



**AGENDA
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
SEPTEMBER 12, 2023
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Zoning Adjustments - Regular Meeting - Jul 11, 2023 6:00 PM**
- 3. Agenda Items**
 - A. Appl. #VAR-23-003--Variance of Sec. 405.550.A.3.d(1)(a) for 2400 E. Rock Haven Rd. PUBLIC HEARING**
 - B. Appl. #VAR-23-003--Variance of Sec. 405.550.A.3.d(1)(a) for 2400 E. Rock Haven Rd. CONSIDERATION**
 - C. Appl. #VAR-23-004--Variance of Sec. 405.550.A.3.d(1)(a) for 1805 Waters Rd. PUBLIC HEARING**
 - D. Appl. #VAR-23-004--Variance of Sec. 405.550.A.3.d(1)(a) for 1805 Waters Rd. CONSIDERATION**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 5th day of September, 2023.

Daniel Barnett, City Clerk



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
CITY HALL
JULY 11, 2023
6:00 PM

1. Call to Order

The meeting was called to order at 6:04 PM by Gerald Saling

Attendee Name	Organization	Title	Status	Arrived
Jennifer Love	Harrisonville		Present	
Michelle Hart	Harrisonville		Present	
Charles Hotchkiss	Harrisonville		Absent	
April McLaughlin	Harrisonville		Present	
Gerald Saling	Harrisonville		Present	

Also in attendance were Virginia Ford, Applicant; Brenda Marble, Applicant's Neighbor; Christina Stanton, Community Development Director; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Board of Zoning Adjustments - Regular Meeting - May 9, 2023 6:00 PM

With no additions or corrections, the minutes from the May 9, 2023, meeting were unanimously accepted.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Jennifer Love
SECONDER:	April McLaughlin
AYES:	Jennifer Love, Michelle Hart, April McLaughlin, Gerald Saling
ABSENT:	Charles Hotchkiss

3. Agenda Items

A. Appl. #VAR-23-002--Variance of Section 405.550.D.1 for 3 detached accessory structures in R-1 PUBLIC HEARING

Director Stanton presented the Staff Report for the Variance application for Virginia Ford. She said the applicant is seeking a variance to the number of detached accessory structures allowed in the Single-Family Residential District. The applicant is in the process of rezoning the property from Estate Planned to Single-Family Residential District so that the property may be split into two lots. Director Stanton said that the proposed new lots meet or exceed zoning district lot size, lot width, and impervious

coverage. However, there are currently legally existing a house, and three detached accessory structures. These structures meet or exceed all setback requirements., but the R-1 District only allows for two detached accessory structures. She said while this is not a hardship in the normal sense, Prior to the September 2022, code change, Ms. Ford would not need a variance. The Planning and Zoning Commission recommended approval of the rezone to the Board of Alderman with a condition that Ms. Ford obtain a variance for the number of Accessory Structures on the property. Director Stanton said that this lot is unique. She said that approving the variance will not alter the neighborhood or surroundings. Director Stanton discussed the difference between the letter of the code and the intent. The intent of the code is not having an overburdened amount of structures. She said that the hardship is that the applicant would have to remove a structure if the variance was denied. She added that there are a handful of larger Single-Family lots that need to be looked at for this reason also. Staff recommends denial.

Virginia Ford spoke to the Board. She said that the property had been annexed in 1996. The home is old and for the past 33 to 34 years all of the outbuildings have been used. She said that there are no objections from the neighbors and that it would mean a lot to her to get to keep them.

Brenda Marble, Ms. Ford's neighbor, said that she has spoke with all the neighbors and they support the variance 100% and that it would be sad to see any of the buildings torn down. She said she thinks that having to tear down one of the structures would lower the value of the property.

The Public Hearing was closed at 6:14 PM.

B. Appl. #VAR-23-002-- Variance of Section 405.550.D.1 for 3 detached accessory structures in R-1 CONSIDERATION

Jennifer Love asked if the zoning regulation for the accessory structures were based on lot sizes? Director Stanton said no, the regulation was based primarily on the smaller lots that are much more abundant in the City. She said that Ms. Ford's lot would be approximately 76,000 sq. feet. The existing structures meet all of the setbacks, impervious coverage area is 32%, the maximum for R-1 is 35%.

April McLaughlin questioned deviating from the Code and asked why this variance came to the Board. Director Stanton said that this began with lot split that was applied for, then the rezone request. The Planning and Zoning Commission recommended approval to the BOA with the condition of this variance and the 2nd reading will be at the Monday, August 17, meeting.

There was some discussion on updating the Code for larger residential lots in the near future.

Michelle Hart made a motion to approve the variance. Jennifer Love seconded.

With a vote 3 to 1, the variance application was denied.

RESULT:	DEFEATED [3 TO 1]
MOVER:	Michelle Hart
SECONDER:	Jennifer Love
AYES:	Jennifer Love, Michelle Hart, Gerald Saling
NAYS:	April McLaughlin
ABSENT:	Charles Hotchkiss

4. Discussion Items

There were no discussion items.

5. Adjourn

With nothing further to come before the Board, April McLaughlin made a motion to adjourn. Michelle Hart seconded. The meeting was adjourned at 6:28 PM.

Respectfully Submitted,

Jamie Martin, Recording Secretary

Minutes Acceptance: Minutes of Jul 11, 2023 6:00 PM (Approval of Minutes)

STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Christina Stanton,
DATE: August 2, 2023
SUBJECT: Appl. #VAR-23-003--Variance of Sec. 405.550.A.3.d(1)(a) for 2400 E. Rock Haven Rd. PUBLIC HEARING

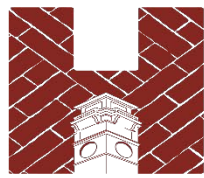
Type of Item: *Public Hearing*

A. Action Item (ID # 4584)

Appl. #VAR-23-003--Variance of Sec. 405.550.A.3.d(1)(a) for 2400 E. Rock Haven Rd.
PUBLIC HEARING

Attachments:

2400 E Rock Haven Rd BZA Packet 8-8-2023 (PDF)



To: Board of Zoning Adjustment

From: Christina Stanton, AICP, Director of Community Development

Date: August 8, 2023

Re: Appl. #VAR-23-003—Variance of Section 405.550.A.3.d(1)(a) to allow for an existing intermodal container to remain on property located at 2400 E. Rock Haven Road

GENERAL INFORMATION

Applicant: Bharat Patel, 2400 E. Rock Haven Road

Requested Actions: Approval of requested variance of Section 405.550.A.3.d(1)(a) to allow for an existing intermodal storage container to remain on property located at 2400 E. Rock Haven Road

Date of Application: June 26, 2023

PURPOSE AND AUTHORITY

In accordance with Section 405.610 of the City’s Code, the Board of Zoning Adjustment (BZA) “may decide that there are practical difficulties or particular hardship in the way of carrying out the strict letter of these regulations”. The BZA “may grant variances from the provisions of this Chapter in harmony with its general purpose and intent” based upon the standards listed in Section 405.615, which are listed below in staff’s analysis. The concurring vote of four (4) members of the Board is required for approval of a variance.

PROPOSAL

Applicant is seeking a variance to Section 405.550.A.3.d(1)(a) to allow for an existing intermodal storage container to remain on property located at 2400 E. Rock Haven Road. The property is zoned Service Business (C-2) District.

PREVIOUS ACTIONS

Required legal notices have been issued.

- May 29, 1990—The Board of Aldermen approved a Rezoning from Agriculture (A) to Service Business (C-3, now C-2) District for use as a motel site by Ordinance #1767 and the Final Plat of “Jenkins Commercial Park, Lot 1” by Ordinance #1768.
- June 1, 1990—The Final Plat of “Jenkins Commercial Park, Lot 1” was recorded at the Cass County Recorder of Deeds’ Office.
- August 2, 1990—A Certificate of Occupancy was issued for the 39-unit motel.

- **February 21, 2023—The Board of Aldermen approved code amendments that included new regulations pertaining to intermodal containers.**

KEY ISSUES

Section 405.550 was amended, by Ordinance #3627, to include regulations pertaining to intermodal containers on February 21, 2023.

Under current Zoning Regulations, Section 405.550.A.3.d(1)(a), intermodal containers are not allowed on commercial property unless tied to an active building permit.

The existing intermodal storage container has been existing on the subject property since at least February 2020.

ANALYSIS

The Applicant is seeking a variance to the requirement that an intermodal container shall only be allowed in commercial districts when tied to an active building permit.

Regarding Municipal Code: 405.615 Standards

- A. The Board of Zoning Adjustments may vary the provisions of this Chapter as authorized in this Section, but only when it shall have made findings based upon evidence presented to it in the following specific cases:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;

The property can yield a reasonable return, the property existed prior to 2020 without the intermodal storage contain and the owner can either expand the existing building or apply for a building permit to build an acceptable accessory storage building for the same purposes. The owner desires to keep the existing intermodal storage container as it is the cheapest option. However, the only districts that allow for the utilization of these containers for storage purposed, without being tied to an active building permit, are the industrial districts.

2. The plight of the owner is due to unique circumstances;

This standard typically refers to the shape of the lot, topographical conditions, or other unique physical surroundings of the property such as existing utilities. This lot does not consist of any irregular shape or topographical conditions that would result in a potential hardship. The plight of the owner is due to changes in code that have occurred earlier this year and the owner's desire to retain their existing intermodal storage container.

3. The variance, if granted, will not alter the essential character of the locality.

The variance, if granted, will not alter the essential character of the locality since the structure is currently existing though it is much more appropriate for storage in an industrial district. There are no industrially zoned properties in the vicinity; however, it

should be noted that there is an existing mini-warehouse storage facility located immediately to the northwest of the subject property.

- B. For the purpose of supplementing the above standards, the Board of Adjustment shall also, in making the determination of whether there are practical difficulties or particular hardship, take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

1. The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;

The particular physical surroundings, shape or topographical conditions of the specific property do not create a particular hardship upon the owner. The hardship to the owner, as argued by the applicant's letter, would be a financial hardship.

2. The conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification;

The desire by existing commercially zoned properties to retain these cheaper, more affordable intermodal storage containers over providing a more aesthetically pleasing and appropriate addition or separate storage building that is compatible with the existing architecture of the primary building is not particular to any one piece of property.

3. The alleged difficulty or hardship has not been created by any person having an interest in the property at any time after the effective date of this Chapter;

The effective date of this chapter was in 1991. The structure was placed on this property somewhere between July 2019 and February 2020 (based on aerial imagery available from Google Earth, see below). The alleged difficulty or hardship is being caused by the current property owner's desire to retain the existing intermodal storage container as a cheaper, more affordable storage solution rather than doing an addition to the existing building or building an appropriate accessory storage building.



4. The granting of the variance will not be detrimental to the public welfare in the neighborhood in which the property is located;

The granting of the requested variance will not result in a detriment to the public welfare in the area. The variance would allow the existing structure to remain in place.

5. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

Staff does not believe the proposed variance will impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety.

STAFF COMMENTS AND SUGGESTIONS

There is no hardship in the normal sense, the applicant's hardship is financial. While staff sympathizes with the applicant, we do believe that the standard is fair, and we have enforced it consistently. Staff's role is to uphold the letter and intent of the Zoning Regulations.

In support of the requested variance are the facts that:

- **The structure is located in the rear of the property, behind the primary building.**
- **There is no encroachment towards any other property.**
- **The granting of the variance will not result in a detriment to the public welfare or negatively impact the adequate supply of light and air to adjacent property or increase the danger of fire or otherwise endanger the public safety.**

STAFF RECOMMENDATION

Staff recommends denial of the requested variance.

ATTACHMENTS

**Application and Supporting Documents
Ordinance No. 3627
Zoning Map
Aerial Map**



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

ch# 4606 6/2
Total 8 pay

VARIANCE APPLICATION

DATE: 6/26/2023

Applicant (Print): Bharat Patel Signature: [Signature]
 Company Name: Shreehari Remm, Inc
 Street Address: 2400 E Rock Haven Rd City: Harrisonville State: mo Zip: 64701
 Telephone: 816-887-2999 Email: _____

Property Owner Authorization Required if Applicant Different from Property Owner

Property Owner Name (print): SAME Signature: _____
 Street Address: _____ City: _____ State: _____ Zip: _____
 Telephone: _____ Email: _____

Firm Preparing Application (if applicable): N/A
 Contact: _____
 Street Address: _____ City: _____ State: _____ Zip: _____
 Telephone: _____ Email: _____

* All correspondence should be sent to (check one): Applicant ☐ Property Owner ☐ Firm ☐

Project Information

General Location or Address: SAME AS ABOVE

Harrisonville Properties, _____ Acres or Sq. Ft. _____

Process and Submittal Requirements

City of Harrisonville Zoning Ordinance Section 405.610

The Board of Zoning Adjustment may grant variances from the provisions of this Chapter in harmony with its general purpose and intent and may vary them only in specific instances hereinafter set forth. The Board of Zoning Adjustment, based on standards hereafter prescribed and after hearing, may decide that there are practical difficulties or hardship in the way of carrying out the strict letter of these regulations. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement or decision of the party appealed from or to issue an order or variance or to decide in favor of an appellant.

Step 1. Hold pre-application conference with City staff.

Step 2. Submit complete application and the following at least thirty (30) days prior to the BZA Meeting:

1. \$200 filing fee PLUS \$65.00 notice fee, payable to the City of Harrisonville
2. Letter explaining the project and why variance needed.
3. One (1) 8 1/2 x 11 electronic copy of site plan showing property, existing and proposed structures and additional important information.

Step 3. City staff publishes legal notice and sends letters to property owners within 185 feet. → No property in 185 ft

Step 4. Board of Zoning Adjustments Meeting 2nd Tuesday of month at 6 PM at City Hall.

Please Answer Following Questions

The BZA may approve a variance to the provisions of the Zoning and Subdivision Regulations, but only as allowed by the regulations and only when it has made findings based upon evidence presented to it in specific cases. *Section 405.615 (A) Standards*

1. Can the property in question yield a reasonable return if used only under the regulations governing the zoning district in which it is located?

Applicant Response: See Attached Answer.

2. Is the plight of the owner due to unique circumstances? (*Unique circumstances include, but are not limited to, the shape, topographical conditions, or physical surroundings of the property.*)

Applicant Response: See Attached Answer

3. Will the variance, if granted, alter the character of the locality and/or neighborhood?

Applicant Response: See Attached Answer

For the purpose of supplementing the above standards and in determining whether there are practical difficulties or hardships, the BZA shall also take into consideration the extent to which the following facts have been established by the evidence. *Section 405.615 (B)*

1. If the strict letter of the regulation is carried out, will the physical surroundings, shape or topographical conditions of the specific property create a hardship for the owner as distinguished from a mere inconvenience?

Applicant Response: See Attached Answer

2. Do the reasons for his variance apply just to this property or generally to other properties in the same zoning classification?

Applicant Response: See Attached Answer

3. Has the alleged difficulty or hardship been created by any person having an interest in the property at any time after May 13, 1991, the effective date of this Chapter?

Applicant Response: See Attached Answer

4. Will the granting of the variance be detrimental to the public welfare in the neighborhood in which the property is located?

Applicant Response: See Attached Answer

5. Will the proposed variance impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood?

Applicant Response: See Attached Answer

Resources

City Website	www.ci.harrisonville.mo.us
Zoning Map	https://www.ci.harrisonville.mo.us/documentcenter/view/6182
Zoning Regulations	https://www.ecode360.com/27908265
Subdivision Regulations	https://www.ecode360.com/27909481
Cass County GIS Map	https://cassgis.integritygis.com/h5/index.html?viewer=cass

Contacts

City Hall, 300 E. Pearl, Harrisonville, MO 64701		(816) 380-8900	Fax (816) 380-8910
John Morris	Building Official	(816) 380-8917	jmorris@harrisonville.com
Christina Stanton	Community Development Director	(816) 380-8922	cstanton@harrisonville.com
Jamie Martin	Administrative Secretary	(816) 380-8958	jmartin@harrisonville.com
Public Works Department, 201 W. Chestnut, Harrisonville, MO 64701			Fax (816) 380-3997
Carl Brooks	Director of Public Works	(816) 380-8964	cbrooks@harrisonville.com
Ted Martin	City Engineer	(816) 380-8964	tmartin@harrisonville.com

For Office Use Only

Case No: _____ Filing Fee. Amount Paid: \$ _____ Date: _____

Date Application Received: _____ BZA Meeting Date: _____

Note: _____

VARIANCE APPLICATION for AMERICA'S BEST VALUE INN & SUITES

Located at 2400 E. Rock Haven Rd. Harrisonville, MO 64701

ANSWERS TO THE QUESTIONS REQUESTED ON THE APPLICATIONS

1. **Can the property in question yield a reasonable return if used only under the regulations governing the zoning district in which it is located?**
 - a. No, it cannot yield a reasonable return. On the contrary, removing the container will be an undue burden and will cost the business more money. If the container is removed, we have to use at least 2 of our guest rooms as storage which would cost the property around \$28,000 of lost business. If out of the 365 days, we rent each room for 200 days at the rate of \$70 per day, then $200 \text{ days} \times \$70 \times 2 \text{ rooms}$ equals \$28,000 of lost revenue.
2. **Is the plight of the owner due to unique circumstances? (Unique circumstances include, but are not limited to, the shape, topographical conditions, or physical surrounding of the property.)**
 - a. Yes, this particular container is being used for storage of new and broken down equipment. We have to buy certain items in bulk/wholesale which is not sold anywhere in Harrisonville (in bulk quantities) such as commercial air conditioners, lighting fixtures, beds and bed frames, etc. We need to have these items available, so if something breaks down, we can immediately replace it. The broken down items are also stored in the container, so when we have an accumulation of a certain amount of broken down items, we can hire someone to fix them all at once.
3. **Will the variance, if granted, alter the character of the locality and/or neighborhood?**
 - a. No, having this container of my property (which has been there for 15 years) will not alter the characteristic of the locality or neighborhood.

-
1. **If the strict letter of regulation is carried out, will the physical surroundings, shape or topographical conditions of the specific property create a hardship for the owner as distinguished from a mere inconvenience?**
 - a. The container is well within our property limits. It does not interfere with the physical surroundings, shape or topographical conditions of the property. This does not create hardship for any surrounding businesses. It would be a major hardship for the property, since we would not have any place for storage of the equipment as mentioned above. If the container is removed, it would cost the property around \$28,000 of lost business. (see calculation on the above question 1.)
 2. **Do the reasons for his variance apply just to this property or generally to other properties in the same zoning classification?**
 - a. It only applies to my property.

3. **Has the alleged difficulty or hardship been created by any person having an interest in the property at any time after May 13, 1991, the effective date of this chapter?**
 - a. No.
4. **Will the granting of the variance be detrimental to the public welfare in the neighborhood in which the property is located?**
 - a. No. Like I mentioned, having the container on my property does not affect any surrounding business, nor does it affect the general public.
5. **Will the proposed variance impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood?**
 - a. No. Having the container on the back of my property, well within my property lines, does not affect the light or air supply. It does not increase the danger of fire. It does not endanger the public safety or affect the property values of the neighborhood. It has been present for 15 years.

ONE PAGE OF THE SITE SHOWING THE PROPERTY AND THE STRUCTURE AS REQUESTED.

The container located on my property is marked by the black arrow. It is located in the back of my property. It is far away from any surrounding businesses and does not interfere with anything. It is always kept locked.



City of Harrisonville
Missouri, 64701, USA

To whom it may concern,

I am reaching out to you concerning a recent ordinance: 405.550. This ordinance has affected many businesses in the Harrisonville area, such as my own, I have also received letters regarding storage containers or the like, and are affected by the ordinance.

I would first like to emphasize that individuals who are a part of the Board of Aldermen I clearly have **not taken into consideration** or have **blatantly ignored** the individuals and businesses that their decisions would affect. Many may even be blind to the concerns because they themselves may not be affected by the ordinance.

I am such a business owner, and I have received a letter stating that my sole means of storage, my container, needs to be removed from the property. My hotel/motel business and many like mine, use these containers to store supplies for our property. An example of this would be the multiple large replacement A/C units that we keep. We order these in bulk from our distributors and use our container to store them. These items are not commonly found locally; thus, we cannot buy only single units when it is necessary, but we must buy for the coming season in advance. Likewise, there are many other housekeeping and maintenance supplies that we store for our business here.

After having been part of this community for over 15 years, and having paid my taxes honestly and on time, why was a grandfather clause not considered? I speak not only for me, but for any long-term business in the Harrisonville area. I am not opposed to getting a permit or inspections pertaining to the container, but these were never offered.

I would also like to point out the blatant discrimination against small business and private owners who this ordinance has affected. Your letter and online ordinance links addresses "community beautification" and "nuisance" as the reasons for this ordinance change, however, you completely ignore business who use their property for open product storage and sale.

The following businesses are just a few examples:

- Walmart
 - They are using their car parking lot, with painted parking lines, to sell products.
 - They are using their walkways to sell products.
 - They have stacked pallets and trash bundles behind their business in the open.
 - Their cart storage is erected from a "temporary shelter" style covering.
- Sutherlands
 - Uses parking space to sell product. And cover all sides around building to store and sale products.
- Some maintenance/repair shop
 - Their body shop uses a large storage/trash container or sales material from parking are.

I am able to make list for those type of businesses.

Currently, I have no problems with these larger businesses using their property to conduct their business, if this code will be get zoning variance. A corporation who has paid for their property should surely have the right to use their property to advance their business. However, I would like to emphasize that if this is allowed, then I am also using my storage container to conduct my business, thus, why is this not allowed? This discrimination should not continue, as what is allowed for one business or property should be allowed for another. If these businesses have special permits, then these permits should be extended to small business owners as well.

One more reason, Why we need storage container? About my business, My income is my room occupancy. If I put two rooms in hold and use as storage. And out of 365 days If I should rent those two rooms for 200 days for Lowest price \$70.00, total revenue should be $200\text{days} * 2\text{rooms} * \$70.00 = \$28000.00$. Now you will thing that How would I afford to loss that big amount.

If nothing else, if the city is adamant on removing property rightfully bought by the corporation or individuals own, hard-earned, money, then the city should consider reimbursing the individuals the cost of moving and storage.

I would hope that the city takes into consideration the points I have presented here and considers the constituency that they represent. In short City need to do zoning variance and give permit for storage container.

Sincerely,



America's Best Value Inn & Suites
2400 E. Rock Haven Rd.,
Harrisonville, MO 64701
816-887-2999
Abvi2400@gmail.com

ONE PAGE OF THE SITE SHOWING THE PROPERTY AND THE STRUCTURE AS REQUESTED.

The container located on my property is marked by the black arrow. It is located in the back of my property. It is far away from any surrounding businesses and does not interfere with anything. It is always kept locked.



Council Bill No. 2023-16

Ordinance No. 3627

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING SECTIONS 405.030.B, 405.110.A.3, 405.550 AND ESTABLISHING SECTIONS 405.125.A.2, 405.225.A.5, 405.255.A.5, 405.285.A.5, 405.305.A.5, 405.325.A.5, 405.495.A.5, AND 405.515.A.5 OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING APPENDIX B DIMENSIONAL STANDARDS TO CHAPTER 405 ZONING REGULATIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Harrisonville desires to enact various municipal code regulations under Title IV – Land Use; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held a public hearing on February 16, 2023, to review and make a recommendation. After said public hearing, the Planning & Zoning Commission voted 5-0 to recommend approval to the Board of Aldermen; and

WHEREAS, after due public notice in the manner prescribed by law, the Board of Aldermen held a public hearing on February 21, 2023, and rendered a decision to approve as the Board believes that it is in the best interest for the citizens of Harrisonville.

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

Section 1: The following definitions are hereby added to the existing definitions found in Section 405.030.B:

“On-site Temporary Storage Unit

A smaller scale, standardized shipping container designed and built for transport. On-site temporary storage units are used for storage of personal belongings and transportation from one site to another.

Intermodal Container

A large, standardized shipping container designed and built for intermodal freight transport. Such containers are designed for different modes of transport from ship to rail and to truck without unloading and reloading their cargo. Intermodal containers are primarily used to store and transport materials and products efficiently and securely in the global containerized intermodal freight transportation system.”

Section 2: Section 405.110.A.3 is hereby amended to read as follows:

“Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, bunk houses, incidental dwellings, buildings and structures customarily required for any of the above uses. There shall be no limit on the number of allowed accessory

structures within this district.”

Section 3: Section 405.125.A.2 is hereby established as follows:

“There shall be no limit on the number of allowed accessory structures within this district.”

Section 4: Section 405.225.A.5 is hereby established as follows:

“The building coverage shall not exceed eighty-five percent (85%).”

Section 5: Section 405.255.A.5 is hereby established as follows:

“The building coverage shall not exceed eighty-five percent (85%).”

Section 6: Section 405.285.A.5 is hereby established as follows:

“The building coverage shall not exceed ninety-five percent (95%).”

Section 7: Section 405.305.A.5 is hereby established as follows:

“The building coverage shall not exceed ninety-five percent (95%).”

Section 8: Section 405.325.A.5 is hereby established as follows:

“The building coverage shall not exceed eighty-five percent (85%).”

Section 9: Section 405.495.A.5 is hereby established as follows:

“The building coverage shall not exceed sixty percent (60%).”

Section 10: Section 405.515.A.5 is hereby established as follows:

“The building coverage shall not exceed eighty percent (85%).”

Section 11: Section 405.550 is hereby amended to read as follows:

“Section 405.550 Accessory Uses and Structures.

A. General Regulations. Buildings and structures may be erected and land may be used for purposes which are clearly incidental to and customarily and commonly associated with the main permitted use of the premises. A use or structure shall be considered an accessory when it is associated in conjunction with the principal use and is incidental and integrally related to the principal use. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, and heat or glare which is injurious, unhealthful or disturbing to adjacent property or the users

thereof and shall be on the premises of the main use. The following uses shall be permitted as accessory to main uses permitted in this Chapter:

1. Home-Based Work and Occupations as defined and limited by Sections 71.990 and 89.500, RSMo., and as restated herein:

- a. As used in this Section, the following terms mean:

GOODS

Any merchandise, equipment, products, supplies, or materials.

HOME-BASED BUSINESS

Any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

- b. Any person who resides in a residential dwelling may use the residential dwelling for a home-based business unless such use is restricted by:
 - (1) Any deed restriction, covenant, or agreement restricting the use of land; or
 - (2) Any master deed, bylaw, or other document applicable to a common-interest ownership community.
 - c. Except as prescribed under Subsection (A)(4) of this Section, a political subdivision shall not prohibit the operation of a no-impact, home-based business or otherwise require a person to apply for, register for, or obtain any permit, license, variance, or other type of prior approval from the political subdivision to operate a no-impact, home-based business. For the purposes of this Section, a home-based business qualifies as a no-impact, home-based business if:
 - (1) The total number of employees and clients on-site at one (1) time does not exceed the occupancy limit for the residential dwelling; and
 - (2) The activities of the business:
 - (a) Are limited to the sale of lawful goods and services;
 - May involve having more than one (1) client on the property at one (1) time;
 - (b) Do not cause a substantial increase in traffic through the residential area;
 - (c) Do not violate any parking regulations established by the political subdivision;
 - (d) Occur inside the residential dwelling or in the yard of the residential dwelling;
 - (e) Are not visible from the street; and
 - (f) Do not violate any narrowly tailored regulation established under Subsection (A)(4) of this Section.
 - d. A political subdivision may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for the purpose of:
 - (1) Protecting the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control; or

- (2) Ensuring that the business activity is compliant with State and Federal law and paying applicable taxes.
 - e. No political subdivision shall require a person, as a condition of operating a home-based business, to:
 - (1) Rezone the property for commercial use;
 - (2) Obtain a home-based business license; or
 - (3) Install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with no more than two (2) dwelling units.
 - f. Whether a regulation complies with this Section is a judicial question.
- Section 89.500, Home-based work — limitation on zoning restrictions.

g. As used in this Section, the term "home-based work" means any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

- h. A zoning ordinance or regulation adopted pursuant to this Chapter that regulates home-based work shall not:
 - (1) Prohibit mail order or telephone sales for home-based work;
 - (2) Prohibit service by appointment within the home or accessory structure;
 - (3) Prohibit or require structural modifications to the home or accessory structure;
 - (4) Restrict the hours of operation for home-based work; or
 - (5) Restrict storage or the use of equipment that does not produce effects outside the home or accessory structure.
- i. A zoning ordinance or regulation adopted pursuant to this Chapter that regulates home-based work shall not contain provisions that explicitly restrict or prohibit a particular occupation.
- j. The application of this Section does not supersede any deed restriction, covenant, or agreement restricting the use of land nor any master deed, by law or other document applicable to a common interest ownership community.
- k. The following conditions and restrictions apply to such home occupations:
 - (1) Traffic and parking. If parking for a home occupation occurs in a manner or frequency which causes disturbance to the normal traffic flow for the neighborhood, the occupation shall be considered a business best operated in a commercial district rather than as a home occupation and will no longer be permitted as an accessory use.
 - (2) Changes to exterior. The appearance of a dwelling as a residence shall not be altered to the extent that attention is drawn to the structure as a business operation.

- (3) Nuisance controls. A home occupation shall not create noise, dust or dirt, heat, smoke, odors, vibration or glare or bright lighting which would be in excess of that created by a single residential dwelling. The production, dumping or storage of combustible or toxic substances shall not be permitted on site. Additionally, a home occupation shall not create interference with, or fluctuations of, radio or television transmission or reception.
- (4) Signage. No signage or other forms of advertising pertaining to the home occupation may be placed or painted onto the exterior of the residence or in the yard of a residence, except as permitted by Chapter 435, Signs.
- (5) Other regulations. Home occupations shall comply with all other local, State or Federal regulations pertinent to the activity pursued, and the imposition of requirements under this Chapter shall not be construed as an exemption from such regulations.
- (6) For the purpose of defining the occupancy limit for the residential dwelling, herein referenced in the applicable State Statutes, the occupancy limit shall be as stated in the City of Harrisonville's adopted Building Code, the ICC International Building Code, one (1) occupant per two hundred (200) square feet, of owner or tenant controlled, occupiable building or space, not including common areas of rented or leased spaces, as per IBC, Chapter 10, Table 1004.5.
- (7) Sales of Lawful Goods and Services by home-based businesses shall be by appointment only and within the home or accessory structure only. Any modifications or alterations to structures which would normally require a building permit shall require the home-based business owner to apply for a building permit before commencing with any such work.
- (8) No home-based business activity may be undertaken which is visible from the street or public way. No equipment or materials used in a home-based business or occupation may be stored outside of the residence or accessory buildings.
- (9) All home-based businesses shall be prohibited from any business activity which compromises the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control.
- (10) All home-based businesses shall be required to comply with all State and Federal laws and pay all applicable taxes and fees. Any home-based business which chooses to apply for a City of Harrisonville business license, for any reason, shall comply with Chapter 605 of the Harrisonville Municipal Code.
- (11) Types of businesses specifically prohibited from home-based business status include but are not limited to manufacturing, providing, or selling of any intoxicating liquor, cigarettes or any tobacco products, amusements, pawn brokers

or small loan establishments, massage services, health care services, adult businesses, and tattooing or body piercing or body branding.

- (12) Any home-based businesses which cause any substantial increase, at any time, in traffic through a residential area, or causes any violations of any City of Harrisonville parking regulations, is prohibited.
 - (13) Any home-based businesses which cause any violations of Harrisonville Municipal Code, including but not limited to Chapters: 200, 205, 208, 210, 215, 220, 225, 230, 240, 245, 250, 255, and 260, is prohibited.
 - (14) No home-based business which sells goods or services to clients by appointment shall operate this aspect of the business outside of normally accepted business hours of 8:00 A.M. to 6:00 P.M., Monday through Saturday and 12:00 P.M. to 6:00 P.M., Sunday. In person client transactions outside of these hours will be determined to change the residential character of the residential building and adversely affect the character of the surrounding neighborhood and will be prohibited.
2. (Reserved)^[1] [1] *Editor's Note: Former Subsection (C) regarding home occupations was repealed 11-7-2022 by Ord. No. 3611. See Subsections (A) and (B) of this Section.*
 3. *Detached Accessory Building(s).*
 - a. For any "R-1," "R-1B," "R-1M," "R-2," or "R-2B" zoned lot, two (2) detached accessory building(s) may be permitted, one (1) of the two (2) may be an accessory dwelling unit for any "R-1", or "R-1B". For any "R-3" or "R-4" zoned lot, one (1) or more detached accessory buildings may be permitted. Accessory structures are permitted as long as said structure complies with the standards outlined within the Zoning Code of Ordinances for the City of Harrisonville ("Code"), as enacted from time to time. A detached accessory building shall be located not less than eight (8) feet from any side or rear lot line and no closer to the front of the building than eight (8) feet. Accessory buildings required to be supported by a concrete foundation shall not be located within a dedicated easement of any kind. The accessory building shall be complementary with construction type, style and color of the primary structure. In the case of corner lots, accessory buildings shall be set back not less than the distance required for residences from side streets. Lot coverage for the house and any accessory structure shall not exceed thirty-five percent (35%). All accessory structures are to be approved by the Director of Community Development, or the Housing and Zoning Specialist. Any appeals shall be directed to the Board of Aldermen and that action shall be final.
 - b. For any "C-1," "CBD-1," "C-2," and "CBD-2" zoned lot, one (1) detached accessory building not to exceed two hundred (200) square feet may be permitted in the side or rear yard providing it is set back not less than eight (8) feet from any side or rear lot line and no closer to the front of the building than eight (8) feet. Any existing or

future accessory building, whether for storage or for sale, on any property of which any portion of the property is in the flood zone, will require a building permit and must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to property or public facilities; elevation of flood waters; or create a hazardous condition to any person or property.

- c. In any residential district, on-site temporary storage units may not be located on any lot for more than forty-five (45) days within any twelve-month period. Said units must be located on paved off-street surfaces. No such unit shall block any sidewalk, easement, right-of-way, or be located within any sight triangle as defined in Section 410.160 of the Municipal Code. Doors must always be secured except during times of loading and unloading. No such unit shall be located on any undeveloped lot.
- d. Intermodal Containers. This section clarifies the allowable uses for intermodal containers, also known as connex, mobile, and shipping containers. The following regulations shall apply to proposed and existing containers being used in the City of Harrisonville prior to the adoption of this Ordinance. Said containers are prohibited in all Residential Districts.

(1) Temporary Uses.

- (a) Commercial Districts. Containers shall only be used when tied to an active building permit.
- (b) Industrial Districts. Industrially zoned properties that utilize containers shall do so for storage purposes only.

- (2) Location Drawing Required for Industrial Districts. A drawing shall be submitted using aerial imagery to depict where on the property the containers will be located. The drawing shall be provided to the Community Development Department for the purposes of reviewing with other Departments to determine adequate life safety measures. Location approval is determined by the City Fire Marshal in conjunction with the Community Development Department.

- (3) Containers shall not be stacked.

- (4) Said units may not be placed directly on soil or in grassy areas and shall not be placed within any easement on the property. Containers shall be located no closer than fifty (50) feet from any public right-of-way and follow the screening requirements of Section 405.570 of the Municipal Code.

- (a) Screening is not required for containers tied to an active building permit.
- (b) Proximity to right-of-way exceptions will be granted by the Community Development Department when containers are tied to an active building permit.
- (c) Containers tied to an active building permit may not be placed in grassy areas and shall not be placed within any easement on the property. No

such unit shall block any sidewalk, right-of-way, or be located within any sight triangle as defined in Section 410.160 of the Municipal Code. Doors must always be secured except during times of loading and unloading.

- (5) City Fire Marshal approval is required for storage of certain items. The property owner shall also provide a method of labeling the containers in accordance with the adopted Fire Code and it's referenced standards to the materials being stored. City Fire Marshal is to approve the labeling prior to installation.
- (6) Doors must always be secured except during times of loading and unloading.
- (7) Any existing or future containers on any property of which any portion of the property is in the flood zone, will require a building permit and must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to property or public facilities; elevation of flood waters; or create a hazardous condition to any person or property.

4. Fence Regulations.

a. Definitions:

- (1) Decorative fence. A decorative fence shall be of open construction of at least fifty percent. Materials allowed for construction of a decorative fence are brick or stone walls, split rail, wood rail, wrought iron, vinyl, square tubing and/or metal pipe.
- (2) Privacy fence. An enclosure presenting a solid appearance used as a boundary, means of protection, privacy screening or confinement. Walls and fences shall be constructed of high-quality materials, such as decorative blocks, brick, stone, treated wood, vinyl and ornamental metal. Other materials will be considered on a case-by-case basis. Maximum board width for wood is twelve inches.
- (3) Open wire fence. Materials allowed for construction of an open wire fence are chain link and metal posts.
- (4) Fence height. The vertical distance measured from the top of the fence to ground level adjacent to the exterior of the fence.
- (5) Sight Triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

b. Permit required. It is unlawful to erect any fence in the City of Harrisonville without first obtaining an approved building permit from the Community Development Department. A building permit is required to construct or replace a fence when:

- (1) A new fence is being constructed.
- (2) An existing fence is being extended.
- (3) An existing fence is being replaced with a new fence that is a different size, at a different location, or of a different material.

- (4) More than fifty percent (50%) of the linear length of an existing fence section (side or rear yard) or more than fifty percent (50%) of the entire fence is being replaced.
- c. Permit fee. The fee for submitting a building permit application shall be in accordance with Municipal Ordinance Section 500.030.
- d. General Construction Regulations.
- (1) All fences shall be constructed in a workmanship-like manner with a finished surface facing outward from the property, all horizontal and vertical support is to remain inside the fenced area.
 - (2) A maximum fence height of six feet shall be permitted in the side and rear yards only.
 - (3) Only decorative fencing material is permitted in the front yard setback with a maximum height of forty-two inches.
 - (4) Screening material of any type shall not be woven through or attached to a chain link fence in any residential zoning district. Barbed wire shall only be permitted in non-residentially zoned areas atop security fences that measure at least six feet in height.
 - (5) In areas zoned for agricultural use that do not abut a residentially zoned area, electrically charged fences and barbed wire fences are permitted at any height.
 - (6) All exposed metal, except galvanized metal, shall have a colored finish coat.
 - (7) No more than two different types of fencing material are permitted for construction.
- e. Fence location. Fencing, screening, and the like shall only be erected per the following:
- (1) No fence shall be constructed within the required sight triangle.
 - (2) Fences are permitted within a platted easement if there are no plat restrictions prohibiting fences in an easement and the property owner removes the fence, or portion thereof, necessary for the City or utility company to gain access to the easement for maintenance purposes. Should the property owner fail to remove the fence sections located within the easement, the City or utility company may do so.
 - (3) No fence shall be installed or maintained within any drainage way, detention facility, or engineered swale which will create ponding on adjacent property, divert water onto the adjoining property, or impede drainage.
 - (4) 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 abutting the front yard setback line in the rear yard of the home. For the purposes of this Section, the rear yard is defined as the side of the house opposite the front door. (See figure 1.)
 - (5) If all 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 abutting the property line in the rear yard of the structure. (See figure 2.)
 - a. If the rear yard of a corner lot is adjacent to the rear yard of another corner lot.
 - b. The front of each home on each lot faces in opposite directions.

c. There is no driveway to either home from the street adjacent to the side yard of both lots.

(6) On double-frontage lots whose rear yard abuts an arterial, collector or local street, a privacy fence, chain link fence, decorative fence, wall or hedge may be constructed or planted to a maximum height of six feet abutting the rear property line provided the fence, wall or hedge does not encroach into a platted landscape buffer, sight triangle, right-of-way or easement and there is no direct access to the arterial or collector road.

(7) In the front yard setback, fences shall not be placed any closer than six feet to the street right of way.

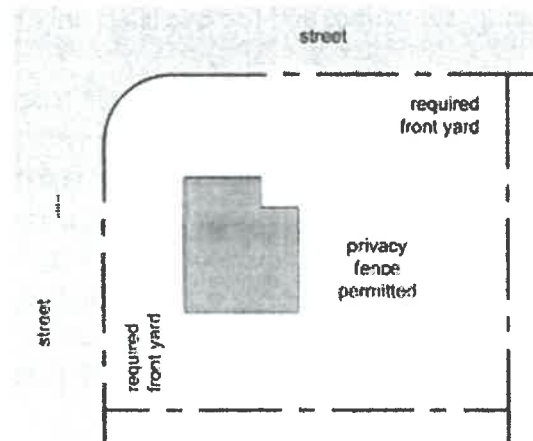
f. Fence Maintenance.

(1) All fences shall be maintained in their original upright condition.

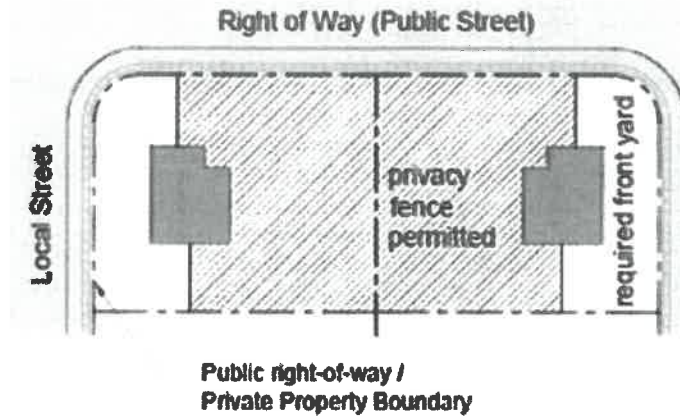
(2) Fences with a painted or similar surface finish shall be maintained in their original condition.

(3) Missing Boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

g. Nonconforming. Any fence legally erected prior to the date of adoption of this ordinance, and not in compliance with the provisions of this section, shall be considered a non-conforming structure. Repairs to a non-conforming structure are permitted, however where fifty percent or more of the linear length of an entire fence or fence section is being reconstructed or replaced, such fence or fence section shall comply with current adopted Municipal Code.



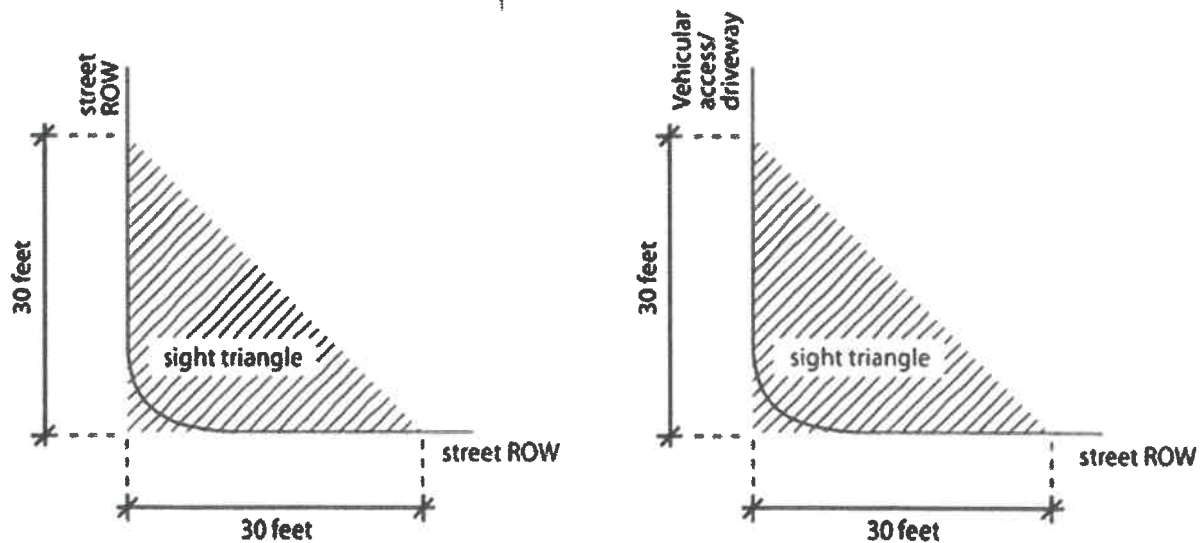
CORNER LOT FIGURE 1

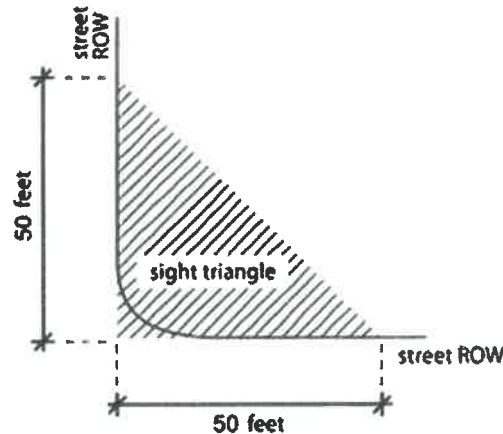


CORNER LOT FIGURE 2

h. SIGHT TRIANGLE

- (1) No sign, fence, wall, shrub or other obstruction with a height between two and eight feet shall be located in a sight triangle.
- (2) Sight triangles must be provided at all street intersections and the intersection of a vehicular access way or driveway and a street.
- (3) The sight triangle includes the area created by the street right-of-way lines extending 30 feet from their intersection. Where a street right-of-way intersects a vehicular access way or driveway, the sight triangle includes the area created by the street right-of-way line and the edge of the drive extending 30 feet from their intersection.
- (4) When an arterial street intersects another arterial street or railway, the sight triangle is increased to 50 feet from the intersection of the right-of-way lines.
- (5) The City of Harrisonville is authorized to trim, remove or order removal of structures, signs, landscaping, or other materials that violate this section.





5. *Additional Uses.* A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation, provided that the articles produced or constructed are not sold on the premises. Such additional uses as private swimming pools, gardens, customary pets, television and radio antennae not exceeding sixty (60) feet in height, signs as permitted by ordinance, parking areas, play equipment, and other similar uses shall be allowed. Any accessory use which exceeds ten (10) feet in height shall be located a distance inside the property line at least equal to one-third ($1/3$) its height.

6. *Storage Of Equipment, Vehicles, or Recreational Vehicles.*

- a. In any zoning district, parking or storage of vehicles is permitted only:
 - (1) On a driveway; or Inside a completely enclosed structure; or
 - (2) On a paved or impervious surface; or
 - (3) In the rear of the building.

The vehicle does not have to be upon a paved or impervious surface if it is shielded from public view.

- b. No vehicle may be parked or stored on the grass in the front yard area.
- c. No vehicle may be parked or stored in rights-of-way, unless parking is allowed, and rights-of-way areas are paved or approved gravel surfaces.
- d. No vehicle may be parked or stored in any public easement.
- e. Recreational vehicles may not be occupied within the City limits for living, sleeping, or cooking purposes for more than fourteen (14) days in a calendar year, unless approved by a special use permit.
- f. Off-street parking areas must be used solely for the parking of operable motor vehicles for patrons, occupants, or employees of the use to which the parking area serves.
- g. Stored vehicles or equipment shall not protrude into public property or obstruct sidewalks.
- h. No vehicle shall be parked or stored on an undeveloped lot.

- i. Exceptions may be granted with prior approval from the Code Enforcement Officer or Building Official.

7. Commercial Vehicle Parking In Residential Zones.

a. It shall be unlawful to park or store any commercial vehicle which is licensed for over twelve thousand (12,000) pounds on any street or highway or public or private property in any residentially zoned district within the City of Harrisonville, Missouri. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted in a residential zoned district. Other vehicles specifically prohibited from parking on any street or highway or public or private property in any residentially zoned district are: Flatbed trucks, dump trucks, utility wreckers, boom trucks, bucket trucks, tandem axle trucks, cab and chassis trucks. This does not preclude the parking of standard pickups. Exception: Limited parking is permissible during loading and unloading or during the time necessary to carry out a service upon property in the block the vehicle is parked, and the parking of construction vehicles on an active construction site is also permitted. A "*commercial vehicle*" is any motor vehicle used in or by a business in furtherance of the business or any vehicle licensed as a commercial vehicle.

b. The operation or use of a motor vehicle in violation of the provisions of this Section shall be prima facie evidence that said motor vehicle was at the time of such violation controlled, operated and used by the owner thereof.

c. If any vehicle is found in violation of any provision in this Section, the owner or person in whose name said vehicle is registered in the records of any City, County, or State shall be held prima facie responsible for such violation, if the driver thereof is not present.

8. *Districts "R-3" And "R-4"*. In the "R-3" and "R-4" Districts, permitted accessory uses are as follows: Parking areas, signs as permitted by ordinance, recreation areas including tenant used swimming pools and minor recreation buildings, trash collection enclosures, power generators, vending machines for tenant use and other similar uses.

9. *Districts "C-O" And "C-1"*. In the "C-O" and "C-1" Districts, accessory uses are as follows: Parking areas, signs as permitted by ordinance, vending machines, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, radio, television or microwave antennae not exceeding sixty (60) feet in height, flagpoles, cooling towers and other similar use.

10. *Districts "CBD-1", "CBD-2" And "C-2"*. In the "CBD-1", "CBD-2" and "C-2" Districts, permitted accessory uses are as follows: Parking areas, signs as permitted by ordinance, flood lighting and other similar uses. In "C-2", washing and other passenger car cleaning shall be permitted as an accessory use in service stations.

11. *Districts "M-1" And "M-2"*. In the "M-1" and "M-2" Districts, permitted accessory uses are as follows: Parking and loading areas, signs as permitted by ordinance, security and screen fencing, radio and microwave towers to heights as set out in this Chapter, gate house, loading equipment, employee recreation and other similar uses.

12. *Motor Hotels*. The following are accessory uses within a motor hotel: A restaurant, banquet rooms, liquor, notions and magazine counters, vending machines, beauty and barber shops, flower and gift shops, provided all are within the main building and designed to serve primarily the occupants and patrons of the motor hotel.

13. *Hospitals*. The following are accessory uses in connection with a hospital: Residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food service and vending machines, laundry and other similar services for hospital personnel, visitors and patients.

14. *Utility Buildings*. Outside storage of materials and equipment is an accessory use in connection with utility buildings, provided all outside storage is screened from view from off the premises. Any of the accessory uses listed in this Section may be specifically prohibited or further controlled by restrictions written into the special use permit prior to its being approved.

15. *Accessory Utility Facilities*. Accessory utility facilities shall be allowed in all districts only pursuant to the provisions of Section 405.551 of the City Code.

16. *Electric Vehicle Charging Stations*.

- a. Commercial electric vehicle charging stations, defined as an installation for the retail sales of electric vehicle charging services, and pursuant with Section 386.020(15)(c), RSMo., shall be permitted in any "R-4" Zoning District apartment complex, any "C" Zoning District or any "M" Zoning District.
- b. Individual privately owned or leased electric vehicle charging stations, defined as an installation for the sole use of the electric vehicle owner or lessee, shall be permitted in any zoning district.
- c. Commercial electrical vehicle charging stations shall be required, as any other retail sales business, to have a current City business license, pursuant to Chapter 605, Licenses, of the Municipal Code; and shall apply for a City commercial occupancy permit upon changes in ownership.
- d. Initial electric vehicle charging station installations, both commercial electric vehicle charging stations and individual electric vehicle charging stations, shall apply for a building permit for installation and construction, inspection, and final approval; and shall obtain approval for electric utility service from the City of Harrisonville Electric Department."

Section 12: That this Ordinance shall be in effect immediately upon its passage and approval.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 21ST OF FEBRUARY 2023
AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 21ST DAY OF
FEBRUARY 2023 AND PASSED BY THE BOARD OF ALDERMEN THIS 21ST DAY
OF FEBRUARY 2023.

AYES: Davidson, Doerhoff, Franklin, Mills, Reece, Zaring

NAYS:

ABSENT:

ABSTAIN:

EXCUSED: Milner, Turner



Judy Bowman, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:



Daniel Barnett, City Clerk

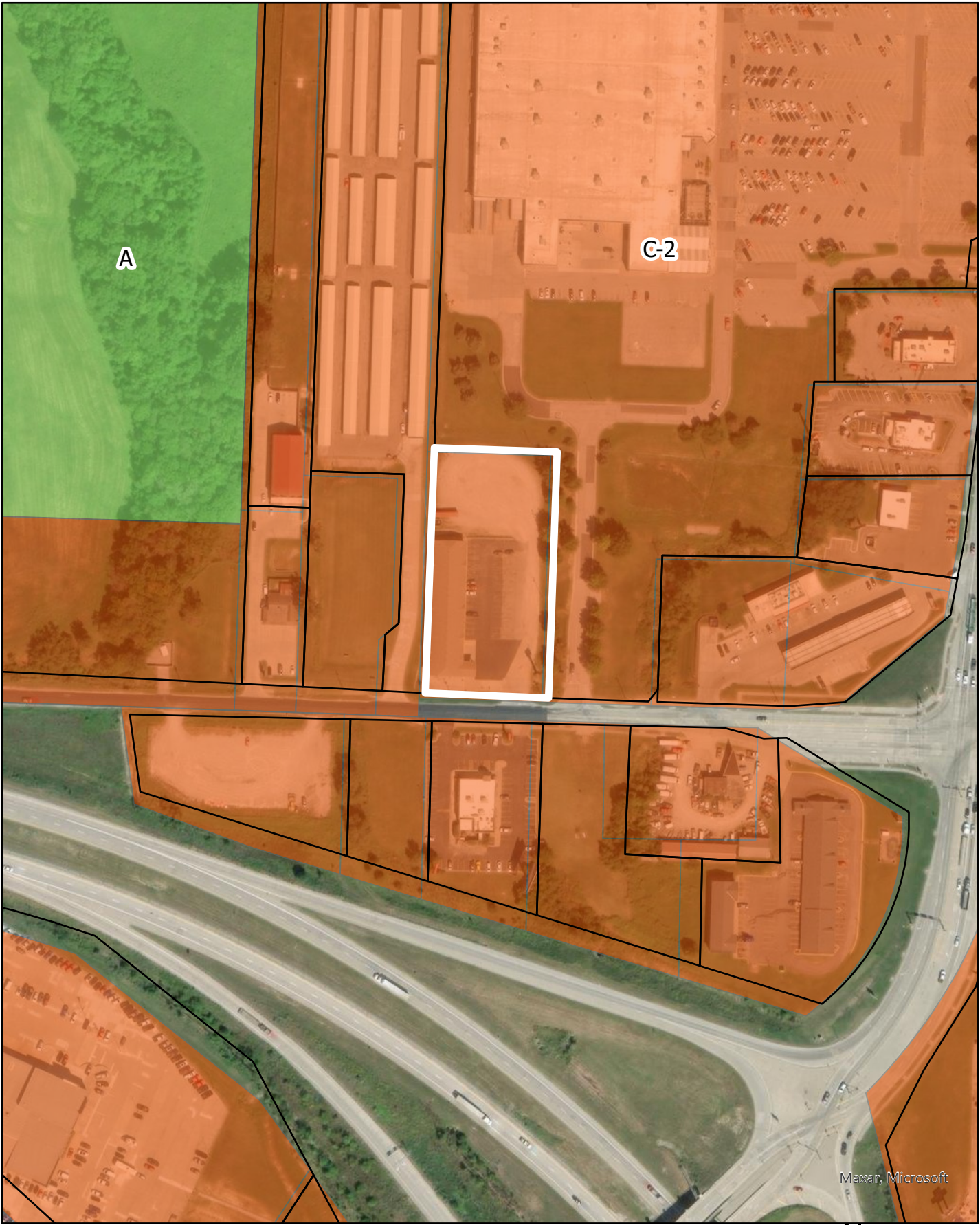
WITNESS my hand and seal this 21st day of February 2023.

ATTACHMENT I

Dimensional Standards								
District	Lot Width	Lot Area	Lot Depth	Front	Setbacks		Height	Lot Coverage
					Side	Rear		
A	350 ft.	5 Ac.	N/A	50 ft.	15 ft.	50 ft.	35 ft.	N/A
E	250 ft.	3 Ac.	N/A	50 ft.	20 ft.	50 ft.	35 ft.	N/A
R-1	75 ft.	8,500 sqft.	N/A	30 ft.	20 ft. total, 8 ft. min.	30 ft.	35 ft.*	35%
R-1B	50 ft.	5,000 sqft. Per family	100 ft.	25 ft.	5 ft.; 10 ft. on street side for corner lots	30 ft.	35 ft.*	35%
R-1M*	See Section 405.160.							
R-2	80 ft.*	8,500 sqft. For Single-Family; 6,000 sqft. For Two-Family Dwellings	N/A	30 ft.	20 ft. total, 7.5 ft. min.; 20 ft. on street side for corner lots	20 ft.	35 ft.	35%
R-2B	50 ft.	5,000 sqft. Per family	N/A	25 ft.	5 ft.; 10 ft. on street side for corner lots	30 ft.	35 ft.*	35%
R-3	N/A	4,000 sqft. Per Family	N/A	30 ft.	15 ft.	15 ft.	2 stories, plus basement	35%
R-4	N/A	3,000 sqft. Per 4 bedroom unit; 2,500 sqft. Per 3 bedroom unit; 2,100 sqft. Per 2 bedroom unit; 1,650 sqft. Per 1 bedroom unit	N/A	30 ft. plus 3 ft. for each story in excess of 4	15 ft.*	30 ft. for bldgs. Up to 4 stories; equal to height of bldg. for bldgs. In excess of 4 stories	No max. or min., governed by yard rqmts.	35%
C-O	N/A	N/A	N/A	35 ft.	15 ft.*	30 ft.	3 stories; up to 144 ft. in CP-O	85%
C-1	N/A	N/A	N/A	35 ft.	15 ft.*	15 ft.	3 stories	85%
CBD-1	N/A	N/A	N/A	0 ft.	0 ft.*	0-25 ft.*	3 stories; up to 12 stories in CBDP-1	95%
CBD-2	N/A	N/A	N/A	0 ft.	0 ft.*	0-25 ft.*	3 stories; up to 12 stories in CBDP-2	95%
C-2	N/A	N/A	N/A	35 ft.	15 ft.	15 ft.	3 stories; up to 12 stories in CP-2	85%
M-1	N/A	N/A	N/A	35 ft.	40 ft. total; 15 ft min.; 20 ft. on street side for corner lots or abutting a zoned residential lot	25 ft.	3 stories or 50 ft.; MP-1 or over 30 ac.	60%
M-2	N/A	N/A	N/A	25 ft.	10 ft.	20 ft.	150 ft.	80%

*Denotes additional requirements located within the text for that specific District's specific requirement.

Zoning Map

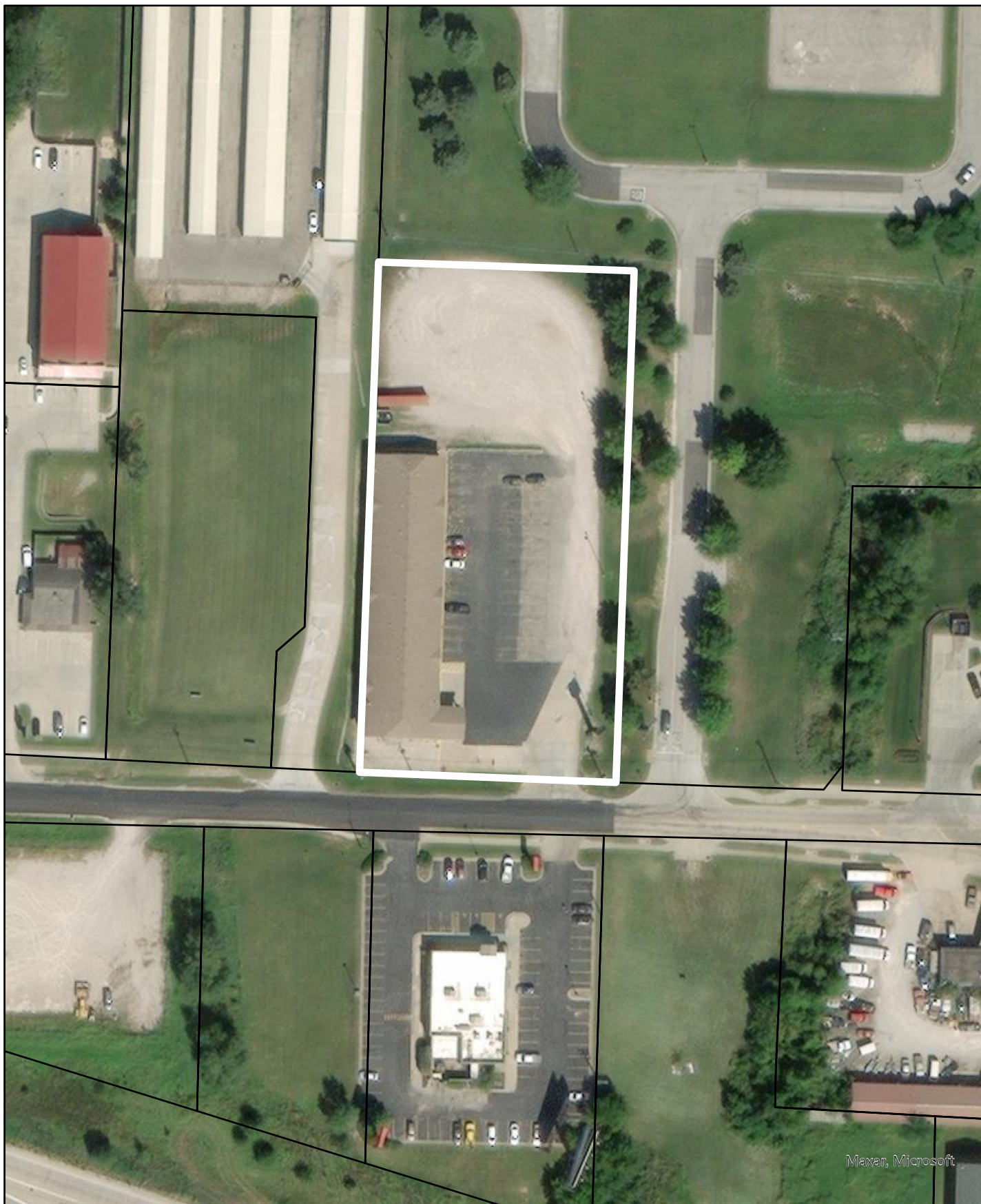


0 155 310 620 US Feet



Aerial Map

3.A.a



0 80 160 320 US Feet



Packet Pg. 39

Attachment: 2400 E Rock Haven Rd BZA Packet 8-8-2023 [Revision 1] (Appl. #VAR-23-003-- Variance of Sec. 405.550.A.3.d(1)(a) for 2400 E. Rock

STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Christina Stanton,
DATE: August 2, 2023
SUBJECT: Appl. #VAR-23-003--Variance of Sec. 405.550.A.3.d(1)(a) for 2400 E. Rock Haven Rd. CONSIDERATION

Type of Item: *Public Hearing*

B. Action Item (ID # 4586)

Appl. #VAR-23-003--Variance of Sec. 405.550.A.3.d(1)(a) for 2400 E. Rock Haven Rd.
CONSIDERATION

STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Christina Stanton,
DATE: August 2, 2023
SUBJECT: Appl. #VAR-23-004--Variance of Sec. 405.550.A.3.d(1)(a) for 1805 Waters Rd. PUBLIC HEARING

Type of Item: *Public Hearing*

C. Action Item (ID # 4585)

Appl. #VAR-23-004--Variance of Sec. 405.550.A.3.d(1)(a) for 1805 Waters Rd. PUBLIC HEARING

Attachments:

1805 Waters Rd BZA Packet 8-8-2023 (PDF)



To: Board of Zoning Adjustment

From: Christina Stanton, AICP, Director of Community Development

Date: August 8, 2023

Re: Appl. #VAR-23-004—Variance of Section 405.550.A.3.d to allow for an existing intermodal container to remain on property located at 1805 Waters Road/3223 N. State Route 291

GENERAL INFORMATION

Applicant: Roy E. Obermiller, 1805 Waters Road/3223 N. State Route 291

Requested Actions: Approval of requested variance of Section 405.550.A.3.d to allow for an existing intermodal storage container to remain on property located at 1805 Waters Road/3223 N. State Route 291

Date of Application: July 18, 2023

PURPOSE AND AUTHORITY

In accordance with Section 405.610 of the City’s Code, the Board of Zoning Adjustment (BZA) “may decide that there are practical difficulties or particular hardship in the way of carrying out the strict letter of these regulations”. The BZA “may grant variances from the provisions of this Chapter in harmony with its general purpose and intent” based upon the standards listed in Section 405.615, which are listed below in staff’s analysis. The concurring vote of four (4) members of the Board is required for approval of a variance.

PROPOSAL

Applicant is seeking a variance to Section 405.550.A.3.d to allow for an existing intermodal storage container to remain on property located at 1805 Waters Road/3223 N. State Route 291. The property is zoned Service Business (C-2) District.

PREVIOUS ACTIONS

Required legal notices have been issued.

- April 15, 1985—A building permit (#2573) was issued for conversion of existing old red barn into fabrication store for 3223 N. 291 Highway.
- January 24, 2005—A building permit (#05-020) was issued for the addition of partitions to delineate office on the 1st Floor for 1805 Waters Road.
- April 4, 2018—A building permit (#18-080) was issued for the installation of a commercial fencing for 1805 Waters Road.

- **February 21, 2023—The Board of Aldermen approved code amendments that included new regulations pertaining to intermodal containers.**

KEY ISSUES

Section 405.550 was amended, by Ordinance #3627, to include regulations pertaining to intermodal containers on February 21, 2023.

Under current Zoning Regulations, Section 405.550.A.3.d, intermodal containers are not allowed on commercial property unless tied to an active building permit.

The existing connex (intermodal container) is located behind a solid fence that surrounds the property and is not highly visible.

ANALYSIS

The Applicant is seeking a variance to the requirement that an intermodal container shall only be allowed in commercial districts when tied to an active building permit.

Regarding Municipal Code: 405.615 Standards

- A. The Board of Zoning Adjustments may vary the provisions of this Chapter as authorized in this Section, but only when it shall have made findings based upon evidence presented to it in the following specific cases:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;

The property can yield a reasonable return, the property has existed for several years without the intermodal storage contain. The applicant states in his letter that the purpose of the connex box (intermodal container) is to store a rare car.

2. The plight of the owner is due to unique circumstances;

This standard typically refers to the shape of the lot, topographical conditions, or other unique physical surroundings of the property such as existing utilities. This lot does not consist of any irregular shape or topographical conditions that would result in a potential hardship. The plight of the owner is due to changes in code that have occurred earlier this year and the owner's desire to utilize this connex/intermodal container to store the rare vehicle in it at this site.

3. The variance, if granted, will not alter the essential character of the locality.

The variance, if granted, will not alter the essential character of the locality since the structure is currently existing and fairly well screened by the existing fence that surrounds the property.

- B. For the purpose of supplementing the above standards, the Board of Adjustment shall also, in making the determination of whether there are practical difficulties or particular hardship, take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

1. The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;

The particular physical surroundings, shape or topographical conditions of the specific property do not create a particular hardship upon the owner. The hardship to the owner, as argued by the applicant's letter, would be the storage of their rare vehicle.

2. The conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification;

The desire by existing commercially zoned properties to retain these cheaper, more affordable intermodal storage containers over providing a more aesthetically pleasing and appropriate addition or separate storage building that is compatible with the existing architecture of the primary building is not particular to any one piece of property.

3. The alleged difficulty or hardship has not been created by any person having an interest in the property at any time after the effective date of this Chapter;

The effective date of this chapter was in 1991. The structure was placed on this property somewhere between April 2021 and April 2023 (based on aerial imagery available from Google Earth, see below). The alleged difficulty or hardship is being caused by the current property owner's desire to retain the existing intermodal storage container as a cheaper, more affordable storage solution rather than doing an addition to the existing building or building an appropriate accessory storage building.





4. The granting of the variance will not be detrimental to the public welfare in the neighborhood in which the property is located;

The granting of the requested variance will not result in a detriment to the public welfare in the area. The variance would allow the existing structure to remain in place and it is nearly fully screened by the existing fence that surrounds the property.

5. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

Staff does not believe the proposed variance will impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety.

STAFF COMMENTS AND SUGGESTIONS

There is no hardship in the normal sense. While staff sympathizes with the applicant, we do believe that the standard is fair, and we have enforced it consistently. Staff's role is to uphold the letter and intent of the Zoning Regulations. The intent of allowing these structures in the commercial districts with an active building permit was to allow them to assist in keeping the site clean while site work is being done and that their use is temporary as such structures are only allowed while the building permit is active and work is being done.

In support of the requested variance are the facts that:

- **The structure is located behind a solid fence and is not highly visible.**
- **There is no encroachment towards any other property.**

- The granting of the variance will not result in a detriment to the public welfare or negatively impact the adequate supply of light and air to adjacent property or increase the danger of fire or otherwise endanger the public safety.

STAFF RECOMMENDATION

Staff recommends denial of the requested variance.

ATTACHMENTS

Application and Supporting Documents
Ordinance No. 3627
Zoning Map
Aerial Map



VARIANCE APPLICATION

DATE: July 7 2023

Applicant (Print): Roy E Obermiller Signature: [Signature]

Company Name: Obermiller Construction/REO Engineering

Street Address: 1805 Waters Road City: Huile State: Mo Zip: 64701

Telephone: 816 380 5510 / 5150 Email: chery1@obermillerconstruction.com

Property Owner Authorization Required if Applicant Different from Property Owner

Property Owner Name (print): _____ Signature: _____

Street Address: _____ City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Firm Preparing Application (if applicable): _____

Contact: _____

Street Address: _____ City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

* All correspondence should be sent to (check one): Applicant ☐ Property Owner ☐ Firm ☐

Project Information

General Location or Address:

1805 Waters Road

Harrisonville Properties, _____ Acres or Sq. Ft. 1.72 Acres

Process and Submittal Requirements

City of Harrisonville Zoning Ordinance Section 405.610

The Board of Zoning Adjustment may grant variances from the provisions of this Chapter in harmony with its general purpose and intent and may vary them only in specific instances hereinafter set forth. The Board of Zoning Adjustment, based on standards hereafter prescribed and after hearing, may decide that there are practical difficulties or hardship in the way of carrying out the strict letter of these regulations. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement or decision of the party appealed from or to issue an order or variance or to decide in favor of an appellant.

Step 1. Hold pre-application conference with City staff.

Step 2. Submit complete application and the following at least thirty (30) days prior to the BZA Meeting:

1. \$200 filing fee PLUS \$65.00 notice fee, payable to the City of Harrisonville
2. Letter explaining the project and why variance needed.
3. One (1) 8 1/2 x 11 electronic copy of site plan showing property, existing and proposed structures and additional important information.

Step 3. City staff publishes legal notice and sends letters to property owners within 185 feet.

Step 4. Board of Zoning Adjustments Meeting 2nd Tuesday of month at 6 PM at City Hall.

Please Answer Following Questions

The BZA may approve a variance to the provisions of the Zoning and Subdivision Regulations, but only as allowed by the regulations and only when it has made findings based upon evidence presented to it in specific cases. *Section 405.615 (A) Standards*

1. Can the property in question yield a reasonable return if used only under the regulations governing the zoning district in which it is located?

Applicant Response: Yes

2. Is the plight of the owner due to unique circumstances? (*Unique circumstances include, but are not limited to, the shape, topographical conditions, or physical surroundings of the property.*)

Applicant Response: Yes

3. Will the variance, if granted, alter the character of the locality and/or neighborhood?

Applicant Response: No

For the purpose of supplementing the above standards and in determining whether there are practical difficulties or hardships, the BZA shall also take into consideration the extent to which the following facts have been established by the evidence. *Section 405.615 (B)*

1. If the strict letter of the regulation is carried out, will the physical surroundings, shape or topographical conditions of the specific property create a hardship for the owner as distinguished from a mere inconvenience?

Applicant Response: Inconvenience

2. Do the reasons for his variance apply just to this property or generally to other properties in the same zoning classification?

Applicant Response: This Property Only

3. Has the alleged difficulty or hardship been created by any person having an interest in the property at any time after May 13, 1991, the effective date of this Chapter?

Applicant Response: Yes

4. Will the granting of the variance be detrimental to the public welfare in the neighborhood in which the property is located?

Applicant Response: No

5. Will the proposed variance impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood?

Applicant Response: No

Resources

City Website	www.ci.harrisonville.mo.us
Zoning Map	https://www.ci.harrisonville.mo.us/documentcenter/view/6182
Zoning Regulations	https://www.ecode360.com/27908265
Subdivision Regulations	https://www.ecode360.com/27909481
Cass County GIS Map	https://cassgis.integritygis.com/h5/index.html?viewer=cass

Contacts

City Hall, 300 E. Pearl, Harrisonville, MO 64701		(816) 380-8900	Fax (816) 380-8910
John Morris	Building Official	(816) 380-8917	jmorris@harrisonville.com
Christina Stanton	Community Development Director	(816) 380-8922	cstanton@harrisonville.com
Jamie Martin	Administrative Secretary	(816) 380-8958	jmartin@harrisonville.com
Public Works Department, 201 W. Chestnut, Harrisonville, MO 64701			Fax (816) 380-3997
Carl Brooks	Director of Public Works	(816) 380-8964	cbrooks@harrisonville.com
Ted Martin	City Engineer	(816) 380-8964	tmartin@harrisonville.com

For Office Use Only

Case No: VAR-23-004 Filing Fee. Amount Paid: \$ 265.00 Date: 7/10/23

Date Application Received: _____ BZA Meeting Date: 8/8/23

Note: _____

Harrisonville BZA

July 11, 2023

Property located at the corner of M291 and Waters Road.

Owners: Roy and Cheryl Obermiller

Businesses located on site: Obermiller Construction, Inc.
REO Engineering, P.C.

This property is divided into two lots with our buildings on the East half and a storage yard on the West half. The property is zoned C-2.

The West lot has various pieces of equipment stored both open air and under covered open sided shelters. Recently, a conex box was placed at the end of the covered shelters on the west end. This box is used to store a rare car owned by Roy Obermiller. The car is a partially restored 1958 Peerless GT1. The car is unique and has an unknown high value. It has been kept in our shop building where it faced a constant threat of damage from heavy equipment. I approved the use of the conex box several months ago and placement of the box in the West lot. It is located next to the North side of the lot where it is screened from view from Waters Road by a privacy fence. Further, it is screened from view from 291 by a privacy fence along the 291 ROW. In addition there is landscaping along the outside of both fences.

We are requesting a variance to keep the conex box where it is, providing secure shelter for the rare car and associated parts.

By: Roy E Obermiller, P.E.
Cheryl J. W. Obermiller

1

1

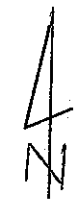
SITE SKETCH

SCALE: 1:30

Waters Road

5 Shelters

Privacy Fence



NO.	DATE	DESCRIPTION	BY
1	07-12-23	FIRST PRINT	ADD

OCS CONSTRUCTION
1805 WATERS ROAD
HARRISONVILLE, MO 64701

SITE SKETCH
CADDING / ANNOTATING

ENGINEERING, P.C.
CIVIL ENGINEERING CONSULTANTS
1805 WATERS ROAD, HARRISONVILLE, MISSOURI 64701

AARON D. OBERMUELLER
PE-200001055K

PROJECT NUMBER
23-112

DATE
07-12-23

Attachment: 1805 Waters Rd BZA Packet 8-8-2023 (Appl. #VAR-23-004--Variance of Sec. 405.550.A.3.d(1)(a) for 1805 Waters Rd. PUBLIC

Council Bill No. 2023-16

Ordinance No. 3627

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI AMENDING SECTIONS 405.030.B, 405.110.A.3, 405.550 AND ESTABLISHING SECTIONS 405.125.A.2, 405.225.A.5, 405.255.A.5, 405.285.A.5, 405.305.A.5, 405.325.A.5, 405.495.A.5, AND 405.515.A.5 OF THE HARRISONVILLE MUNICIPAL CODE AND ESTABLISHING APPENDIX B DIMENSIONAL STANDARDS TO CHAPTER 405 ZONING REGULATIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Harrisonville desires to enact various municipal code regulations under Title IV – Land Use; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held a public hearing on February 16, 2023, to review and make a recommendation. After said public hearing, the Planning & Zoning Commission voted 5-0 to recommend approval to the Board of Aldermen; and

WHEREAS, after due public notice in the manner prescribed by law, the Board of Aldermen held a public hearing on February 21, 2023, and rendered a decision to approve as the Board believes that it is in the best interest for the citizens of Harrisonville.

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

Section 1: The following definitions are hereby added to the existing definitions found in Section 405.030.B:

“On-site Temporary Storage Unit

A smaller scale, standardized shipping container designed and built for transport. On-site temporary storage units are used for storage of personal belongings and transportation from one site to another.

Intermodal Container

A large, standardized shipping container designed and built for intermodal freight transport. Such containers are designed for different modes of transport from ship to rail and to truck without unloading and reloading their cargo. Intermodal containers are primarily used to store and transport materials and products efficiently and securely in the global containerized intermodal freight transportation system.”

Section 2: Section 405.110.A.3 is hereby amended to read as follows:

“Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, bunk houses, incidental dwellings, buildings and structures customarily required for any of the above uses. There shall be no limit on the number of allowed accessory

structures within this district.”

Section 3: Section 405.125.A.2 is hereby established as follows:

“There shall be no limit on the number of allowed accessory structures within this district.”

Section 4: Section 405.225.A.5 is hereby established as follows:

“The building coverage shall not exceed eighty-five percent (85%).”

Section 5: Section 405.255.A.5 is hereby established as follows:

“The building coverage shall not exceed eighty-five percent (85%).”

Section 6: Section 405.285.A.5 is hereby established as follows:

“The building coverage shall not exceed ninety-five percent (95%).”

Section 7: Section 405.305.A.5 is hereby established as follows:

“The building coverage shall not exceed ninety-five percent (95%).”

Section 8: Section 405.325.A.5 is hereby established as follows:

“The building coverage shall not exceed eighty-five percent (85%).”

Section 9: Section 405.495.A.5 is hereby established as follows:

“The building coverage shall not exceed sixty percent (60%).”

Section 10: Section 405.515.A.5 is hereby established as follows:

“The building coverage shall not exceed eighty percent (85%).”

Section 11: Section 405.550 is hereby amended to read as follows:

“Section 405.550 Accessory Uses and Structures.

A. General Regulations. Buildings and structures may be erected and land may be used for purposes which are clearly incidental to and customarily and commonly associated with the main permitted use of the premises. A use or structure shall be considered an accessory when it is associated in conjunction with the principal use and is incidental and integrally related to the principal use. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, and heat or glare which is injurious, unhealthful or disturbing to adjacent property or the users

thereof and shall be on the premises of the main use. The following uses shall be permitted as accessory to main uses permitted in this Chapter:

1. Home-Based Work and Occupations as defined and limited by Sections 71.990 and 89.500, RSMo., and as restated herein:

- a. As used in this Section, the following terms mean:

GOODS

Any merchandise, equipment, products, supplies, or materials.

HOME-BASED BUSINESS

Any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

- b. Any person who resides in a residential dwelling may use the residential dwelling for a home-based business unless such use is restricted by:
 - (1) Any deed restriction, covenant, or agreement restricting the use of land; or
 - (2) Any master deed, bylaw, or other document applicable to a common-interest ownership community.
 - c. Except as prescribed under Subsection (A)(4) of this Section, a political subdivision shall not prohibit the operation of a no-impact, home-based business or otherwise require a person to apply for, register for, or obtain any permit, license, variance, or other type of prior approval from the political subdivision to operate a no-impact, home-based business. For the purposes of this Section, a home-based business qualifies as a no-impact, home-based business if:
 - (1) The total number of employees and clients on-site at one (1) time does not exceed the occupancy limit for the residential dwelling; and
 - (2) The activities of the business:
 - (a) Are limited to the sale of lawful goods and services;
 - May involve having more than one (1) client on the property at one (1) time;
 - (b) Do not cause a substantial increase in traffic through the residential area;
 - (c) Do not violate any parking regulations established by the political subdivision;
 - (d) Occur inside the residential dwelling or in the yard of the residential dwelling;
 - (e) Are not visible from the street; and
 - (f) Do not violate any narrowly tailored regulation established under Subsection (A)(4) of this Section.
 - d. A political subdivision may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for the purpose of:
 - (1) Protecting the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control; or

- (2) Ensuring that the business activity is compliant with State and Federal law and paying applicable taxes.
 - e. No political subdivision shall require a person, as a condition of operating a home-based business, to:
 - (1) Rezone the property for commercial use;
 - (2) Obtain a home-based business license; or
 - (3) Install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with no more than two (2) dwelling units.
 - f. Whether a regulation complies with this Section is a judicial question.
- Section 89.500, Home-based work — limitation on zoning restrictions.
- g. As used in this Section, the term "home-based work" means any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.
 - h. A zoning ordinance or regulation adopted pursuant to this Chapter that regulates home-based work shall not:
 - (1) Prohibit mail order or telephone sales for home-based work;
 - (2) Prohibit service by appointment within the home or accessory structure;
 - (3) Prohibit or require structural modifications to the home or accessory structure;
 - (4) Restrict the hours of operation for home-based work; or
 - (5) Restrict storage or the use of equipment that does not produce effects outside the home or accessory structure.
 - i. A zoning ordinance or regulation adopted pursuant to this Chapter that regulates home-based work shall not contain provisions that explicitly restrict or prohibit a particular occupation.
 - j. The application of this Section does not supersede any deed restriction, covenant, or agreement restricting the use of land nor any master deed, by law or other document applicable to a common interest ownership community.
 - k. The following conditions and restrictions apply to such home occupations:
 - (1) Traffic and parking. If parking for a home occupation occurs in a manner or frequency which causes disturbance to the normal traffic flow for the neighborhood, the occupation shall be considered a business best operated in a commercial district rather than as a home occupation and will no longer be permitted as an accessory use.
 - (2) Changes to exterior. The appearance of a dwelling as a residence shall not be altered to the extent that attention is drawn to the structure as a business operation.

- (3) Nuisance controls. A home occupation shall not create noise, dust or dirt, heat, smoke, odors, vibration or glare or bright lighting which would be in excess of that created by a single residential dwelling. The production, dumping or storage of combustible or toxic substances shall not be permitted on site. Additionally, a home occupation shall not create interference with, or fluctuations of, radio or television transmission or reception.
- (4) Signage. No signage or other forms of advertising pertaining to the home occupation may be placed or painted onto the exterior of the residence or in the yard of a residence, except as permitted by Chapter 435, Signs.
- (5) Other regulations. Home occupations shall comply with all other local, State or Federal regulations pertinent to the activity pursued, and the imposition of requirements under this Chapter shall not be construed as an exemption from such regulations.
- (6) For the purpose of defining the occupancy limit for the residential dwelling, herein referenced in the applicable State Statutes, the occupancy limit shall be as stated in the City of Harrisonville's adopted Building Code, the ICC International Building Code, one (1) occupant per two hundred (200) square feet, of owner or tenant controlled, occupiable building or space, not including common areas of rented or leased spaces, as per IBC, Chapter 10, Table 1004.5.
- (7) Sales of Lawful Goods and Services by home-based businesses shall be by appointment only and within the home or accessory structure only. Any modifications or alterations to structures which would normally require a building permit shall require the home-based business owner to apply for a building permit before commencing with any such work.
- (8) No home-based business activity may be undertaken which is visible from the street or public way. No equipment or materials used in a home-based business or occupation may be stored outside of the residence or accessory buildings.
- (9) All home-based businesses shall be prohibited from any business activity which compromises the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control.
- (10) All home-based businesses shall be required to comply with all State and Federal laws and pay all applicable taxes and fees. Any home-based business which chooses to apply for a City of Harrisonville business license, for any reason, shall comply with Chapter 605 of the Harrisonville Municipal Code.
- (11) Types of businesses specifically prohibited from home-based business status include but are not limited to manufacturing, providing, or selling of any intoxicating liquor, cigarettes or any tobacco products, amusements, pawn brokers

or small loan establishments, massage services, health care services, adult businesses, and tattooing or body piercing or body branding.

- (12) Any home-based businesses which cause any substantial increase, at any time, in traffic through a residential area, or causes any violations of any City of Harrisonville parking regulations, is prohibited.
 - (13) Any home-based businesses which cause any violations of Harrisonville Municipal Code, including but not limited to Chapters: 200, 205, 208, 210, 215, 220, 225, 230, 240, 245, 250, 255, and 260, is prohibited.
 - (14) No home-based business which sells goods or services to clients by appointment shall operate this aspect of the business outside of normally accepted business hours of 8:00 A.M. to 6:00 P.M., Monday through Saturday and 12:00 P.M. to 6:00 P.M., Sunday. In person client transactions outside of these hours will be determined to change the residential character of the residential building and adversely affect the character of the surrounding neighborhood and will be prohibited.
2. (Reserved)^[1] [1] *Editor's Note: Former Subsection (C) regarding home occupations was repealed 11-7-2022 by Ord. No. 3611. See Subsections (A) and (B) of this Section.*
 3. *Detached Accessory Building(s).*
 - a. For any "R-1," "R-1B," "R-1M," "R-2," or "R-2B" zoned lot, two (2) detached accessory building(s) may be permitted, one (1) of the two (2) may be an accessory dwelling unit for any "R-1", or "R-1B". For any "R-3" or "R-4" zoned lot, one (1) or more detached accessory buildings may be permitted. Accessory structures are permitted as long as said structure complies with the standards outlined within the Zoning Code of Ordinances for the City of Harrisonville ("Code"), as enacted from time to time. A detached accessory building shall be located not less than eight (8) feet from any side or rear lot line and no closer to the front of the building than eight (8) feet. Accessory buildings required to be supported by a concrete foundation shall not be located within a dedicated easement of any kind. The accessory building shall be complementary with construction type, style and color of the primary structure. In the case of corner lots, accessory buildings shall be set back not less than the distance required for residences from side streets. Lot coverage for the house and any accessory structure shall not exceed thirty-five percent (35%). All accessory structures are to be approved by the Director of Community Development, or the Housing and Zoning Specialist. Any appeals shall be directed to the Board of Aldermen and that action shall be final.
 - b. For any "C-1," "CBD-1," "C-2," and "CBD-2" zoned lot, one (1) detached accessory building not to exceed two hundred (200) square feet may be permitted in the side or rear yard providing it is set back not less than eight (8) feet from any side or rear lot line and no closer to the front of the building than eight (8) feet. Any existing or

future accessory building, whether for storage or for sale, on any property of which any portion of the property is in the flood zone, will require a building permit and must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to property or public facilities; elevation of flood waters; or create a hazardous condition to any person or property.

- c. In any residential district, on-site temporary storage units may not be located on any lot for more than forty-five (45) days within any twelve-month period. Said units must be located on paved off-street surfaces. No such unit shall block any sidewalk, easement, right-of-way, or be located within any sight triangle as defined in Section 410.160 of the Municipal Code. Doors must always be secured except during times of loading and unloading. No such unit shall be located on any undeveloped lot.
- d. Intermodal Containers. This section clarifies the allowable uses for intermodal containers, also known as connex, mobile, and shipping containers. The following regulations shall apply to proposed and existing containers being used in the City of Harrisonville prior to the adoption of this Ordinance. Said containers are prohibited in all Residential Districts.

(1) Temporary Uses.

- (a) Commercial Districts. Containers shall only be used when tied to an active building permit.
- (b) Industrial Districts. Industrially zoned properties that utilize containers shall do so for storage purposes only.

- (2) Location Drawing Required for Industrial Districts. A drawing shall be submitted using aerial imagery to depict where on the property the containers will be located. The drawing shall be provided to the Community Development Department for the purposes of reviewing with other Departments to determine adequate life safety measures. Location approval is determined by the City Fire Marshal in conjunction with the Community Development Department.

- (3) Containers shall not be stacked.

- (4) Said units may not be placed directly on soil or in grassy areas and shall not be placed within any easement on the property. Containers shall be located no closer than fifty (50) feet from any public right-of-way and follow the screening requirements of Section 405.570 of the Municipal Code.

- (a) Screening is not required for containers tied to an active building permit.
- (b) Proximity to right-of-way exceptions will be granted by the Community Development Department when containers are tied to an active building permit.
- (c) Containers tied to an active building permit may not be placed in grassy areas and shall not be placed within any easement on the property. No

such unit shall block any sidewalk, right-of-way, or be located within any sight triangle as defined in Section 410.160 of the Municipal Code. Doors must always be secured except during times of loading and unloading.

- (5) City Fire Marshal approval is required for storage of certain items. The property owner shall also provide a method of labeling the containers in accordance with the adopted Fire Code and it's referenced standards to the materials being stored. City Fire Marshal is to approve the labeling prior to installation.
- (6) Doors must always be secured except during times of loading and unloading.
- (7) Any existing or future containers on any property of which any portion of the property is in the flood zone, will require a building permit and must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to property or public facilities; elevation of flood waters; or create a hazardous condition to any person or property.

4. Fence Regulations.

a. Definitions:

- (1) Decorative fence. A decorative fence shall be of open construction of at least fifty percent. Materials allowed for construction of a decorative fence are brick or stone walls, split rail, wood rail, wrought iron, vinyl, square tubing and/or metal pipe.
- (2) Privacy fence. An enclosure presenting a solid appearance used as a boundary, means of protection, privacy screening or confinement. Walls and fences shall be constructed of high-quality materials, such as decorative blocks, brick, stone, treated wood, vinyl and ornamental metal. Other materials will be considered on a case-by-case basis. Maximum board width for wood is twelve inches.
- (3) Open wire fence. Materials allowed for construction of an open wire fence are chain link and metal posts.
- (4) Fence height. The vertical distance measured from the top of the fence to ground level adjacent to the exterior of the fence.
- (5) Sight Triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

b. Permit required. It is unlawful to erect any fence in the City of Harrisonville without first obtaining an approved building permit from the Community Development Department. A building permit is required to construct or replace a fence when:

- (1) A new fence is being constructed.
- (2) An existing fence is being extended.
- (3) An existing fence is being replaced with a new fence that is a different size, at a different location, or of a different material.

- (4) More than fifty percent (50%) of the linear length of an existing fence section (side or rear yard) or more than fifty percent (50%) of the entire fence is being replaced.
- c. Permit fee. The fee for submitting a building permit application shall be in accordance with Municipal Ordinance Section 500.030.
- d. General Construction Regulations.
- (1) All fences shall be constructed in a workmanship-like manner with a finished surface facing outward from the property, all horizontal and vertical support is to remain inside the fenced area.
 - (2) A maximum fence height of six feet shall be permitted in the side and rear yards only.
 - (3) Only decorative fencing material is permitted in the front yard setback with a maximum height of forty-two inches.
 - (4) Screening material of any type shall not be woven through or attached to a chain link fence in any residential zoning district. Barbed wire shall only be permitted in non-residentially zoned areas atop security fences that measure at least six feet in height.
 - (5) In areas zoned for agricultural use that do not abut a residentially zoned area, electrically charged fences and barbed wire fences are permitted at any height.
 - (6) All exposed metal, except galvanized metal, shall have a colored finish coat.
 - (7) No more than two different types of fencing material are permitted for construction.
- e. Fence location. Fencing, screening, and the like shall only be erected per the following:
- (1) No fence shall be constructed within the required sight triangle.
 - (2) Fences are permitted within a platted easement if there are no plat restrictions prohibiting fences in an easement and the property owner removes the fence, or portion thereof, necessary for the City or utility company to gain access to the easement for maintenance purposes. Should the property owner fail to remove the fence sections located within the easement, the City or utility company may do so.
 - (3) No fence shall be installed or maintained within any drainage way, detention facility, or engineered swale which will create ponding on adjacent property, divert water onto the adjoining property, or impede drainage.
 - (4) 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 abutting the front yard setback line in the rear yard of the home. For the purposes of this Section, the rear yard is defined as the side of the house opposite the front door. (See figure 1.)
 - (5) If all 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 abutting the property line in the rear yard of the structure. (See figure 2.)
 - a. If the rear yard of a corner lot is adjacent to the rear yard of another corner lot.
 - b. The front of each home on each lot faces in opposite directions.

c. There is no driveway to either home from the street adjacent to the side yard of both lots.

(6) On double-frontage lots whose rear yard abuts an arterial, collector or local street, a privacy fence, chain link fence, decorative fence, wall or hedge may be constructed or planted to a maximum height of six feet abutting the rear property line provided the fence, wall or hedge does not encroach into a platted landscape buffer, sight triangle, right-of-way or easement and there is no direct access to the arterial or collector road.

(7) In the front yard setback, fences shall not be placed any closer than six feet to the street right of way.

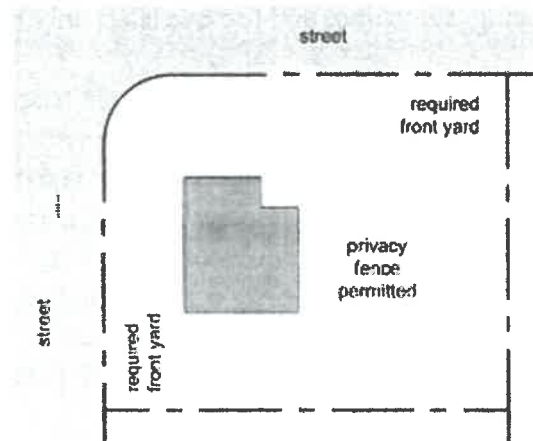
f. Fence Maintenance.

(1) All fences shall be maintained in their original upright condition.

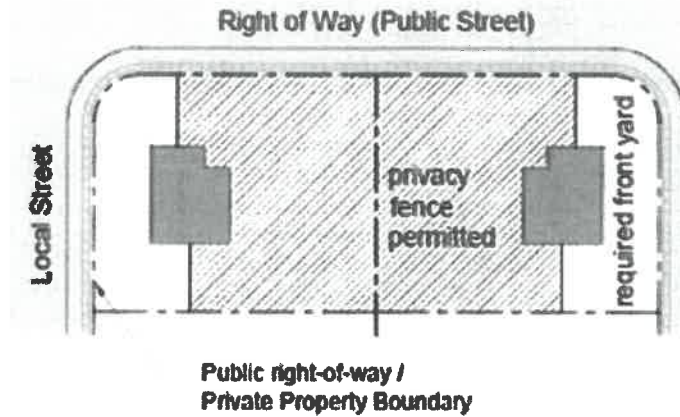
(2) Fences with a painted or similar surface finish shall be maintained in their original condition.

(3) Missing Boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

g. Nonconforming. Any fence legally erected prior to the date of adoption of this ordinance, and not in compliance with the provisions of this section, shall be considered a non-conforming structure. Repairs to a non-conforming structure are permitted, however where fifty percent or more of the linear length of an entire fence or fence section is being reconstructed or replaced, such fence or fence section shall comply with current adopted Municipal Code.



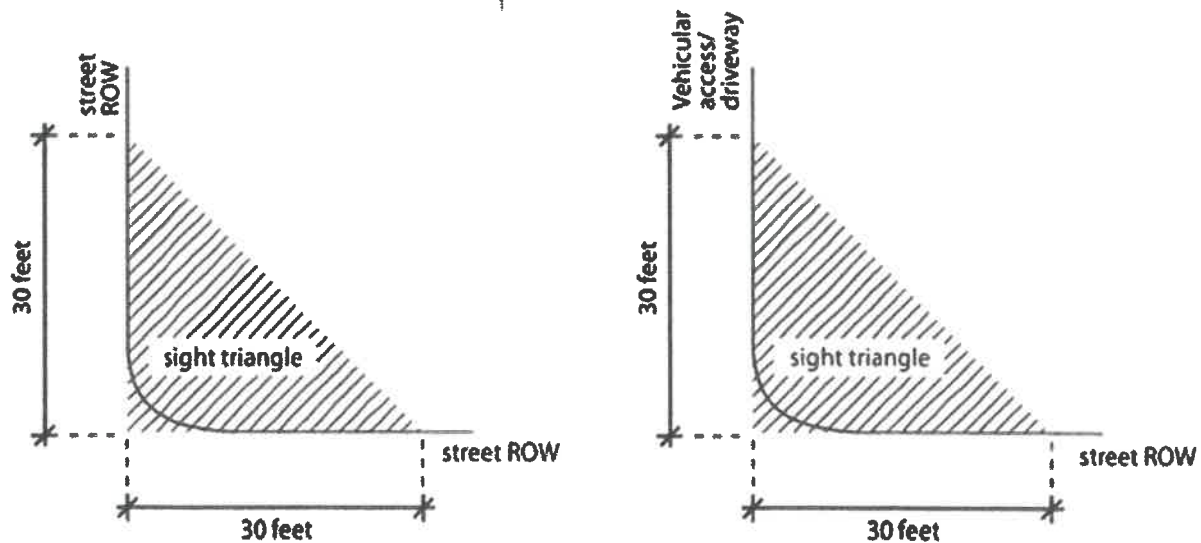
CORNER LOT FIGURE 1

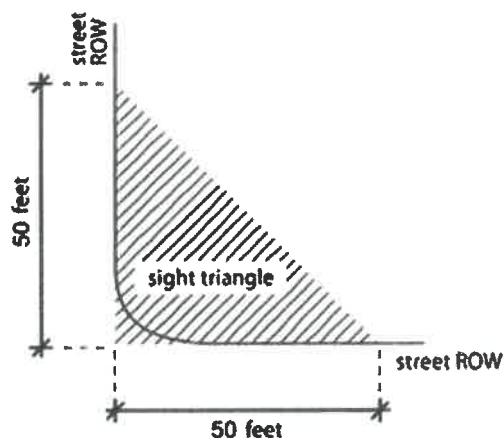


CORNER LOT FIGURE 2

h. SIGHT TRIANGLE

- (1) No sign, fence, wall, shrub or other obstruction with a height between two and eight feet shall be located in a sight triangle.
- (2) Sight triangles must be provided at all street intersections and the intersection of a vehicular access way or driveway and a street.
- (3) The sight triangle includes the area created by the street right-of-way lines extending 30 feet from their intersection. Where a street right-of-way intersects a vehicular access way or driveway, the sight triangle includes the area created by the street right-of-way line and the edge of the drive extending 30 feet from their intersection.
- (4) When an arterial street intersects another arterial street or railway, the sight triangle is increased to 50 feet from the intersection of the right-of-way lines.
- (5) The City of Harrisonville is authorized to trim, remove or order removal of structures, signs, landscaping, or other materials that violate this section.





5. *Additional Uses.* A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation, provided that the articles produced or constructed are not sold on the premises. Such additional uses as private swimming pools, gardens, customary pets, television and radio antennae not exceeding sixty (60) feet in height, signs as permitted by ordinance, parking areas, play equipment, and other similar uses shall be allowed. Any accessory use which exceeds ten (10) feet in height shall be located a distance inside the property line at least equal to one-third ($1/3$) its height.

6. *Storage Of Equipment, Vehicles, or Recreational Vehicles.*

- a. In any zoning district, parking or storage of vehicles is permitted only:
 - (1) On a driveway; or Inside a completely enclosed structure; or
 - (2) On a paved or impervious surface; or
 - (3) In the rear of the building.

The vehicle does not have to be upon a paved or impervious surface if it is shielded from public view.

- b. No vehicle may be parked or stored on the grass in the front yard area.
- c. No vehicle may be parked or stored in rights-of-way, unless parking is allowed, and rights-of-way areas are paved or approved gravel surfaces.
- d. No vehicle may be parked or stored in any public easement.
- e. Recreational vehicles may not be occupied within the City limits for living, sleeping, or cooking purposes for more than fourteen (14) days in a calendar year, unless approved by a special use permit.
- f. Off-street parking areas must be used solely for the parking of operable motor vehicles for patrons, occupants, or employees of the use to which the parking area serves.
- g. Stored vehicles or equipment shall not protrude into public property or obstruct sidewalks.
- h. No vehicle shall be parked or stored on an undeveloped lot.

- i. Exceptions may be granted with prior approval from the Code Enforcement Officer or Building Official.

7. Commercial Vehicle Parking In Residential Zones.

a. It shall be unlawful to park or store any commercial vehicle which is licensed for over twelve thousand (12,000) pounds on any street or highway or public or private property in any residentially zoned district within the City of Harrisonville, Missouri. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted in a residential zoned district. Other vehicles specifically prohibited from parking on any street or highway or public or private property in any residentially zoned district are: Flatbed trucks, dump trucks, utility wreckers, boom trucks, bucket trucks, tandem axle trucks, cab and chassis trucks. This does not preclude the parking of standard pickups. Exception: Limited parking is permissible during loading and unloading or during the time necessary to carry out a service upon property in the block the vehicle is parked, and the parking of construction vehicles on an active construction site is also permitted. A "*commercial vehicle*" is any motor vehicle used in or by a business in furtherance of the business or any vehicle licensed as a commercial vehicle.

b. The operation or use of a motor vehicle in violation of the provisions of this Section shall be prima facie evidence that said motor vehicle was at the time of such violation controlled, operated and used by the owner thereof.

c. If any vehicle is found in violation of any provision in this Section, the owner or person in whose name said vehicle is registered in the records of any City, County, or State shall be held prima facie responsible for such violation, if the driver thereof is not present.

8. *Districts "R-3" And "R-4"*. In the "R-3" and "R-4" Districts, permitted accessory uses are as follows: Parking areas, signs as permitted by ordinance, recreation areas including tenant used swimming pools and minor recreation buildings, trash collection enclosures, power generators, vending machines for tenant use and other similar uses.

9. *Districts "C-O" And "C-1"*. In the "C-O" and "C-1" Districts, accessory uses are as follows: Parking areas, signs as permitted by ordinance, vending machines, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, radio, television or microwave antennae not exceeding sixty (60) feet in height, flagpoles, cooling towers and other similar use.

10. *Districts "CBD-1", "CBD-2" And "C-2"*. In the "CBD-1", "CBD-2" and "C-2" Districts, permitted accessory uses are as follows: Parking areas, signs as permitted by ordinance, flood lighting and other similar uses. In "C-2", washing and other passenger car cleaning shall be permitted as an accessory use in service stations.

11. *Districts "M-1" And "M-2"*. In the "M-1" and "M-2" Districts, permitted accessory uses are as follows: Parking and loading areas, signs as permitted by ordinance, security and screen fencing, radio and microwave towers to heights as set out in this Chapter, gate house, loading equipment, employee recreation and other similar uses.

12. *Motor Hotels*. The following are accessory uses within a motor hotel: A restaurant, banquet rooms, liquor, notions and magazine counters, vending machines, beauty and barber shops, flower and gift shops, provided all are within the main building and designed to serve primarily the occupants and patrons of the motor hotel.

13. *Hospitals*. The following are accessory uses in connection with a hospital: Residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food service and vending machines, laundry and other similar services for hospital personnel, visitors and patients.

14. *Utility Buildings*. Outside storage of materials and equipment is an accessory use in connection with utility buildings, provided all outside storage is screened from view from off the premises. Any of the accessory uses listed in this Section may be specifically prohibited or further controlled by restrictions written into the special use permit prior to its being approved.

15. *Accessory Utility Facilities*. Accessory utility facilities shall be allowed in all districts only pursuant to the provisions of Section 405.551 of the City Code.

16. *Electric Vehicle Charging Stations*.

- a. Commercial electric vehicle charging stations, defined as an installation for the retail sales of electric vehicle charging services, and pursuant with Section 386.020(15)(c), RSMo., shall be permitted in any "R-4" Zoning District apartment complex, any "C" Zoning District or any "M" Zoning District.
- b. Individual privately owned or leased electric vehicle charging stations, defined as an installation for the sole use of the electric vehicle owner or lessee, shall be permitted in any zoning district.
- c. Commercial electrical vehicle charging stations shall be required, as any other retail sales business, to have a current City business license, pursuant to Chapter 605, Licenses, of the Municipal Code; and shall apply for a City commercial occupancy permit upon changes in ownership.
- d. Initial electric vehicle charging station installations, both commercial electric vehicle charging stations and individual electric vehicle charging stations, shall apply for a building permit for installation and construction, inspection, and final approval; and shall obtain approval for electric utility service from the City of Harrisonville Electric Department."

Section 12: That this Ordinance shall be in effect immediately upon its passage and approval.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 21ST OF FEBRUARY 2023
AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 21ST DAY OF
FEBRUARY 2023 AND PASSED BY THE BOARD OF ALDERMEN THIS 21ST DAY
OF FEBRUARY 2023.

AYES: Davidson, Doerhoff, Franklin, Mills, Reece, Zaring

NAYS:

ABSENT:

ABSTAIN:

EXCUSED: Milner, Turner



Judy Bowman, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:



Daniel Barnett, City Clerk

WITNESS my hand and seal this 21st day of February 2023.

ATTACHMENT I

Dimensional Standards								
District	Lot Width	Lot Area	Lot Depth	Front	Setbacks		Height	Lot Coverage
					Side	Rear		
A	350 ft.	5 Ac.	N/A	50 ft.	15 ft.	50 ft.	35 ft.	N/A
E	250 ft.	3 Ac.	N/A	50 ft.	20 ft.	50 ft.	35 ft.	N/A
R-1	75 ft.	8,500 sqft.	N/A	30 ft.	20 ft. total, 8 ft. min.	30 ft.	35 ft.*	35%
R-1B	50 ft.	5,000 sqft. Per family	100 ft.	25 ft.	5 ft.; 10 ft. on street side for corner lots	30 ft.	35 ft.*	35%
R-1M*	See Section 405.160.							
R-2	80 ft.*	8,500 sqft. For Single-Family; 6,000 sqft. For Two-Family Dwellings	N/A	30 ft.	20 ft. total, 7.5 ft. min.; 20 ft. on street side for corner lots	20 ft.	35 ft.	35%
R-2B	50 ft.	5,000 sqft. Per family	N/A	25 ft.	5 ft.; 10 ft. on street side for corner lots	30 ft.	35 ft.*	35%
R-3	N/A	4,000 sqft. Per Family	N/A	30 ft.	15 ft.	15 ft.	2 stories, plus basement	35%
R-4	N/A	3,000 sqft. Per 4 bedroom unit; 2,500 sqft. Per 3 bedroom unit; 2,100 sqft. Per 2 bedroom unit; 1,650 sqft. Per 1 bedroom unit	N/A	30 ft. plus 3 ft. for each story in excess of 4	15 ft.*	30 ft. for bldgs. Up to 4 stories; equal to height of bldg. for bldgs. In excess of 4 stories	No max. or min., governed by yard rqmts.	35%
C-O	N/A	N/A	N/A	35 ft.	15 ft.*	30 ft.	3 stories; up to 144 ft. in CP-O	85%
C-1	N/A	N/A	N/A	35 ft.	15 ft.*	15 ft.	3 stories	85%
CBD-1	N/A	N/A	N/A	0 ft.	0 ft.*	0-25 ft.*	3 stories; up to 12 stories in CBDP-1	95%
CBD-2	N/A	N/A	N/A	0 ft.	0 ft.*	0-25 ft.*	3 stories; up to 12 stories in CBDP-2	95%
C-2	N/A	N/A	N/A	35 ft.	15 ft.	15 ft.	3 stories; up to 12 stories in CP-2	85%
M-1	N/A	N/A	N/A	35 ft.	40 ft. total; 15 ft min.; 20 ft. on street side for corner lots or abutting a zoned residential lot	25 ft.	3 stories or 50 ft.; MP-1 or over 30 ac.	60%
M-2	N/A	N/A	N/A	25 ft.	10 ft.	20 ft.	150 ft.	80%

*Denotes additional requirements located within the text for that specific District's specific requirement.

Zoning Map



Attachment: 1805 Waters Rd BZA Packet 8-8-2023 (Appl. #VAR-23-004--Variance of Sec. 405.550.A.3.d(1)(a) for 1805 Waters Rd. PUBLIC

Aerial Map

3.C.a



Attachment: 1805 Waters Rd BZA Packet 8-8-2023 (Appl. #VAR-23-004--Variance of Sec. 405.550.A.3.d(1)(a) for 1805 Waters Rd. PUBLIC

0 85 170 340 US Feet



STAFF REPORT

TO: Board of Zoning Adjustments
FROM: Christina Stanton,
DATE: August 2, 2023
SUBJECT: Appl. #VAR-23-004--Variance of Sec. 405.550.A.3.d(1)(a) for 1805 Waters Rd. CONSIDERATION

Type of Item: *Public Hearing*

D. Action Item (ID # 4587)

Appl. #VAR-23-004--Variance of Sec. 405.550.A.3.d(1)(a) for 1805 Waters Rd.
CONSIDERATION