

"AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AMENDING VARIOUS SECTIONS OF THE UNIFIED DEVELOPMENT CODE OF THE RAYMORE CITY CODE."

WHEREAS, the City Council of the City of Raymore, Missouri adopted the Unified Development Code as Ordinance 28117 on December 8, 2008; and,

WHEREAS, the Planning and Zoning Commission held a public hearing on the proposed 13th amendment on August 7, 2012, after notice of said hearing was published in a newspaper of general circulation in Raymore, Missouri, at least fifteen (15) days prior to said hearing; and,

WHEREAS, the Planning and Zoning Commission heard public testimony at the public hearing and has submitted its recommendation of approval to the Governing Body of the City of Raymore, Missouri; and,

WHEREAS, the Governing Body, City Council of Raymore, Missouri, held a public hearing on the proposed amendment on September 10, 2012 after notice of said hearing was published in a newspaper of general circulation in Raymore, Missouri, at least fifteen (15) days prior to said hearing; and

WHEREAS, the City Council of the City of Raymore, Missouri has determined the amendments proposed would be in the best interest of the health, safety and welfare of the citizens of Raymore.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RAYMORE, MISSOURI, AS FOLLOWS:

Section 1. Section 405.040E of the Unified Development Code is hereby repealed in its entirety and re-enacted as follows:

Section 405.040 Additional Regulations

E. Outdoor Storage

- 1.. All outdoor storage areas for multi-family residential and all non-residential uses must be permanently screened from view on all sides by a fence of 100 percent opacity and a minimum height of six feet. The fence must be constructed to prevent accidental dispersal of material within the storage area.

Section 2. Section 405.040F of the Unified Development Code is hereby repealed in its entirety as follows:

Section 405.040 Additional Regulations

Section 3. Section 410.040D and E of the Unified Development Code are hereby repealed in its entirety:

Section 410.040 Additional Regulations

Section 4. Section 410.040G of the Unified Development Code is hereby repealed in its entirety:

Section 410.040 Additional Regulations

Section 5. Section 425.020C6 of the Unified Development Code is hereby repealed in its entirety:

Section 425.020 Off-Street Parking Requirements

C. Parking Area Design and Construction

Section 6. Section 425.020C8 of the Unified Development Code is hereby repealed in its entirety:

Section 425.020 Off-Street Parking Requirements

C. Parking Area Design and Construction

Section 7. Section 435.080E of the Unified Development Code is hereby repealed in its entirety:

Section 435.080 Illumination of Signs

Section 8. Section 435.090 of the Unified Development Code is hereby repealed in its entirety:

Section 435.090 Maintenance

Section 9. Section 440.010G of the Unified Development Code is hereby repealed in its entirety:

Section 440.010 Building Design Standards

Section 10. Section 425.050C2 of the Unified Development Code is hereby repealed in its entirety and re-enacted as follows:

Section 425.050 Accessible Parking (for People with Disabilities)

C. Layout and Design

2. Access Aisles

a. Access aisles must be included to provide space adjacent to vehicles for passenger loading and unloading. All access aisles must:

- (1) be at least five feet wide;
- (2) extend the full length of the parking space; and
- (3) be marked to indicate that parking in the access aisle is prohibited.

b. One in every four accessible spaces, but not less than one, must be served by an access aisle that is a minimum of ninety-six inches wide and must be designated as "lift van accessible only" with signs that meet the requirements of the federal Americans with Disabilities Act.

Section 11. Section 440.030C1 of the Unified Development Code is hereby repealed in its entirety and re-enacted as follows:

Section 440.030 Fences

C. Residential Districts

1. In residential districts, the following standards apply:

Type	Maximum Height	Permitted Location
Privacy fences, walls or hedges	6 feet	in the side and rear yard provided no portion extends closer to the front property line than the midpoint between the front and rear corner of the house
Chain link fences	6 feet	in the side and rear yard provided no portion extends closer to the front property line than the midpoint between the front and rear corner of the house; on any portion of a lot in an RE district
Decorative fences	4 feet	on any portion of the lot
Decorative fences	6 feet	in the side and rear yard provided no portion extends

Type	Maximum Height	Permitted Location
		closer to the front property line than the midpoint between the front and rear corner of the house; on any portion of a lot in an RE district
Barbed wire	n/a	prohibited
Electric fences (above ground)	n/a	allowed in RE districts only on any portion of the lot

Section 12. Section 445.030H of the Unified Development Code is hereby amended by the addition of the following:

Section 445.030 Subdivision Design and Layout

H. Easements

3. Private Easements

a. A proposed subdivision plat shall not dedicate any private utility easement in the public rights-of-way.

b. Dedication of rights-of-way as part of a subdivision plat shall be free and clear of private easements.

Section 13. Section 470.060B of the Unified Development Code is hereby repealed in its entirety and re-enacted as follows:

Section 470.060 Zoning Variances

B. Prohibited Variances

The Board of Adjustment may grant variances from all requirements of this Chapter except:

1. the requirements for public improvements contained within Chapter 445;
2. any provision in Chapter 460, Flood Protection; and
3. any provision in Chapter 455: Natural Resource Protection.

Section 14. Section 470.060E of the Unified Development Code is hereby repealed in its entirety and re-enacted as follows:

Section 470.060 Zoning Variances

E. Findings of Fact

A request for a variance may be granted upon a finding of the Board that all of the following conditions have been met. The Board will make a determination on each condition, and the finding will be entered into the record.

1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner, applicant, or their agent, employee or contractor.
2. The strict application of the provisions of the Unified Development Code of which the variance is requested will constitute an unnecessary hardship or practical difficulty upon the property owner represented in the application and that such unnecessary hardships or practical difficulties are not generally applicable to other property in the same district.
3. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
4. The granting of the variance will not result in advantages or special privileges to the applicant or property owner that this code denies to other land, structures or uses in the same district.
5. Whether the requested variance is the minimum variance necessary to provide relief.
6. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
7. The granting of the variance desired will not be opposed to the relevant purposes and intents of this Unified Development Code.
8. The variance will result in substantial justice being done, considering both the public benefits intended to be secured by this code and the individual hardships or practical difficulties that will be suffered if the variance request is denied.

A request for a variance of use may be granted upon a finding of the Board that all of the following conditions have been met. The Board will make a determination on each condition, and the finding will be entered into the record.

1. The strict application of the provisions of the Unified Development Code would constitute an unnecessary hardship upon the applicant or landowner.

2. Relief is necessary because of the unique character of the property.
3. The variance will not destroy the preservation of the Growth Management Plan.
4. Granting the variance will result in substantial justice for all.

Section 15. Section 485.020I of the Unified Development Code is hereby repealed in its entirety:

Section 485.020 Measurements and Exceptions

Section 16. Section 410.030 of the Unified Development Code is hereby amended by the addition of the following:

Section 410.030 Bulk and Dimensional Standards

C. Reduction to Front Yard Setback

The required front yard setback for a building located in a Business, Commercial or Industrial Zoning District may be reduced to ten (10) feet if:

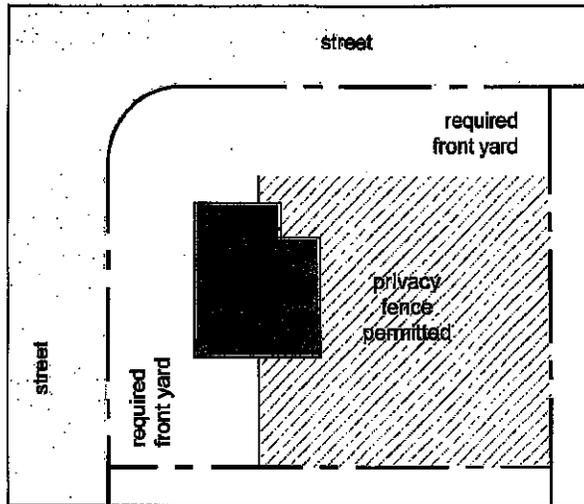
1. No parking areas or access drives are installed between the building and the right-of-way line;
2. The building is not located within a sight-visibility triangle; and
3. The area between the building and the right-of-way line shall contain living landscape material.

Section 17. Section 440.030C2 of the Unified Development Code is hereby repealed in its entirety and re-enacted as follows:

Section 440.030 Fences

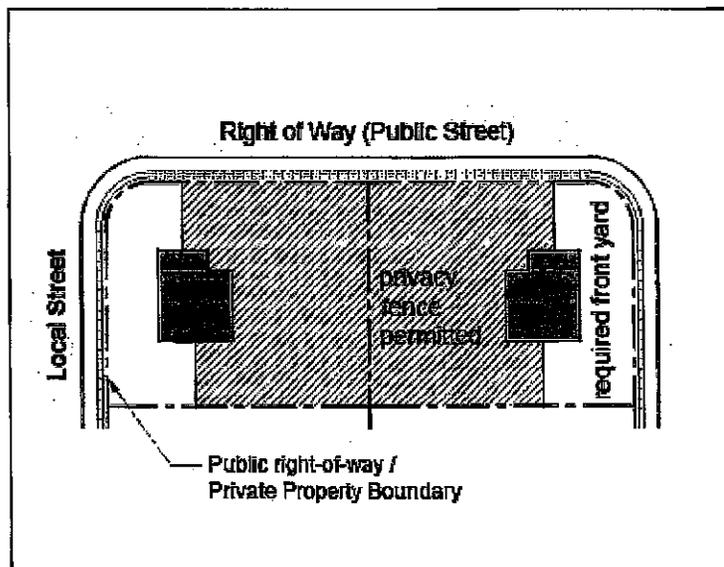
C. Residential Districts

2. On corner lots, a privacy fence, chain link fence, decorative fence, wall or hedge may be constructed or planted to a maximum height of six feet up to the front yard setback line in the rear yard of the structure. For the purposes of this Section, the rear yard is defined as the side of the structure opposite the front door.



If the following conditions apply to a corner lot, then the privacy fence, chain link fence, decorative fence, wall or hedge may be installed to a height of six feet up to the property line in the rear yard of the structure as illustrated below:

1. If the rear yard of a corner lot is adjacent to the rear yard of another corner lot; and
2. the front of each home on each lot faces in opposite directions; and
3. there is no driveway to either home from the street adjacent to the side yard of both lots.



Section 18: Effective Date. The effective date of approval of this Ordinance shall be coincidental with the Mayor's signature and attestation by the City Clerk.

Section 19: Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

DULY READ THE FIRST TIME THIS 10TH DAY OF SEPTEMBER 2012.

BE IT REMEMBERED THAT THE ABOVE ORDINANCE WAS APPROVED AND ADOPTED THIS 24TH DAY OF SEPTEMBER 2012 BY THE FOLLOWING VOTE:

Councilmember Abdelgawad	Aye
Councilmember Adams	Aye
Councilmember Cox	Aye
Councilmember Hall	Aye
Councilmember Kellogg	Aye
Councilmember Seeley	Aye
Councilmember Stevens	Aye
Councilmember Wescoat	Aye

ATTEST:


Jean Woerner, City Clerk

APPROVE:


Peter Kerckhoff, Mayor

9/25/12
Date of Signature