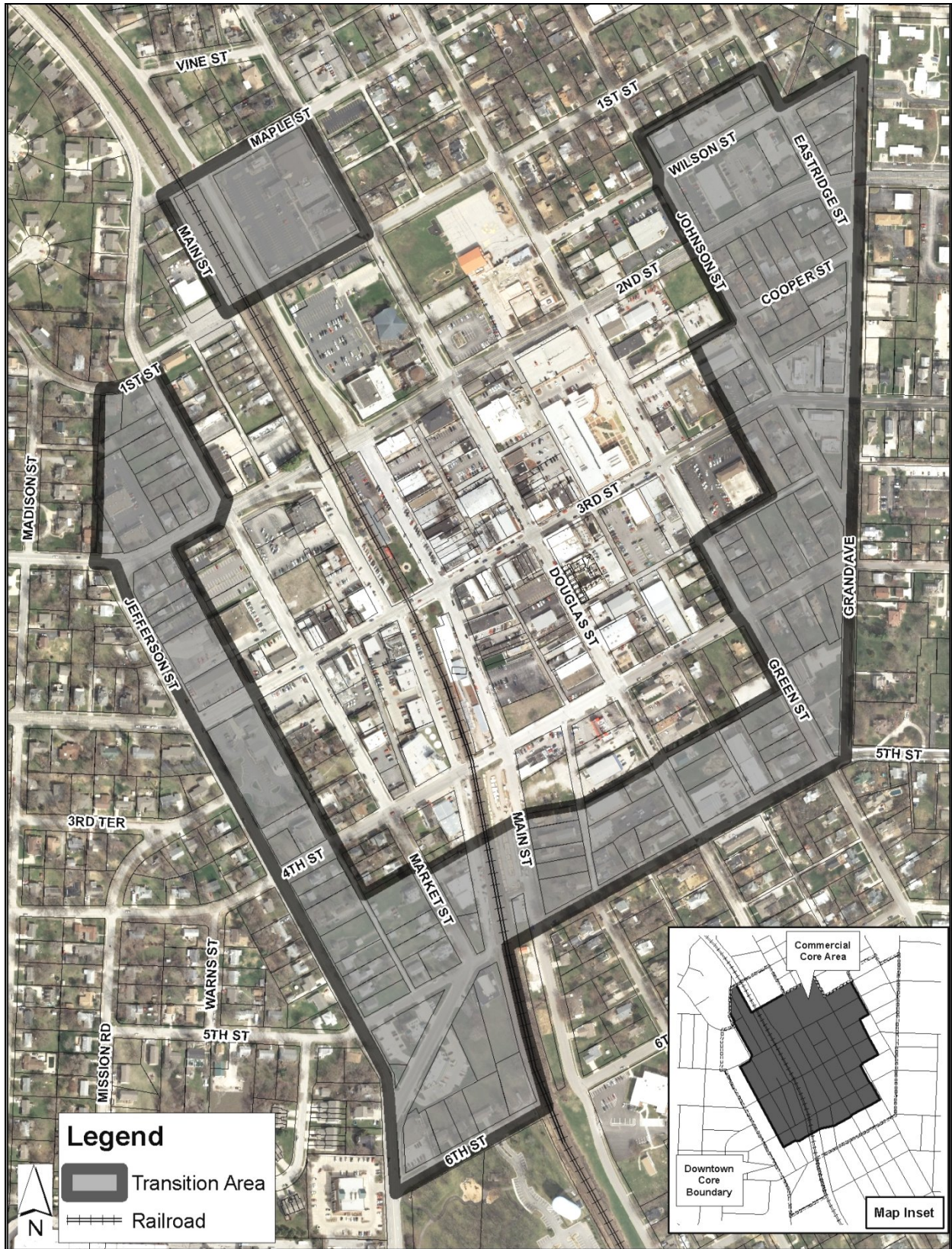


Upper story balconies on the front of buildings must be recessed, not projecting.

Section 7.450. Design Standards – Transition Area

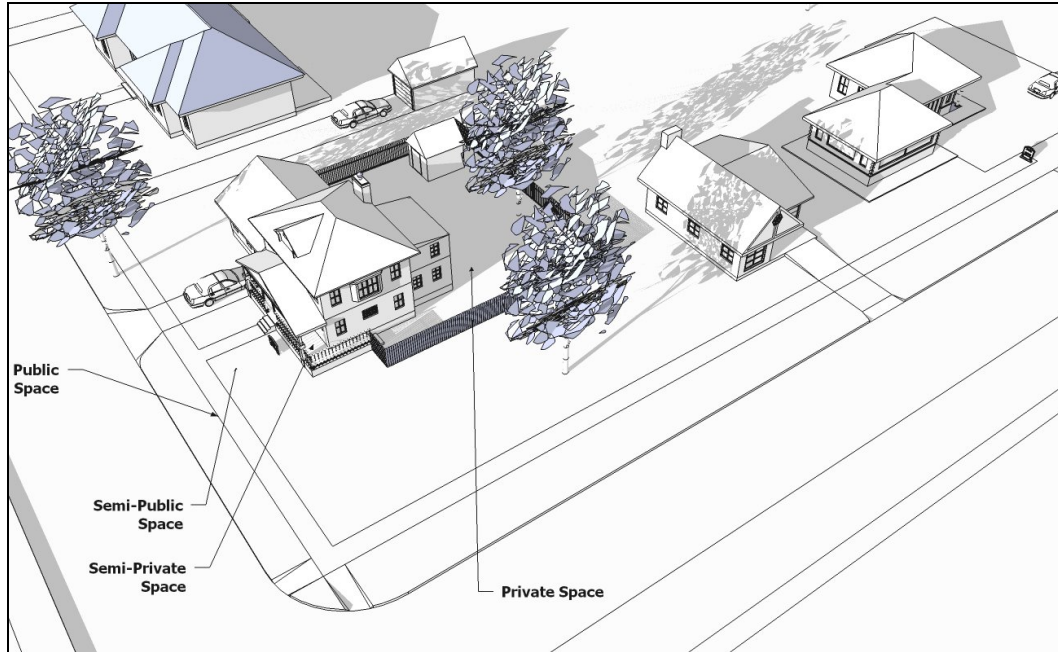
- A. **Applicability.** These Design Standards shall apply to all construction for all uses within the Transition Area, within the boundaries shown on the map below, including, but not limited to, new buildings, building additions, exterior alterations, and changes or additions to parking areas or driveways. The standards do not apply to interior remodeling, underground utility work, or maintenance and repair of public infrastructure. These Design Standards shall apply to redevelopment and/or conversion of existing structures to new permitted uses, for example conversion of a residential home to an office or retail use, or to a mix of uses.
- B. **Overview.** The Transition Area is in transition from residential to mixed use, with commercial services being provided within a residential building type setting. Existing residential uses are often combined with these new commercial functions to create mixed use context. Many of the blocks within the Transition Area, outside of the Commercial Core, have a single family residential design heritage and this general character should be retained. These standards attempt to identify the basic fundamental characteristics of the traditional residential neighborhoods and provide guidance with respect to neighborhood context and basic design elements. Characteristics upon which to draw include the way in which a building is located on its site, the manner in which it relates to the street and its basic mass, form and materials. When these design variables are arranged in a new building to be complementary to those seen traditionally in the area, visual compatibility results.
- C. **Other Resources.** The following documents may be used as a resource for guidance:
 - 1. “Lee’s Summit Design Guidelines Manual for the Downtown Core Area, Lee’s Summit, Missouri,” prepared by the City of Lee’s Summit, Missouri and Thomason and Associates, Preservation Planners, and approved June 26, 2006, by the Historic Preservation Commission.
 - 2. “The Secretary of the Interior’s Standards for the Treatment of Historic Properties” from the U.S. National Park Service.
- D. **Objectives for these design standards are:**
 - 1. To maintain a sense of connection with a single family house design tradition while accommodating development with a mix of commercial and residential uses.
 - 2. To minimize the visual impacts of automobiles.
 - 3. To enhance and encourage pedestrian activity.
 - 4. To continue the tradition of tree planting near the street edge and in front yards.

Transition Area

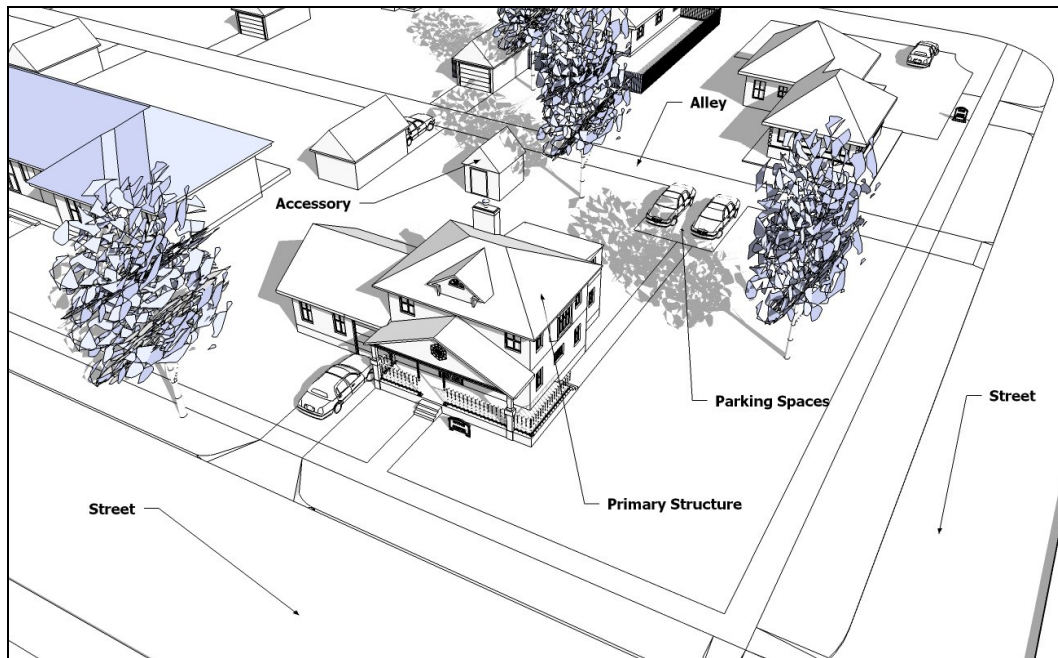


E. Site Design.

1. The alignment and spacing patterns of buildings as seen along the block shall be maintained and incorporated into new construction.
 - a. Traditional setbacks of buildings, reflecting residential development patterns, shall be maintained.
 - 1) Building fronts shall be in line with existing uses along the block.
 - 2) Where setbacks vary, a new building shall fit within the range of setbacks within the block.
 - b. A sense of semi-public space shall be maintained in the front setback. A minimum of 50% of the area of the front building setback shall be green space, planted with grass, ground cover or low planting.



Public, semi-public, semi-private, and private spaces



For a lot located on an alley, a detached garage, carport or parking area shall be accessed from the alley where feasible. Detached garages, carports or parking areas shall be located to the rear of primary buildings. This is an example of an appropriate repurposing or conversion of a residential home to a commercial use.

2. All structures shall have the front of the building oriented to the street.
3. Accessible ramps shall be integrated with the landscape and architecture. Ramps shall be located to the side or rear of the structure whenever possible. However, in the event that accessible ramps cannot be located to the side or rear of the structure, e.g. proximity to property lines or steep site topography, accessible ramps are not subject to front yard setbacks.
4. Driveways and parking areas shall be designed and located in a way that minimizes their visual impact.
 - a. Parking shall be accessed from an alley where feasible, with parking areas located to the side and rear of the building.
 - b. For a lot not accessible from an alley, parking behind the primary building is preferred, with a driveway accessed from the street.
 - c. Garages shall be located to the rear of a primary building to minimize their impact on the streetscape.
 - d. Tandem (front to back) parking in a driveway is acceptable.
 - e. Driveway width shall be minimized. Single-car width may be permitted from the edge of street until the driveway extends beyond the rear of the primary structure.
 - f. The number of curb cuts shall be minimized.
 - g. Required parking spaces should not extend beyond the front plane of the primary building.
 - h. For multi-unit structures, parking in an interior courtyard or parking lot with a single access point is preferred to multiple driveways.
 - i. The use of paved ribbons or strips, or pervious pavement methods, is encouraged for private driveways and parking surfaces.
 - j. Parking lot setbacks
 - 1) Parking lots shall be setback a minimum of 10 feet from any public right-of-way or private street edge of pavement.
 - 2) Parking lots shall be setback a minimum of 10 feet from any residential district or use.
 - 3) The 10 foot required setbacks (above) may be reduced if a decorative screening wall or landscape screening is provided to shield vehicle lights.
 - k. Screening. Parking areas shall be screened from public view to the maximum extent feasible, by means of fencing, hedges, trellises, decorative masonry walls, or other landscaping.
 - l. Modifications to the parking requirements may be requested through the public hearing process, as provided in Article 4. Consideration may be given to preserve a feature of public significance, such as a Landmark Tree or Tree of Significance, a historic structure, a substantial mature hedge, or an exterior art feature.



Parking location for lots without alley access are recommended to be placed to the rear of the primary building, in a driveway or detached garage accessed from the street. The preferred location for parking on these lots is at the rear of the lot.

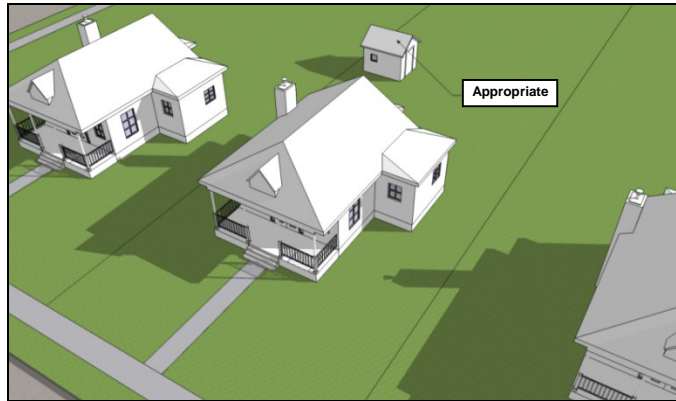


The driveway location and front yard parking spaces inappropriately alter the character of this residence.

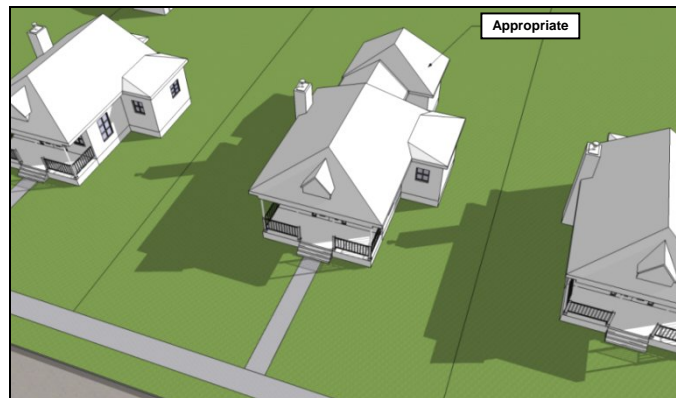
5. Mechanical equipment and service areas.
 - a. On lots with alley access, the back of the lot shall be used to accommodate service areas and minimize their visual impacts.
 - b. Mechanical equipment and loading/service areas, including trash enclosures, shall be located out of public view whenever feasible and shall not front onto an arterial street.
 - c. Electrical and communication transformers/cabinets shall be installed below grade in the right-of-way, including alleys, or located on-site and screened from public view.
 - d. Electrical and gas meters, conduits, and other mechanical equipment should be located on rear facades.
 - e. Backflow prevention/anti-siphon valves shall be integrated into the building design and concealed from public view. Such devices shall not be located within the public right-of-way.
 - f. Rooftop mechanical
 - 1) New buildings and building additions shall have rooftop mechanical equipment fully screened from view by using parapet walls of the same height as the mechanical units.
 - 2) New roof-top mechanical equipment on existing buildings shall be screened by using either a parapet or individual screening panels the same height as the proposed mechanical unit(s).
 - g. Ground-mounted mechanical equipment shall be located behind the building and screened from public view with fencing or landscaping or both.
 - h. Trash enclosures shall be provided and shall be located behind the building when feasible. All exterior trash storage containers shall be stored within an enclosure so that they are not visible from off the property. Each trash enclosure shall be constructed of masonry walls with a steel gate painted to be compatible with the color of the masonry walls and the building it is to serve.
- F. Mass and Scale. “Mass and Scale” refer to the physical bulk and proportion of a building or structure when compared with other structures in a defined area. In this context, perception is important. For example, two buildings of the same square footage can have very different “mass and scale” perceptions, depending on height, setbacks, building materials, and other features.
 1. Height
 - a. The height of a new structure shall be compatible with existing buildings on the block, or in the neighborhood, as determined by the Director.
 - b. The rear portion of a building may be taller than the front, if it appears in scale with the neighborhood and does not exceed the height limitation in the zoning district.
 - c. New structures should not overwhelm existing single family structures in terms of height.

2. Width

- a. The width of a new structure shall be compatible with existing buildings on the block, or in the neighborhood, as determined by the Director.
- b. The primary building face shall not exceed the width of existing structures in the same neighborhood.
- c. A new structure may be wider overall, if the building front is divided into modules or distinctive wall planes with dimensions similar in size to buildings in the neighborhood, to reduce the scale.



Appropriate: A separate secondary structure maintains a sense of open space.



Appropriate: A smaller addition is linked with a connection and does not overwhelm or distract from the original structures mass, scale, or architecture.

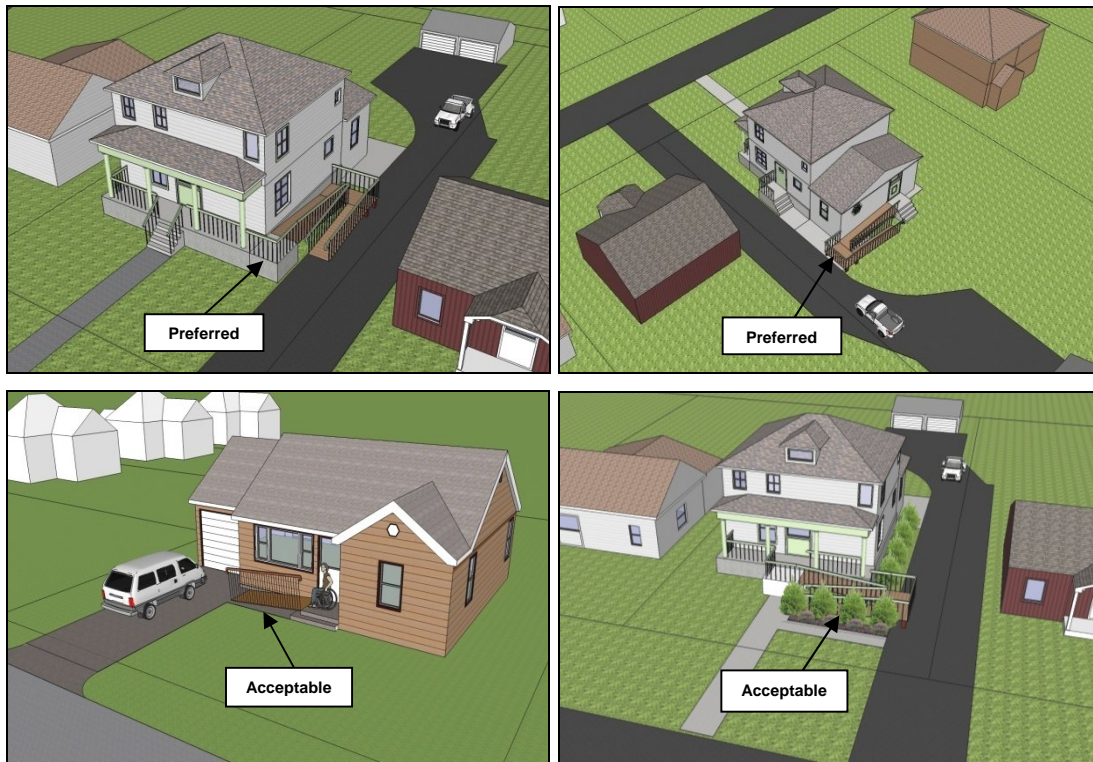


Unacceptable: A large mass occupies most of the rear yard and overwhelms the original structure.

G. Building Form and Roofline.

1. Building form

- a. Building forms shall be consistent with existing structures within the block or neighborhood.
- b. Simple rectangular solids are typically appropriate.
- c. "Exotic" building and roof forms that would detract from the visual continuity of the streetscape are prohibited. Examples include geodesic domes, A-frames, Cylindrical, pyramidal and other elaborate building forms.
- d. Raised foundations are preferred. Finished floor heights should be within the range typically seen in the neighborhood. Additionally, placement of potential future accessible ramps should be considered at the design phase of new construction.
- e. Accessible ramps shall be integrated with the landscape and architecture. Ramps shall be located to the side or rear of the structure whenever possible. However, in the event that accessible ramps cannot be located to the side or rear of the structure, e.g. proximity to property lines or steep site topography, accessible ramps are not subject to front yard setbacks.

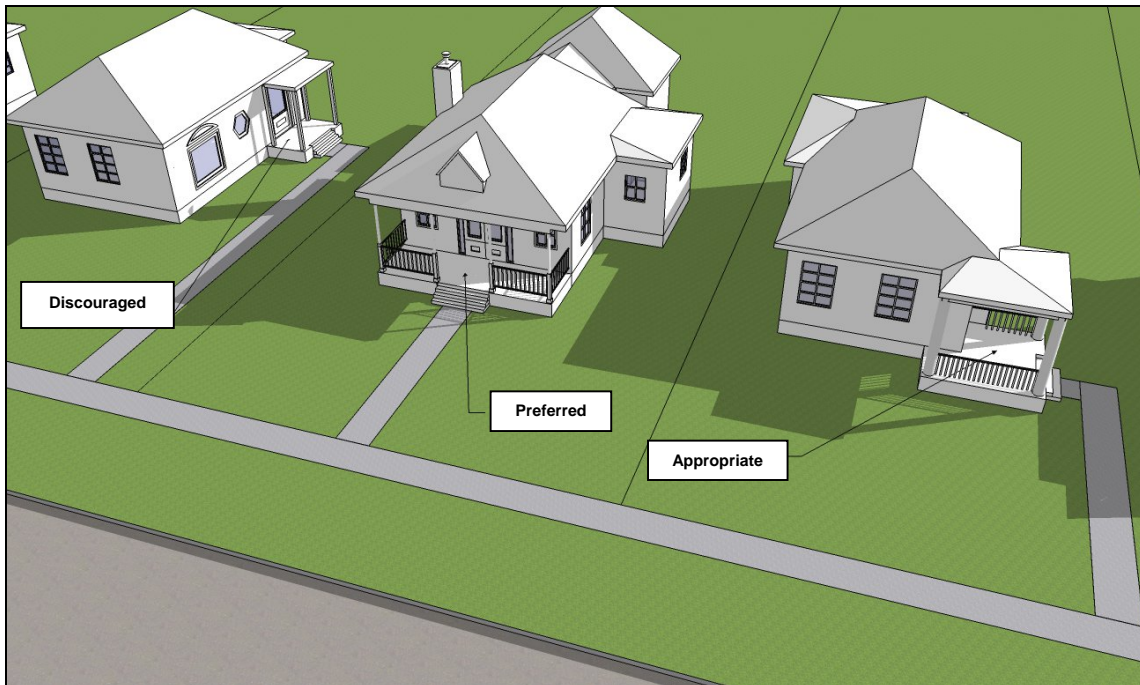


2. Roof forms

- a. Sloping roof forms shall predominate on new structures and additions, to fit into the context of existing buildings in the block or neighborhood.
- b. Hip or gable roof forms are preferred for the primary roof of a structure.
- c. Larger developments may include flat roofs, as seen in the Central Business Zoning District (CBD). Parapet walls shall be used for screening flat roofs and be detailed with elements such as cornices to define the building roofline.

H. Building Entrances.

1. The principal structure shall have one primary entrance that faces the street. Additional entrances may be located to the side or rear.
2. The primary entrance of a building shall be clearly identified.
3. A front porch or stoop may be used to define the primary entrance. The porch or stoop:
 - a. shall be oriented to the street,
 - b. shall be functional as a means of access to the building,
 - c. should be open on the sides,
 - d. should be covered, and
 - e. shall be large enough to provide a transition area from public space to private space.
4. Access to the primary entrance shall be clearly defined.
 - a. The entry walkway shall be separate from the driveway.
 - b. Special paving treatments may be used to enhance the entry. Special paving treatments within the public right-of-way must be approved by the City Engineer and are required to be maintained by the property owner.



Examples of primary entrances.

I. Architectural Features.

1. Architectural features consistent with traditional design in the neighborhood shall be used to enhance and maintain the character of the area.
2. Features may include porches, awnings, balconies, bay windows and stoops. Such elements shall be similar in form and scale to those traditionally found in the neighborhood.
3. Patterns created by similar shapes and sizes of building features in the neighborhood shall be repeated in new construction. Windows, porches and eaves are among the elements typically seen to align and create patterns along a block.

J. Building Materials.

1. Materials used shall be consistent with materials traditionally and historically used within the neighborhood, to maintain the character of the area. The following are primary permitted materials, which are required on facades facing a street:
 - a. Wood lap siding
 - b. Wood
 - c. Fiber cement siding (such as HardiePlank)
 - d. Brick
 - e. Stone
 - f. Traditional stucco, a cement and sand based material, or Stucco Brick
2. Prohibited materials shall include:
 - a. Metal siding
 - b. Exterior Finish Insulation Systems (EFIS), a lightweight synthetic wall cladding that includes foam plastic insulation and thin synthetic coatings; except as a trim, accent, cornice or profile material.
 - c. Masonite
 - d. Mirror glass which reflects more than 40 percent of incident visible light
3. Other building materials may be permitted, but may be limited to the rear and sides of buildings, or to upper floors, or as a percentage of a façade, or only permitted as an incidental or accent material. These include:
 - a. Vinyl siding
 - b. New, high quality materials
 - c. Innovative or "green" materials, provided they appear similar in quality, texture, finish and dimension to permitted materials and which are recognized by an approved third party testing agency which meet or exceed the quality of the materials listed.
 - d. Notwithstanding the requirements of this subsection, owners of single and two-family residential dwellings occupied and used as a residential use shall be permitted to repair and replace vinyl siding on building facades.
4. Simple material finishes are encouraged.
5. Matte finishes are preferred.

K. Roof Materials.

1. Roof materials shall be compatible in appearance, with similar scale and texture, to those found traditionally in the neighborhood.
2. Permitted roof materials include:
 - a. High-quality composition
 - b. Tile
 - c. Stone-coated steel
 - d. New products which meet or exceed the quality of the listed materials above and which are recognized by an approved third party testing agency which meet or exceed the quality of the materials listed
3. Prohibited roof materials include metal products such as flat sheet metal panels, corrugated metal, and standing seam metal.

L. Signs shall comply with Article 13, Signs, of this Chapter.

M. Lighting.

1. The lighting standards set forth in this Article 7, Division V, Lighting Standards, shall apply, in addition to the standards below.
2. Exterior lighting, if provided, shall be limited and be of a pedestrian scale compatible with residential uses within the neighborhood.
3. Maximum light intensity shall be 150 watts per fixture, or the CFL or LED equivalent to 150 watts.
4. Wall pack lights shall comply with Section 7.290 of this Article 7, Division V, Lighting Standards and are encouraged to be designed to fit the architectural character of the structure. Wall pack light fixtures without full cut offs are prohibited.
5. Parking lot pole lighting is permitted for parking lots with over 10 spaces. Period style lighting is preferred. An LED or solar-powered light source is required. The maximum height of pole lights is 15 feet. The solar panel for any solar powered light fixture may extend 5 feet above the height of the fixture/maximum pole height.
6. Bollard type lighting may be used in parking lots, with a maximum height of 4 feet.
7. Exterior building lighting may be used to accentuate building design and highlight architectural details and features, and should be integrated into the building design.
8. Exterior lighting may be used to provide for a sense of safety.
9. Accent lighting shall comply with Section 7.300 of this Article 7, Division V, Lighting Standards.

N. Outdoor Spaces.

1. Public outdoor space is encouraged to enliven the street edge and provide for human interest. The following are examples:
 - a. A grassy front lawn
 - b. An interior courtyard
 - c. Flower pots

- d. Paved plaza area
 - e. Street art or yard art
 - f. Street benches
- O. Landscape shall comply with Article 14, Landscaping, Buffers and Tree Protection, and Article 5, Zoning Districts, of this Chapter.
- 1. Visibility of the primary structure from the street shall be maintained. The front setback area shall be designed to maintain a sense of openness of this semi-public space.
 - a. Plantings within the front setback shall include low ground cover, turf, shrubs, and ornamental trees.
 - b. Front yard fences are discouraged, except for required parking lot screening, consisting of a fence, wall or shrubs, which shall be a minimum of 30" and a maximum of 42" in height. Decorative front yard fences shall not exceed 42" and may only be used if they fit into the context of the neighborhood.
 - 2. Existing mature trees shall be preserved to the extent feasible.
 - a. To the extent possible, new structures shall be located outside of the drip line of an existing tree to be preserved. Any required landscaping that is damaged or dead shall be replaced with a similar species.
 - b. Root systems of existing trees shall be protected by fencing prior to construction, and by avoiding trenching or soil compaction within the drip line.
- B.

Packet Information

File #: 2018-1769, **Version:** 1

Presentation and consideration of proposed amendments to the Unified Development Ordinance and Lee's Summit Property Maintenance Code pertaining to vehicle parking and storage regulations.

Issue/Request:

Presentation and consideration of proposed amendments to the Unified Development Ordinance and Lee's Summit Property Maintenance Code pertaining to vehicle parking and storage regulations.

Key Issues:

The Community and Economic Development Committee (CEDC) has reviewed and considered proposed amendments to vehicle parking and storage regulations within the Unified Development Ordinance (UDO) and Lee's Summit Property Maintenance Codes over multiple meetings. At the December 10, 2017 CEDC meeting, staff presented proposed language to incorporate within the Property Maintenance Code and was provided direction to further refine the proposed amendments and correlate the amendments with the UDO. Staff has prepared the proposed amendments to both the UDO and Property Maintenance Code and will present the proposals to the CEDC.

If the CEDC desires to move forward with the amendments, staff will seek direction to take the UDO amendments to Planning Commission for consideration. Staff would schedule the UDO and Property Maintenance Code amendments to be considered by the City Council at the same meeting to ensure the timing of the proposed amendments are coordinated appropriately.

Background:

Background information provided in attached powerpoint presentation.

Presenter:

Mark Dunning, Assistant City Manager

Recommendation:

Staff recommends moving the proposed vehicle parking and storage regulations forward for consideration and adoption.

Committee Recommendation:

I move to send the proposed UDO Article 12 Parking amendments to Planning Commission and direct staff to place the proposed UDO and Property Maintenance Code amendments regulating vehicle parking and storage on the same City Council agenda for consideration.

Article 12. Parking

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NOTES:

Section 12.010 Purpose and Intent

- A. The purpose of the parking and loading regulations is to ensure that all land uses have adequate off-street parking facilities and adequate facilities for vehicle movement and loading activities associated with a land or building use.
- B. The intent of these regulations is to ensure that the use of land does not negatively interfere with the use of and circulation on public rights-of-way, and that private on-site circulation does not pose a potential safety problem.
- C. The parking requirements contained in this Article are minimum requirements only.

Section 12.020 Applicability

The minimum standards of this Article shall be applicable for any of the following:

- A. The construction of a new building;
- B. The enlargement of an existing building or the increase in capacity of an existing building, such as the addition of dwelling units, guest rooms, seats or floor area;
- C. The establishment of a new use or change of use;
- D. The expansion of an existing use;
- E. Where an existing building or use has insufficient parking at the time of passage of this Article or any amendment thereto, said building may be enlarged or use intensified only if adequate parking is provided for the entire building and all uses on the property in accordance with the requirements of this Article.

Section 12.030 Vehicle Parking

- A. Required spaces.
 - 1. Table 12-1 shall be utilized to determine the minimum number of parking spaces to be provided. For uses not specifically identified, the Director shall establish the parking requirements either based upon a listed use deemed most similar to the proposed use or based upon industry standards.
 - 2. The number of parking spaces to be provided for a particular use or development may be established through approval of an Alternate Parking Plan as described in this Article. Use of an Alternate Parking Plan is encouraged in order to tailor the parking to the particular needs of the use or development and to allow introduction of operational solutions such as ride-sharing programs, shared parking or remote employee parking lots.
- B. Dedication to parking use. Unless approved otherwise, parking spaces provided to meet the minimum requirements of this Article, along with the aisles and driveways necessary to provide access to those spaces, shall not be

used for any other purpose than temporary vehicle parking. Specifically, no such parking area may be used for the sale, repair, dismantling or servicing of any vehicles, or for the sale, display or storage of equipment, goods, materials or supplies, except as further provided in this Chapter or as specified in Chapter 16 Lee’s Summit Property Maintenance Code of the Lee’s Summit Code of Ordinances.

C. Computation of required parking.

1. Multiple uses. Except as approved otherwise, developments containing two or more uses shall have the total number of parking spaces required for each use.
2. Floor area. All required parking calculations shall be based on gross floor area unless otherwise stated. Gross floor area (gfa) shall mean the total area of all floors, measured between the exterior walls of a building. Gross leasable area (gla) shall mean the total area of all floors intended for occupancy and the exclusive use of tenants, specifically excluding public or common areas such as utility rooms, stairwells, enclosed malls and interior hallways.
3. Fractions. Whenever the computation of the number of parking spaces required by this Article results in a fractional parking space, one (1) additional parking space shall be required for one-half (1/2) or more fractional parking space, and any fractional space less than one-half (1/2) of a parking space shall not be counted.

Table 12-1		
MINIMUM PARKING BY USE		
Use	Number of Parking Spaces	Required for Each:
RESIDENTIAL		
Single-family residence	2	Dwelling unit (fully enclosed)
Single-family cluster/patio home	2	Dwelling unit (one must be fully enclosed)
Single-family residence – Old Lee’s Summit Neighborhood	2	Dwelling unit (one must be fully enclosed)
Two-family, Three-family or Four-family residences	2	Dwelling unit (one must be fully enclosed) Visitor parking per plan approval
Loft dwelling	1	Dwelling unit

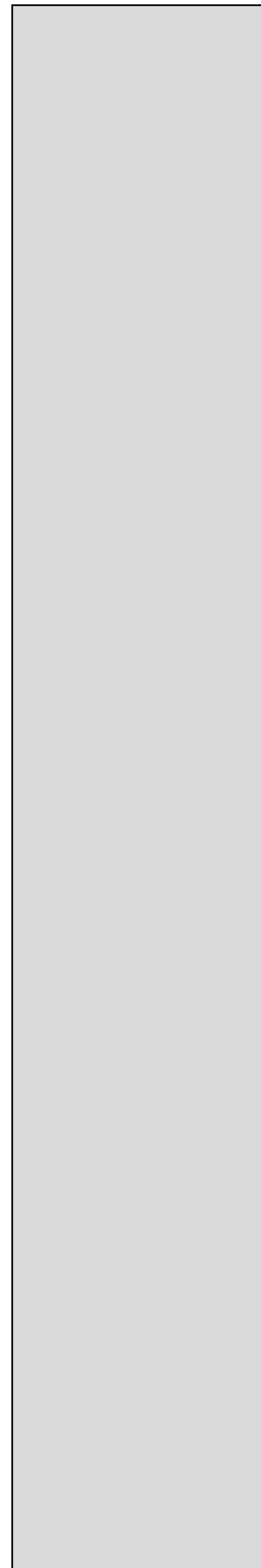
UDO – Article 12 – Parking

Multi-family residence	1	Efficiency or studio unit
	1.5	1 or 2 bedroom unit
	2	3 or more bedroom unit
	plus 0.5	per unit for visitor parking
Bed & breakfast – home stay (max. 3 rooms), rooming house, boarding house	2	Residence
	1	Room for rent
Bed & breakfast inn (max. 12 rooms)	1	Room for rent
	1	Employee on maximum shift
Group homes	1.5	Employee on maximum shift
Group living quarters: Fraternity & sorority houses, dormitories, etc.	1	2 residents or beds
Hotel or motel with a restaurant or lounge open to the public	1.5	Room
	1	Room
Nursing home/elder care	1	2 beds
	plus 1	Employee on maximum shift
Retirement community	1	Dwelling unit
	plus 1	Employee on maximum shift
COMMERCIAL		
Amusement center, recreational attraction, roller skating or ice skating rink	6	1,000 sf of gfa
Animal services (boarding, grooming and veterinary)	2.5	1,000 sf of gfa or determined by Director at plan approval
Automobile, truck, recreational vehicle, manufactured home or utility structure sales, equipment sales and service	2	1,000 sf of indoor sales area
	plus 1 3	2,500 sf of outdoor display Service bay
Bank	4	1,000 sf of gfa
Banquet facility	1	3 persons based on calculated occupant load as determined by Building Code
Bars and taverns	1	Employee on maximum shift
	plus 1	4 seats or building capacity as determined by Building Code

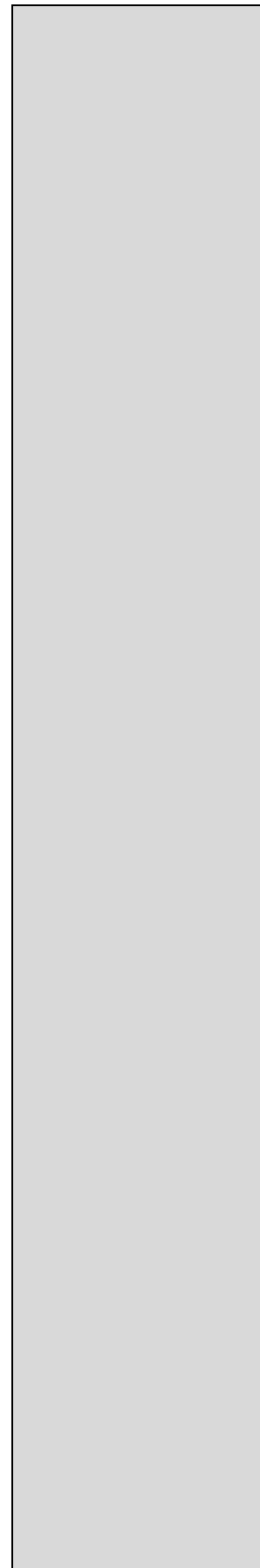


UDO – Article 12 – Parking

Bowling center	4.5	Lane
Car wash – automated and self-service	1	Employee on maximum shift
Contractor building supplies, brick or lumber yard (not home improvement center)	2.5	1,000 ft of indoor sales area
Convenience store, gas station	5	1,000 sf of gfa
Daycare center	2.5	1,000 sf of gfa
Funeral home	1 plus 1	3 fixed seats per 30 sf of assembly area with no fixed seats
Furniture or carpet store	1.5	1,000 sf of gfa
Golf course or driving range		Determined by Director at plan approval
Grocery store/specialty market (not a supermarket)	4	1,000 sf of gfa
Health club or fitness center	4.5	1,000 sf of gfa
Home improvement center/farm supply store	4	1,000 sf of gfa
Movie theater	1	4 seats
Offices – general and professional (not medical, dental or veterinary)	4	1,000 sf of gfa
Offices – medical or dental	5	1,000 sf of gfa
Outdoor plant nursery, garden center (with or without building)		Determined by Director at plan approval
Outdoor recreational facility		Determined by Director at plan approval
Restaurant – carry-out, drive-up or drive-through only	2 plus 1	Business Employee on maximum shift
Restaurant – fast-food and sit-down	14	1,000 sf of gfa
Retail establishments not otherwise listed	5	1,000 sf of gfa
Service establishments not otherwise listed	5	1,000 sf of gfa



Service station, auto repair shop or garage	3	Service bay (each bay may be counted as a parking space)
Shopping centers (excluding pad sites):		
25,000 sq. ft. – 399,999 sq. ft.;	5	1,000 sq. ft. of gla
400,000 sq. ft. – 599,999 sq. ft.;	4.5	1,000 sq. ft. of gla
600,000 sq. ft. +	4	1,000 sq. ft. of gla
Supermarket	5	1,000 sf of gfa
INDUSTRIAL – INCLUDING STORAGE, WHOLESALE AND MANUFACTURING		
Manufacturing	2.5	1,000 sf of gfa
Mini-warehouse storage facility	2	Facility
	1	Employee on maximum shift
Open storage of sand, gravel, petroleum, etc	1	2,500 sf of outdoor sales area
Warehouse, including commercial sales to the public	4	1,000 sf of sales or office space
	plus 1	1,000 sf of storage area
Warehouse, transfer and storage	1	1,000 sf of gfa
Wholesale, office-warehouse	4	1,000 sf of office space
	plus 1	1,000 sf of storage area
INSTITUTIONAL AND OTHER		
Auditoriums, churches, theatres, stadiums and other places of assembly	1	3 seats, or
	1	12 feet of pew, or
	1	30 sf in the largest assembly room
Civic clubs, museums, fraternal lodges, etc.	5	1,000 sf of gfa
Hospital	1.8	Bed
	plus 5	1,000 sf of office space
School – college/university (instructional space)	10	Classroom
School – elementary, junior high school	2	Classroom
School – senior high school	6	Classroom



School – technical college, trade school	20	Classroom
Subdivision swimming pool/clubhouse	1 minimum of 6	16 lots in subdivision; pool/clubhouse facility

Section 12.040 Alternate Parking Plan

A. A request for approval of an Alternate Parking Plan shall be accompanied by the following information:

1. A parking demand study or other data that establishes the number of spaces required for the specific use. The study or data may reflect parking for the same use existing at a similar location or for similar uses at other locations. Published studies may be utilized to support alternative parking requests.
2. If shared parking is proposed for a mixed use development, the sum of peak parking demands by use category shall be accommodated for day and night hours on weekdays and weekends. The guidelines for shared parking contained in this Article may be used in lieu of a separate study.
3. If a remote or off-site parking lot is proposed to meet any portion of the parking required, the site and its current zoning classification must be identified, along with the method to transport parking patrons to the use.
4. If more parking spaces are proposed than would be allowed under the guideline standards of this Article, a landscaping plan shall be submitted that illustrates compliance with the parking lot landscaping requirements of Article 14.

B. Consideration of Plan.

1. Administrative process. The Director may approve an Alternate Parking Plan, including landbanking, as part of a final development plan if the Director determines that the number, configuration, location and landscaping, if applicable, of proposed parking spaces satisfies the demand for parking generated by the proposed development, when viewed in light of all relevant factors.
2. Preliminary development plan process. The City Council may consider an Alternate Parking Plan as part of a preliminary development plan. Consideration of the preliminary development plan shall follow the procedures for approval of preliminary development plan applications as set forth in Article 4.
3. Appeal process. If the Director denies a proposed Alternate Parking Plan, the reason for the denial shall be provided to the owner in writing within fifteen (15) days after the date a complete Alternate Parking Plan is submitted to the Director for consideration. The applicant may appeal the decision to the Board of Zoning Adjustments or may apply for a modification through the preliminary development plan process.

C. Approved plan.

1. Following approval by the Director or the City Council, the requirements of the approved Alternate Parking Plan shall be included in any sale, lease, or other transfer of right of occupancy affecting any part of the development.
2. All tenants of the property or development, whether an owner, lessee, subtenant, purchaser, or other occupant, shall comply with the approved Alternate Parking Plan.

Section 12.050 Shared Parking Guidelines

Parking facilities may be shared by multiple uses which have different hours of operation or peak periods of parking demand, subject to the following:

- A. The applicant shall submit a shared parking analysis to the Director demonstrating that no significant conflict in the principal hours of operation or periods of peak parking demand for the uses for which shared parking is proposed will exist. It shall address, at a minimum, the size and type of the development, the composition and description of the uses and their operational characteristics, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing spaces.
- B. The shared parking analysis shall be prepared pursuant to guidelines published by the Urban Land Institute or other generally accepted methodology.
- C. Parking spaces that are proposed to be shared must be clearly available to each use and not appear in any way to be serving a particular use through the use of signage or through design techniques that would tend to orient use of the spaces to a particular use or building.
- D. Shared parking arrangements assuring the continued availability of the number of parking spaces designated for shared use must be evidenced by a written agreement acceptable to the Director, and approved by the owners of each of the affected properties or uses. The approved agreement shall be recorded and a copy supplied to the Director.
- E. Should any of the shared parking uses be changed, or should the Director find that any of the conditions described in the approved shared parking plan or agreement no longer exist, the property owner shall have the option of submitting a revised shared parking study or of providing the number of spaces for each use as if counted separately. If the Planning Director determines that the revised shared parking study or agreement does not satisfy the off-street parking needs of the proposed uses, the shared parking request shall be denied, and no certificates of occupancy shall be issued until the full number of off-street parking spaces is provided.

Section 12.060 Landbanking

Landbanking is the setting aside of sufficient green space for future parking expansion needs of a particular use or building. Landbanking of future parking spaces may be approved as part of an Alternate Parking Plan by the City Council when approving a preliminary development plan or the Director as part of a final

development plan when deemed to be appropriate for the particular development and not in conflict with the best interest of the City. The land area so delineated for future parking shall be brought to finished grade, landscaped and shall not be used for building, storage, loading or other purposes. Upon determination by the Director, City Council or owner that additional parking is needed, the owner shall construct it.

Section 12.070 Queuing Requirements for Drive-through Facilities

In addition to meeting the off-street parking requirements of this Article, drive-through facilities shall meet the following standards:

A. Required queue spaces. The minimum number of required queue spaces shall be as shown in Table 12-2. Variations from these minimums may be allowed on a case-by-case basis by the Director. The applicant may appeal the decision to the Board of Zoning Adjustments or may apply for a modification through the preliminary development plan process.

Table 12-2 REQUIRED QUEUE SPACES		
Use Type	Minimum Spaces	Measured From
Automated teller machine (ATM)	5 (single-lane facility); 3 (multi-lane facility)	ATM
Bank teller lane	5 (single-lane facility); 3 (multi-lane facility)	Window or kiosk
Car wash stall, automated	5	Stall entrance
Car wash stall, self-serve	3	Stall entrance
Dry cleaners	2	Window
Gasoline pump island	2	Pump
Restaurant drive-through	4 Plus 4	Menu board First window
Pharmacy drive-through	5 (single-lane facility); 3 (multi-lane facility)	Window or kiosk
Other	Determined on a case-by-case basis by the Director.	

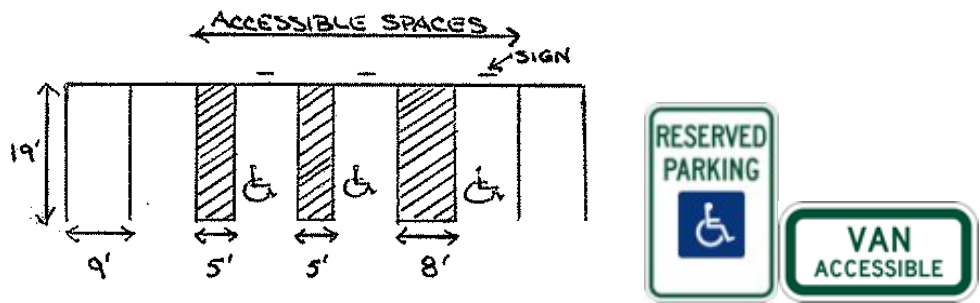
B. Dimensions. Each queue space shall be a minimum ten (10) feet wide by twenty (20) feet long.

C. Design. Each queue lane shall be clearly defined and designed so as not to conflict or interfere with other vehicular or pedestrian traffic using the site. Parking lots designed with one-way traffic flow shall have a bypass lane with a

minimum width of ten (10) feet or as required by the Fire Code. The bypass lane shall be clearly designated and distinct from the queuing area.

Section 12.080 Accessible Parking Spaces

- A. A portion of the total number of required off-street parking spaces in each parking area shall be specifically designated and reserved for use by persons with physical disabilities.
- B. One in every eight (8) required accessible spaces (but no less than one) shall be adjacent to an aisle eight (8) feet wide clearly marked with a sign indicating that the space is “van accessible”. All other accessible spaces shall have an adjacent aisle five (5) feet wide.



- C. Accessible spaces shall be provided in each parking lot in the following ratio to the total number of spaces required for the use. These spaces shall be counted as part of the total number of parking spaces required by this Article. A modification or variance may not be granted for the number of required accessible spaces.

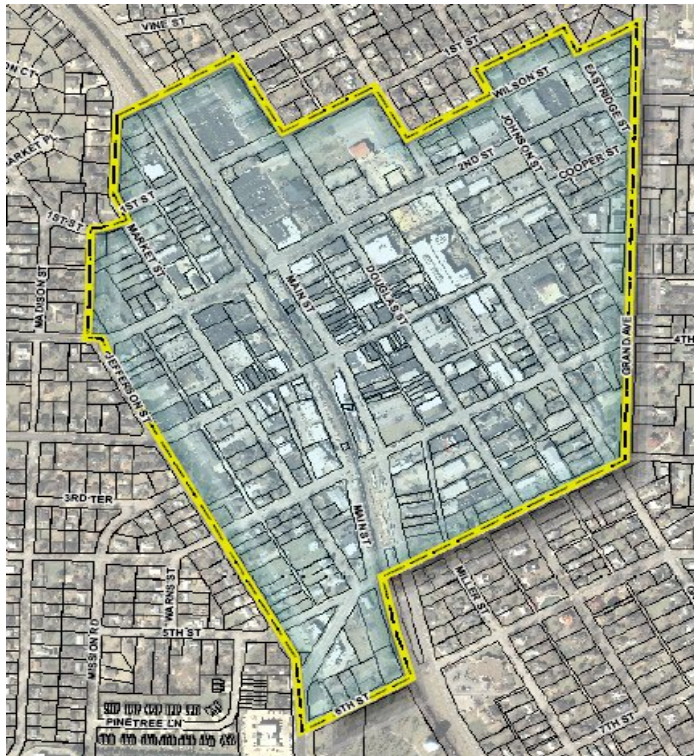
Spaces Required for Use	Auto Accessible	Van Accessible	Total
1 to 25	0	1	1
26 to 50	1	1	2
51 to 75	2	1	3
76 to 100	3	1	4
101 to 150	4	1	5
151 to 200	5	1	6
201 to 300	6	1	7
301 to 400	7	1	8
401 to 500	7	2	9

501 to 1,000	7 per 8 accessible spaces	1 per 8 accessible spaces	2% of total spaces
1,001 and over	7 per 8 accessible spaces	1 per 8 accessible spaces	20, plus 1 per 100 spaces over 1,000

- D. Access aisles shall be on the same level as the parking spaces they serve.
- E. Accessible parking spaces shall be located on a surface with a slope not exceeding one (1) vertical foot in fifty (50) horizontal feet.
- F. Accessible spaces shall be located at the nearest point to the front building entry and/or accessible ramp. Accessible spaces separated from the front building entry by a drive aisle shall have clearly discernable cross walks.
- G. Accessible ramps shall be designed and constructed so as to be integrated into the sidewalk. Ramps shall not be located within or extend into an accessible space, access aisle or any other portion of the parking lot.
- H. Parking spaces for vans shall have a vertical clearance of ninety-eight (98) inches minimum at the space and along the vehicular route thereto. In cases of a loading zone, a minimum vertical clearance of one-hundred fourteen (114) inches shall be provided at passenger loading zones and along vehicle access routes to such areas from site entrances.
- I. Every accessible parking space required by this Article shall be identified by a sign, mounted on a pole or other structure, located between thirty-six (36) inches and sixty (60) inches above the ground, measured from the bottom of the sign, at the head of the parking space. A sign identifying an accessible parallel parking space shall be mounted eighty-four (84) inches above the ground, measured from the bottom of the sign, and shall be placed at a point parallel to the center of the parking space. All identifying signs shall be twelve (12) inches wide by eighteen (18) inches in height and meet the requirements set forth in the Manual on Uniform Traffic Control Devices, as referenced in the Lee’s Summit General Code of Ordinances.
- J. In addition to the requirements of this Section, all accessible parking spaces and areas shall comply with the requirements of the federal Americans with Disabilities Act.

Section 12.090 Downtown Area Parking Guidelines

- A. Downtown area defined. For the purposes of this Section, “downtown area” shall mean the area loosely bounded by SE 1st Street on the north, SE 5th Street on the south, SW Jefferson Street on the west and SE Grand Street on the east.



B. Residential uses. Vehicle parking shall be provided in accordance with Table 12-1.

C. Non-residential uses.

1. Vehicle parking.

- a. In the downtown area, the vehicle parking requirements of this Article for non-residential uses shall apply only to the net increase in floor area of use intensity created by new construction or building expansion or a substantial change in use. A substantial change in use is defined as a change which results in an increase in the demand for parking by twenty-five (25%) percent or more from the previous use.
- b. The parking requirement calculation for each non-residential use in the downtown area shall be based on the requirements of this Article, or 5 spaces per 1,000 square feet of gross floor area, whichever requires the fewer number of spaces.
- c. Any existing vehicle parking spaces that are eliminated by new construction or expansion must be replaced by that business or use, unless such spaces are in excess of the requirements for that business or use being served, and are in the same ownership.

2. Shared parking district.

- a. The requirements for additional parking may be waived in the downtown area if available public parking is located on the same block or within 300 feet for residential or 500 feet for non-residential uses. This public parking must have sufficient capacity, as calculated by the City Traffic Engineer (or designee), to absorb the required number of

spaces and cannot be on the opposite side of the railroad tracks running between SE Main Street and SW Main Street.

- b. Sufficient capacity will be based on a rolling 12 month inventory of public parking spaces in the area. This capacity will be evaluated against the projected demands determined by the City Traffic Engineer (or designee), taking into account time-of-day variations in parking demand as calculated by local data provided by the Urban Land Institute or Institute of Transportation Engineers.

3. Loading zones.

- a. The application process for a curb loading zone shall be subject to the regulations of the Lee's Summit General Code of Ordinances.
- b. The use of curb loading zones shall be subject to the regulations of the Lee's Summit General Code of Ordinances.

Section 12.100 Proximity of Parking Spaces to Use

- A. On-site parking. Unless otherwise provided under an approved Alternate Parking Plan, all parking spaces required to meet the standards of this Article shall be located on the same lot as the use they serve.
- B. Off-site parking. If required parking spaces are not located on the same lot or on a contiguous lot owned or leased by the intended user thereof for the particular use or building they are intended to serve, the following shall apply:
 - 1. The parking spaces must be located on a property that has the same zoning classification as the property that the spaces serve, or a less restrictive zoning classification.
 - 2. No required parking spaces may be located across a major arterial street or any State or US highway from the use they are intended to serve, unless a grade-separated pedestrian walkway connection is provided.
- C. Park and rides. Parking lots intended for park and ride lots shall be approved only by Special Use Permit and shall comply with all setback, landscaping, stormwater detention/retention, and pavement requirements and any other city regulations associated with parking lot improvements.

Section 12.110 Improvement of Residential Driveways

- A. Residential driveways shall be constructed of asphaltic concrete, Portland cement concrete or masonry pavers engineered to support the weight of a vehicle. Parking or storage pads adjacent to driveways shall be located in side or rear yards.
- B. Parking on other than asphaltic concrete/Portland cement concrete/masonry paved driveways or pads is expressly prohibited, except for lots of 1 acre or greater in size zoned AG (agricultural) or RDR (rural density residential).
- C. Driveways on lots of 1 acre in size or greater zoned AG, RDR, RLL (residential large lot) or R-1 (single-family residential) shall be paved a minimum of fifty

(50) feet beginning from the edge of street pavement. The remainder may be gravel or paved.

D. Where permitted, gravel driveways shall be maintained to meet the following standards:

1. The surface of the driveway or parking area shall consist of a uniform layer of gravel evenly distributed from edge to edge, and shall be free of bare spots and vegetation.
2. The depth of the gravel layer shall be an average of 2 inches and a minimum of 1 inch.
3. The material used for a gravel driveway or parking area shall be rock or crushed stone not more than 1 inch in diameter and shall not contain dirt, sticks, construction debris or other foreign material. Sand, rock powder or other similar material less than 1/8 inch in diameter is not prohibited, but shall not be included in the measurement of minimum gravel depth.

Section 12.120 Parking Lot Design

The provisions of this Section apply to all vehicle parking spaces and parking areas, whether the parking meets or exceeds the number of required spaces established in this Article.

A. Head-in parking. Head-in parking from any public right-of-way or private street shall not be permitted, except that the use of head-in parking in the downtown area, as defined in this Article, may be considered on a case-by-case basis. Driveways serving single-family, two-family, three-family and four-family residences are exempted from the head-in parking restriction.

B. Parking setback.

1. All parking lots shall be set back a minimum twenty (20) feet from any public right-of-way or private street edge of pavement.
2. Parking lots shall be set back a minimum twenty (20) feet from any residential district or use.
3. Parking lots shall be set back a minimum six (6) feet from the side and rear property line when not part of shared parking and/or cross access.

C. Dimensions.

1. Standard parking space dimensions shall not be less than nine (9) feet wide by nineteen (19) feet long.
2. Where the head of the parking space abuts a six (6) foot wide sidewalk or curbed landscaped area, the length of the parking space may be reduced by two (2) feet to allow for vehicle overhang. Such overhang shall be measured from the face of the curb.
3. Parallel parking space dimensions shall not be less than nine (9) feet wide by twenty-three (23) feet long.

D. Striping.

1. All parking spaces shall be clearly demarcated with lines a minimum four (4) inches in width. The width of each parking space shall be measured from the centers of the striping.
2. Striping shall not incorporate advertising of any kind.

E. Access and circulation

1. Access aisles in parking lots shall have the following dimensions:

Table 12-4 PARKING LOT ACCESS AISLE WIDTH (FT)						
PARKING SPACE ANGLE						
	0° (Parallel)	30°	45°	60°	90°	No spaces*
One-way traffic	15	14	16	18	24	10
Two-way traffic	20	20	20	22	24	20

* - Refers to access aisles with no parking spaces located on either side.

2. Minimum access aisle widths for parking lots with parking space angles different from those listed in Table 12-4 shall be determined on a case-by-case basis.
3. One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle.
4. Ingress and egress to parking areas shall be by means of paved driveways from the adjoining street. The minimum width of driveways for ingress and egress shall be the same as those specified above for aisles. Driveway width, for the purpose of this Section, shall include only the pavement and not the curb and gutters.
5. The location of all parking area driveways shall conform to the Access Management Code.

F. Improvement of parking, loading and storage lot areas.

1. Surface and curbing.
 - a. All vehicle parking and loading areas and all access drives shall be improved with one of the following:
 - (i) a minimum 5-inch asphaltic concrete base overlaid with a 2-inch asphaltic concrete surface constructed on a sub-grade of either 12-inch prepared soil, 8-inch aggregate or 9-inch fly ash treated soil;

- (ii) a minimum 6 inches of full depth unreinforced Portland cement concrete constructed on a sub-grade of either 12-inch prepared soil, 8-inch aggregate or 9-inch fly ash treated soil.
- b. Designated fire lanes and delivery/freight truck access lanes shall be improved with one of the following:
 - (i) a minimum 6-inch asphaltic concrete base overlaid with a 2-inch asphaltic concrete surface constructed on a sub-grade of either 12-inch prepared soil, 8-inch aggregate or 9-inch fly ash treated soil;
 - (ii) a minimum 6 inches of full depth unreinforced Portland cement concrete constructed on a sub-grade of either 12-inch prepared soil, 8-inch aggregate or 9-inch fly ash treated soil.
- c. Trash enclosures shall be improved with a Portland cement concrete pad and a Portland cement concrete approach 30 feet in length, measured from the enclosure opening. The pad and approach shall be improved with a minimum 6 inches of full depth unreinforced Portland cement concrete constructed on a sub-grade of either 12-inch prepared soil, 8-inch aggregate or 9-inch fly ash treated soil.
- d. All vehicle parking lot areas and access drives in all zoning districts shall have a boundary constructed of straight-back Portland cement concrete curbing (CG-1) or an integral Portland cement concrete sidewalk and curb with a vertical face. Driveways serving single-family, two-family, three-family and four-family residences are exempted from the CG-1 curbing requirement. This requirement shall also not apply to accessible parking spaces where the adjacent pedestrian walkway is designed to be at the same grade as the accessible spaces for the purpose of providing access to said walkway.
- e. The use of curb blocks in parking areas shall be prohibited, except at the head of accessible parking spaces when they are adjacent to a pedestrian walkway with no raised curb.
- f. Temporary asphalt curbs may be used in areas to be expanded only as shown and approved on the final development plan.
- g. Storage lots shall be paved with an asphaltic concrete or Portland cement concrete surface engineered to support the weight of the anticipated loads.
 - 2. Maintenance. Vehicle parking areas, including drives and drive aisles, shall be maintained in proper repair with the required surfacing and curbing. Pot holes and surface cracks shall be filled and sealed in a timely manner.
 - 3. Time limit. All required vehicle parking areas shall be ready for use, including the above surfacing requirement, before the issuance of a final certificate of occupancy (in the case of a new building or addition) or within forty-five (45) days after the issuance of an occupational license (in the case of a change of occupancy in an existing building). An extension of time may be granted by the

Director due to adverse weather conditions. In no case shall any occupancy be permitted prior to the parking areas being striped.

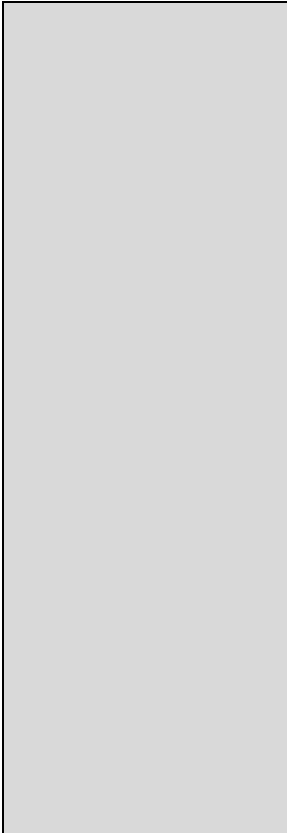
Section 12.130 Driveway Approach Design (See the City of Lee’s Summit Design & Construction Manual)

Section 12.140 Loading

- A. Required loading spaces shall be determined on a case-by-case basis by the Director through the required approval process.
- B. The dimensions of loading spaces will be determined on a case-by-case basis depending on the requirements of each project, including the length of trucks to be served and configuration of building(s) on the site.
- C. All off-street loading areas shall be screened in accordance with Article 14 of the UDO.

Section 12.150 Parking and Storage Regulations for Private Property

- A. The parking or storage of vehicles shall be in conformance with regulations as provided in the Lee’s Summit Code of Ordinances, Chapter 16 Lee’s Summit Property Maintenance Code.



Section 16-317 Vehicle Parking and Storage Regulations for Private Property

Definitions

Storage (stored) shall mean a period of more than 7 days for the purposes of this Section.

Parking (parked) shall mean a period of 7 days or less for the purposes of this Section.

Restricted Vehicles

- A. No motor vehicles designed or regularly used for carrying freight, merchandise, or other property or more than eight (8) passengers and that is licensed in excess of one (1) ton gross vehicle weight shall be stored or parked in a residential zoned district, except for deliveries or as otherwise allowed per Table 1.
- B. Inoperative or unregistered vehicles may not be stored, parked or repaired (other than in enclosed garages) on the premises.
- C. In zoning districts other than the industrial zoning districts, construction equipment and construction vehicles may not be stored, parked or repaired on the premises (other than in enclosed garages), except as follows:
 - 1. When being utilized for construction activities on the premises pursuant to a valid permit issued by the City for construction work necessitating the use of equipment, or when used for permitted work on the public right-of-way; or
 - 2. When the equipment is used as an accessory use in accordance with Unified Development Ordinance Article 8; or
 - 3. When associated with a special use permit as part of an allowable primary use, such as an equipment rental business.

Boats, Watercraft, All Terrain Vehicles, Utility Trailers, Campers and Recreational Vehicles

- A. General requirements. The following requirements shall apply to the parking and storage of vehicles/items provided within Table 1 in residential zoned districts at all times, except as specifically noted otherwise.
 - 1. No more than one (1) of the vehicles/items listed in Table 1 may be stored on lots zoned AG, RDR, RLL, R-1, RP-1 or RP-2 unless stored in a garage or other approved structure.

Exception: The storage of a vehicle/item on private property so located upon the property as not to be readily visible from any public place or from any surrounding private property nor shall these subsections apply to any lot or parcel of private property one (1) acre or more in size in AG or RDR zoning districts.

Proposed Regulations for inclusion in Chapter 16 Lee's Summit Code of Ordinances
Lee's Summit Property Maintenance Code

2. No more than one additional vehicle/item may be permitted to be parked in addition to the one (1) vehicle/item stored in accordance with Table 1 on lots zoned AG, RDR, RLL, R-1, RP-1 or RP-2.

Exception: The parking of a vehicle/item on private property so located upon the property as not to be readily visible from any public place or from any surrounding private property nor shall these subsections apply to any lot or parcel of private property one (1) acre or more in size in AG or RDR zoning districts.

3. Storage or parking of vehicles/items as provided in Table 1 in other zoning districts shall be prohibited except when specifically approved as part of a preliminary development plan or special use permit for said purpose.
4. Recreational Vehicles, Travel Trailers and Toy Haulers shall not be used for on-site dwelling purposes and shall not be permanently connected to sewer lines, water lines, electrical lines or fuel gas lines. When used for dwelling purposes shall be limited to no more than 4 occurrences per year, and shall not exceed 28 days per year (allows for 4 occurrences of 7 day durations or variation thereof as long as number of occurrences and total number of days is not exceeded per year).
5. No part of a vehicle/item parked or stored shall extend over any lot line, sidewalk, right-of-way or into the 25' vision clearance triangle.
6. A. Storage or parking of items permitted by Table 1 shall only be allowed on hard surfaces, i.e., asphaltic concrete, Portland cement concrete or masonry pavers engineered to support the weight of said vehicle, except as specifically noted otherwise.
B. Accessory storage or parking pads shall be permanently connected to the driveway with an asphaltic concrete, Portland cement concrete constructed to support the weight of said vehicle or item.
C. Separate driveways on corner lots shall be permanently connected to the street or curb with an asphaltic concrete or Portland cement concrete constructed to support the weight of said vehicle.

Exceptions to 6 A, B, C:

1. Gravel driveways or parking pads in existence prior to [DATE OF ADOPTION]
 2. The parking or storage of a vehicle/item on private property of one (1) acre or more in size.
7. Recreational vehicles, Travel Trailers, Toy Haulers and other similar vehicles or items which operate on or store flammable liquids or gases shall be stored or parked a minimum of 10 feet from the nearest structure on adjacent property.

Proposed Regulations for inclusion in Chapter 16 Lee's Summit Code of Ordinances
Lee's Summit Property Maintenance Code

Table 1

Exterior Storage or Parking of Vehicles/Items

Parking or Storage Configuration	Boats, Personal Water Crafts, All Terrain Vehicles and associated trailer	<u>20 feet in length or less:</u> Recreational Vehicle/Travel Trailer / Toy Hauler/Utility Trailer (open or enclosed)	<u>Greater than 20 feet in length:</u> Recreational Vehicle/Travel Trailer / Toy Hauler/Utility Trailer (open or enclosed)
Single drive	NP	NP	NP
Single drive with accessory pad	P	P	P (on accessory pad only)
Two car drive	P	P	NP
Two car drive with accessory pad	P	P	P (on accessory pad only)
Three car drive or greater	P	P	NP
Three car drive or greater with accessory pad	P	P	P (on accessory pad only)
Separate drive on corner lot	P	P	P

P = Permitted

NP = Not Permitted

Yours Truly

Recreational Vehicle and Trailer Parking

Unified Development Ordinance

Article 12 Parking Regulations

History

1962 – Ordinance #715

- Allowed parking of recreational vehicles in residential zones

2001 – Ordinance #5209

- Storage limited to pads adjacent and connected to driveways. Prohibited storage on residential driveway unless on corner lot where separate driveway off other street exists

2005 – UDO Amendment #10

- Parking and/or storage of RV's in AG, RDR, R-1, RP-1 and RP-2 and defined storage as “uninterrupted parking for a period of 72 hours”.

2010 – UDO Amendment #35

- Defined RV's to include motor homes, camping/travel trailers, all terrain vehicles, boats and jet skis
- Small RV's 20 feet and under
- Large RV's over 20 feet
- No more than two RV's parked or stored
- May only have 1 large RV maximum
- RV shall not be used for on-site dwelling purposes for more than 7 days and not permanently connected (water, sewer, etc)
- Shall not extend over lot line, sidewalk or ROW and not obstruct 25' vision clearance triangle
- Storage limited to driveways in front of 3-car garages or pads adjacent and connected, or corner lots with separate drive
- RV's -10 feet separation from nearest adjacent structure
- **Enclosed /Unenclosed hauling/utility trailers stored in garage unless approved by PDP or SUP**

March 18, 2010

- City Council passed Amendment #35 with substantial discussion regarding RV and trailer parking provisions – directing staff continue to work on regulations through the CEDC