



## Board of Aldermen Request for Action

**MEETING DATE:** 3/5/2024

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 3026-24, Amending Site Plan Regulations for Conditional Use Permits (CUPs) - 1<sup>st</sup> Reading

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### **REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3026-24 for First Reading by Title Only amending sections of Chapter 400 of the Zoning Code pertaining to Site Plan Review for all Conditional Use Permits.

### **SUMMARY:**

The ordinance would change the Site Plan Ordinance to apply to all Conditional Use Permits and provide specific standards for CUP's that match all other projects that require site plan review.

### **BACKGROUND:**

The impact of Conditional Use Permits (CUPs) on neighboring properties often requires some buffering to protect the adjacent lands from negative impacts. The current CUP requirements are very non-specific, but cover the same issues covered within the Site Plan Review ordinance. The current site plan review process applies only to projects within the commercial, industrial and multifamily zoning districts. CUP's are allowed in all districts, including all other residential districts and agricultural districts. The potential impact on adjacent properties from CUPs in those districts would be better addressed using the specific standards delineated for commercial or industrial projects that are on lots adjacent to residential units. It will also give applicants for CUPs a better understanding of the minimum standards they may be asked to meet. By amending the site plan ordinance, and not the CUP ordinance, we are allowed to increase the level of protections of the site plan standards if additional protections are warranted as a result of the unique potential uses in these areas. For example, some CUP uses are: Amphitheaters, Recreation Centers, Country Clubs, Zoos, Tennis Clubs, golf courses, Transportation and Communications facilities, electric transmission or generation stations, cell towers, museums, daycares for up to 10 children and libraries.

### **PREVIOUS ACTION:**

The regulations concerning standards for CUP's have not changed significantly for many years. The most recent significant changes occurred following the telecommunications act of 1996.

### **POLICY ISSUE:**

Improves the understanding of buffering requirements and standardizing those requirements across all types of uses.

**FINANCIAL CONSIDERATIONS:**

None

**ATTACHMENTS:**

- Ordinance
- Resolution
- Staff Report
- Other: Click or tap here to enter text.
- Contract
- Plans
- Minutes

[Planning and Zoning meeting is available for viewing online](#)

**BILL NO. 3026-24**

**ORDINANCE 322X-24**

**AN ORDINANCE AMENDING SECTIONS OF CHAPTER 400, THE  
ZONING CODE PERTAINING TO SITE PLAN REVIEW FOR ALL  
CONDITIONAL USE PERMITS**

**WHEREAS**, the Planning Commission advertised and held a public hearing on February 13, 2024 related to proposed changes to site plan review standards to include all conditional use permit applications to comply; and

**WHEREAS**, following the public hearings, the Planning and Zoning Commission approved the changes based upon the statement on the application of site plan standards to all conditional use permit applications attached hereto as Exhibit "A" and recommended the approval of this ordinance; and

**WHEREAS**, the Smithville Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said amendments to provide for specific building, landscaping and buffering standards to all conditional use permit applications to ensure equal results.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE  
CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:**

SECTION 1. Chapter 400 of the Code of Ordinance is amended by deleting Section 400.395 in its' entirety and replacing it with the following new Section 400.395:

Section 400.395 Applicability.

All applications for new building permits in the commercial and industrial zoning districts, the "R-3" Multi-Family District as well on any Conditional Use Permit as allowed in Section 400.570 of this code located in any district shall be subject to site plan review in accordance with these regulations. Site plan review shall also be required for the expansion of any existing use in these districts. "Expansion" shall include any increase in floor, parking, or storage space. Site plan review may also be required for improvements to the facade of an existing building. This would include attaching or changing any appurtenances, such as, but not limited to siding, facade, dormers, parapets, columns, pillars, overhangs, and soffits. Such work shall be subject to site plan review at the discretion of the Development Director.

SECTION 2. This ordinance shall be in full force from and after the date of its passage and approval.

**BE IT REMEMBERED** that the above was read two times, by title only, **PASSED AND APPROVED** by a majority of the Smithville Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri this 19<sup>th</sup> day of March, 2024.

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Damien Boley, Mayor

ATTEST

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Linda Drummond, City Clerk

First Reading: 3/05/2024

Second Reading 3/19/2024

## **EXHIBIT A**

### **STATEMENT OF PLANNING COMMISSION ON OUTDOOR STORAGE CODE AMENDMENTS**

In accordance with 400.560.B, the Planning Commission recommends approval of the foregoing ordinance changes and makes the following statements:

1. These changes are consistent with the intent and purpose of these regulations.
2. The areas of the city which are most likely to be directly affected by these changes are all zoning districts that allow conditional use permits and these properties will be affected by requiring compliance with the specific standards of aesthetic, landscaping and buffering provisions contained in the site plan review ordinances.
3. This amendment is made necessary in order to provide specific standards for conditional use permits that match the standards for any other commercial or multifamily use in the zoning codes.



<b>Date:</b>	February 9, 2024
<b>Prepared By:</b>	Jack Hendrix, Development Director
<b>Subject:</b>	Site Plan Review to include CUP's in all districts Ordinance

Staff has identified a gap in our coverage of Conditional Use Permit requirements in several districts (most residential and all agricultural). While 400.570 contains several standards that must be met as minimum requirements, they are not specific in any degree. Staff proposes adding the CUP's in residential and agricultural districts into the site plan review process to maintain a consistent application of rules from district to district, and include measurable standards for each.

The current CUP requirements are listed below:

*Minimum Requirements. A conditional use permit shall not be granted unless specific written findings of fact directly upon the particular evidence presented support the following conclusions:*

- 1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.*
- 2. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.*
- 3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.*
- 4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:*
  - a. The location, nature and height of buildings, structures, walls and fences on the site; and*
  - b. The nature and extent of landscaping and screening on the site.*
- 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining*

*residential uses and located so as to protect such residential uses from any injurious effect.*

*6. Adequate utility, drainage and other such necessary facilities have been or will be provided.*

*7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.*