

Unified Development Ordinance

Sec. 8.420. - 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 5, 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 5 do not apply, and as otherwise provided herein. The applicability of the design standards is described in detail in Sections 8.440.A. and 8.450.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 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 ten 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 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 8.420.
 - 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