



**PLANNING & ZONING COMMISSION  
REGULAR MEETING AGENDA**

***October 12, 2022, at 6:30 P.M.***

***OPEN TO THE PUBLIC***

*Located in Grain Valley City Hall – Council Chambers  
711 Main Street – Grain Valley, Missouri*

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**ITEM I: CALL TO ORDER**

**ITEM II: ROLL CALL**

**ITEM III: PLEDGE OF ALLEGIANCE**

**ITEM IV: APPROVAL OF MINUTES**

- September 14, 2022 Regular Meeting

**ITEM V: CITIZEN PARTICIPATION**

- Citizens are asked to please limit their comments to two (2) minutes.

**ITEM VI: PUBLIC HEARINGS**

1. **City Code Chapter 400 Zoning Regulation Amendments-** A Resolution (2022-07) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended whereby a portion of Section 400.230 pertaining to Home Occupations is repealed and new Section 400.520 for Home Occupations is established for No Impact Home Based Businesses under the provisions of HB 1662, new state statutes effective August 28, 2022 that changes the ability of cities to regulate and control home-based occupations.

**ITEM VII: ACTION ITEMS**

1. **City Code Chapter 400 Zoning Regulation Amendments-** A Resolution (2022-07) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended whereby a portion of Section 400.230 pertaining to Home Occupations is repealed and new Section 400.520 for Home Occupations is established for No Impact Home Based Businesses under the provisions of HB 1662, new state statutes effective August 28, 2022 that changes the ability of cities to regulate and control home-based occupations.



**ITEM VIII: PREVIOUS BUSINESS**

- None

**ITEM IX: NEW BUSINESS**

- None

**ITEM X: ADJOURNMENT**

**PLEASE NOTE**

*The next scheduled meeting, if needed, of the City of Grain Valley Planning & Zoning Commission will take place on November 9, 2022, at 6:30 pm.*

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE MEETING SHOULD CONTACT THE CITY CLERK AT 816-847-6210 AT LEAST 48 HOURS BEFORE THE MEETING. UPON REQUEST, THE MINUTES FROM THIS MEETING CAN BE MADE AVAILABLE BY CALLING 816-847-6210.



# City of Grain Valley

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#### ITEM I: CALL TO ORDER

- The Planning & Zoning Commission of the City of Grain Valley, Missouri, met in Regular Session on September 14, 2022 in the Council Chambers at City Hall.
- The meeting was called to order at 6:30 PM by Chair Craig Shelton.

#### ITEM II: ROLL CALL

- *Present: Jim Hofstetter*
- *Present: Elijah Greene*
- *Present: Craig Shelton*
- *Present: Debbie Saffell*
- *Present: Scott Shafer*
- *Absent: Justin Tyson*
- *Absent: Kevin Browning*
- *Present: Rick Knox (BOA Liaison)*
- ***There was a quorum.***

#### ITEM III: PLEDGE OF ALLEGIANCE

#### ITEM IV: APPROVAL OF MINUTES

- Commissioner Saffell motioned to approve minutes from the August 10, 2022 meeting. Commissioner Shafer second the motion. The motion was approved by a vote of 5 to 0.

#### ITEM V: PUBLIC HEARINGS

1. **City Code Chapter 400 Zoning Regulation Amendment Section 400.230**- A Resolution (2022-05) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended in Section 400.230 (Accessory Uses) pertaining to fences by adding that a six-foot privacy fence constructed of wood, vinyl, composite, or plastic; (chain link or chain link with slats are prohibited) shall only be constructed on side and rear yards adjacent to designated collector and arterial streets in the City's Comprehensive Plan.
- Director Trosen presented the Staff Report. Resolution 2022-05 recommends to the Board of Aldermen that Chapter 400, Section 400.230 pertaining to fences be amended and that

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#### Commissioners Present

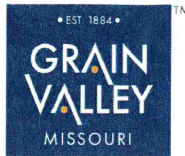
Craig Shelton  
Debbie Saffell  
Elijah Greene  
Jim Hofstetter  
Scott Shafer  
Rick Knox BOA Liaison

#### Commissioners Absent

Kevin Browning  
Justin Tyson

#### Staff Officials Present

Mark Trosen – CD Director  
Dick Tuttle – City Engineer  
Rich Wood – City Attorney



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a new section be added that only a six-foot, sight-obscuring, fence constructed of certain material be allowed along designated Collectors and Arterials in the City's Comprehensive Plan and chain link or chain link with slats are prohibited. Director Trosen showed photo example of fences.

- Michael Helt, 1609 NW Rust Road, appeared before the Commission and said that he has 650 feet of frontage along Duncan Road and about 1,000 feet of frontage along Rust Road. HE owns the property located at the southeast corner of Duncan Road and Rust Road. He said that he wants to install a four-rail fence someday and this amendment would prohibit that. He is opposed to this change of requiring a privacy fence especially with as much land as he has. He said right now he just has the posts.
- Commissioner Greene asked Mr. Helt on the Zoning Map if his property was the area in green, zoned District A (Agricultural). Mr. Helt said yes. Director Trosen said that the proposed zoning amendment pertains to properties that are zoned residential districts.
- Commissioner Hofstetter said that the problem is not the height or the material of the fence but the maintenance of existing fences. The vinyl clad chain link looks much better than the less maintained wood fences in the city.
- Nancy Helt, 1609 Rust Road, commented she drives by the wood fence on Duncan Road and that it does not look that good and it should not be the goal the city should be striving for.
- Commissioner Shafer made a motion to close the public hearing. Commissioner Greene second the motion. The motion was approved by a vote of 5 to 0.

#### 2. **City Code Chapter 400 Zoning Regulation Amendment – Section 400.460(G)-**

A Resolution (2022-06) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended in Section 400.460(G) to change the parking regulations in the Downtown Overlay District to allow an exception for the Transition Zone or to that portion of the Downtown Zone which lies south of Harris Street.

- Director Trosen presented the Staff Report. Resolution 2022-06 recommends to the Board of Aldermen that Section 400.460 in the Downtown Overlay District, an amendment be approved that allows two regulations be waived and allow parking between the building and the street and parking lots at the intersections in the Transition Zone and that portion of the Downtown Zone which lies south of Harris Street.

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**Commissioners Present**  
Craig Shelton  
Debbie Saffell  
Elijah Greene  
Jim Hofstetter  
Scott Shafer  
Rick Knox BOA Liaison

**Commissioners Absent**  
Kevin Browning  
Justin Tyson

**Staff Officials Present**  
Mark Trosen – CD Director  
Dick Tuttle – City Engineer  
Rich Wood – City Attorney





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- Chair Shelton asked if anyone was present that wanted to speak during the public hearing. No one came forward.
- Commissioner Shafer made a motion to close the public hearing. Commissioner Hofstetter second the motion. The motion was approved by a vote of 5 to 0.

#### ITEM VI: ACTION ITEMS

1. **City Code Chapter 400 Zoning Regulation Amendment Section 400.230-** A Resolution (2022-05) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended in Section 400.230 (Accessory Uses) pertaining to fences by adding that a six-foot privacy fence constructed of wood, vinyl, composite, or plastic; (chain link or chain link with slats are prohibited) shall only be constructed on side and rear yards adjacent to designated collector and arterial streets in the City's Comprehensive Plan.
  - Commissioner Saffell asked, using the Duncan Road example, looking at Woodbury and Duncan Road, you have curb, grass, trail, split rail that belongs to HOA and then privacy fence that belongs to property owner. She said what happens if this ordinance is approved, then what happens. Director Trosen said then either the HOA or the property owner would need to comply with the new ordinance and install a privacy fence and could not install the split rail fence.
  - Alderman Knox said that you are trying to get uniformity, but you are not going to get uniformity if you have wood, then vinyl and then wood again. Uniformity would be all vinyl for example like Overland Park.
  - Commissioner Hofstetter stated that the issue isn't height and uniformity of the fence but people maintaining their fences. He said that he has an issue putting a financial burden on people when telling them the type of fence to install. He said at the last meeting this came out of nowhere but since then he has had opportunity to check into it.
  - Commissioner Shafer said that either you want to look at the wood fence in the photo that has aged in different sections and discolored over the years or look at what is in the back yards. Unless you want to require everything must be a white vinyl fence.
  - Commissioner Shafer made a motion to approve Resolution 2022-05. Commissioner Greene second the motion. Commissioners Shafer, Hofstetter, Greene and Saffell voted no, and Shelton voted yes. The motion failed by a vote of 4 to 1.

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#### Commissioners Present

Craig Shelton  
Debbie Saffell  
Elijah Greene  
Jim Hofstetter  
Scott Shafer  
Rick Knox BOA Liaison

#### Commissioners Absent

Kevin Browning  
Justin Tyson

#### Staff Officials Present

Mark Trosen – CD Director  
Dick Tuttle – City Engineer  
Rich Wood – City Attorney



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2. **City Code Chapter 400 Zoning Regulation Amendment – Section 400.460(G)-**

A Resolution (2022-06) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended in Section 400.460(G) to change the parking regulations in the Downtown Overlay District to allow an exception for the Transition Zone or to that portion of the Downtown Zone which lies south of Harris Street.

- Commissioner Hofstetter made motion to approve Resolution 2022-06. Commissioner Shafer second the motion. The motion was approved by a vote of 5 to 0.

3. **Site Plan Review – Culver's** – Requesting site plan approval for Culver's since the location is in the Main Street Corridor – Transition Zone on the west side of Buckner Tarsney Road between Woodbury Drive on the north and Jefferson Street on the south. Lot 2A in the Mercado Plaza – Lots 1A, 2A and Tract E Minor Plat.

- Director Trosen presented the Staff Report. Staff questioned if there is an agreement or cross-access easement that will allow Culver's the ability to utilize this drive within Lot 1A when the lot is sold? The shared driveway was planned to be within the platted Tract E.
- Tyler Wysong with Kimley-Horn stated that the proposed drive on the north side will be moved to be within Tract E and that they will be providing a revised site plan to Staff.
- Commissioner Shafer asked about the interior drives and connectivity with Starbucks and Burger King. City Engineer Tuttle reviewed the overall development plan and explained the right-in, right-out Driveway on Buckner Tarsney Road. Tuttle also explained that he has set of plans to fix the issue with the medians and the developer will be fixing these issues.
- Chair Shelton asked about a traffic signal at Woodbury and Buckner Tarsney Road. City Engineer Tuttle said that this is a "thorn in his side". He said that with the number of traffic studies and the development that has occurred he has been trying to convince MoDOT that a signal is needed. MoDOT said that more accidents need to occur.
- Commissioner Saffell asked regarding the four signs and if that was something the Commission could approve. Trosen said no. Unless the ordinance is changed, only the Board of Zoning Adjustment could grant a variance to the regulation based on hardship.

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**Commissioners Present**

Craig Shelton  
Debbie Saffell  
Elijah Greene  
Jim Hofstetter  
Scott Shafer  
Rick Knox BOA Liaison

**Commissioners Absent**

Kevin Browning  
Justin Tyson

**Staff Officials Present**

Mark Trosen – CD Director  
Dick Tuttle – City Engineer  
Rich Wood – City Attorney





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- Chair Shelton asked about Lot 1A and the drive coming straight down. He said what is going to happen on the lot. Trosen responded that the lot is platted and zoned Transition Overlay which would allow a commercial use.
- Commissioner Greene asked what will be installed in the median areas in the parking lots, will it be rocks? The response from Culver's representative was no. The median areas will be sod or green cover with junipers, liriopse and sedums.
- There was discussion regarding the landscape materials on the southern portion of the lot and matching up to the Starbucks landscaping plan. The width of the southern area is approximately 4 ½ feet. The site plan from Starbucks was reviewed with the Culver's representatives.
- Commissioner Hofstetter made a motion to approve the Site Plan. Commissioner Shafer second the motion. Commissioner Greene commented that he was good with the site plan since they complied with the city requirements. Commissioner Saffell commented that she would like to see consideration for additional landscaping along the south property line. Chair Shelton would like to see that in a motion. The motion was approved by a vote of 5 to 0.

#### **ITEM VII: PREVIOUS BUSINESS**

- None

#### **ITEM VIII: NEW BUSINESS**

- 1) For Discussion Only - Governor Parsons has signed HB 1662, which makes changes to cities abilities to regulate and control home-based occupations. Review proposed ordinance that would amend the City's zoning regulations regarding home occupations.
- Attorney Wood said there are new state statutes that changes the city's ability to regulate home-based businesses and establishes no impact home-based businesses. He reviewed the draft ordinance.
  - Chair Shelton asked does this apply to HOA? Attorney Wood said this does not override an HOA deed restriction.
  - Commissioner Greene asked does city regulate through business license. Attorney Wood responded that we require an affidavit.
  - Chair Shelton said give us an example of where this change came from. Attorney Wood

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**Commissioners Present**  
Craig Shelton  
Debbie Saffell  
Elijah Greene  
Jim Hofstetter  
Scott Shafer  
Rick Knox BOA Liaison

**Commissioners Absent**  
Kevin Browning  
Justin Tyson

**Staff Officials Present**  
Mark Trosen – CD Director  
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said that this originated because a State Legislator from St. Louis, spouse was operating a home-based business illegally, CPA office.

- Director Trosen stated that a public hearing will be scheduled on this amendment at the October regular schedule meeting of the Commission.
- 2) Update on the Comprehensive Plan and Parks and Recreation Master Plan RFP – Consultant under Agreement, Confluence, Inc.
- Director Trosen provided an updated that the city has an agreement with Confluence, Inc., and that soon, we will schedule joint meetings with the Commission, Park Board and BOA to start working on these Plans. Director Trosen thanked Chair Shelton for serving on the interview and selection Committee.

#### **ITEM IX: ADJOURNMENT**

- Commissioner Shafer made a motion to adjourn the meeting. Commissioner Hofstetter second the motion. The Commission approved the motion by a vote of 5 to 0.

***-The Regular Meeting Adjourned at 7:54 PM-***

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#### **Commissioners Present**

Craig Shelton  
Debbie Saffell  
Elijah Greene  
Jim Hofstetter  
Scott Shafer  
Rick Knox BOA Liaison

#### **Commissioners Absent**

Kevin Browning  
Justin Tyson

#### **Staff Officials Present**

Mark Trosen – CD Director  
Dick Tuttle – City Engineer  
Rich Wood – City Attorney





## **STAFF REPORT**

### **Zoning Regulation Amendment – Section 400.230 – Home Occupations**

**October 12, 2022**

#### **ACTION:**

Requesting the Planning and Zoning Commission approve Resolution 2022-07 pertaining to amendment to Chapter 400 on the Zoning Regulations regarding Section 400.230 pertaining to Home Occupations.

#### **ANAYLSIS:**

The Missouri General Assembly has passed, and Governor Parsons has signed House Bill 1662, which makes sweeping changes to the ability of Missouri Cities to regulate and control home-based occupations.

Under the provisions of HB 1662, the City is prohibited from:

- limiting the hours of operation for any home-based business; or
- prohibiting or requiring any structural modifications as a condition of operating a home-based business; or
- prohibiting service by appointment within the home-based business; or
- prohibiting any particular occupation as a home-based business; or
- prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building.

Also, under the provisions of HB 1662, if a business qualifies as a “no-impact home-based business” the City is further prohibited from:

- Limiting the number of employees or customers in the business at any time except to the extent of the fire codes; or
- Requiring that the business activities occur only within the residence, although the city may prohibit activities that can be viewed from the street; or
- Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license.

Resolution 2022-07 contains the amendments to Section 400.230 that are needed to follow the recently adopted state statute pertaining to home based work and no-impact home-based business.

#### **PUBLIC INFORMATION AND PROCESS:**

Public notice was given in the Examiner on Saturday, September 24, 2022.

711 Main Street  
Grain Valley, MO 64029  
816.847.6200

[cityofgrainvalley.org](http://cityofgrainvalley.org)

**LIFE OUTSIDE THE LINES**

**RESOLUTION NO: 2022-07**

**A RESOLUTION OF THE PLANNING & ZONING COMMISSION OF THE CITY OF GRAIN VALLEY, MISSOURI, RECOMMENDING TO THE BOARD OF ALDERMEN THAT TITLE IV (LAND USE) OF THE CODE OF ORDINANCES BE AMENDED IN SECTION 400.230 (ACCESSORY USES) PERTAINING TO HOME OCCUPATIONS AND OTHER SECTIONS THAT MAY BE IMPACTED BY THESE AMENDMENTS.**

**WHEREAS**, the Missouri General Assembly has passed, and Governor Parsons has signed House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's Cities to regulate and control home-based occupations; and

**WHEREAS**, Under the provisions of HB 1662, the City of Grain Valley is prohibited from:

- A. limiting the hours of operation for any home-based business; or
- B. prohibiting or requiring any structural modifications as a condition of operating a home-based business; or
- C. Prohibiting service by appointment within the home-based business; or
- D. Prohibiting any particular occupation as a home-based business; or
- E. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building; and

**WHEREAS**, Under the provisions of HB 1662, if a business qualifies as a "no-impact home-based business" the City is further prohibited from:

- A. Limiting the number of employees or customers in the business at any time except to the extent of the fire codes; or
- B. Requiring that the business activities occur only within the residence, although the city may prohibit activities that can be viewed from the street; or
- C. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license; and

WHEREAS, the Planning and Zoning Commission of the City of Grain Valley, Missouri held a public hearing at 6:30 PM on Wednesday, October 12, 2022, to hear public comments on the proposed changes to Chapter 400.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF GRAIN VALLEY, MISSOURI, AS FOLLOWS, TO WIT:**

**Section One:** That a portion of Section 400.030 pertaining to the definition of "Dwelling" is hereby amended as follows with the struck through language representing language to be removed by virtue of this Ordinance:

## DWELLING

A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, but not hotels, house trailers or mobile homes.

**Section Two:** That Section 400.090(B) of the Code of the City of Grain Valley pertaining to R-3 Multi-Family Residential District is hereby amended in part, with boldened language reflecting the added language as follows:

B. In District "R-3," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses: (For exceptions, see Section 400.240, Conditional Uses; Section 400.271, Non-Conforming Uses; and Section 400.370, Board Of Adjustment — Power And Duties.)

1. Apartment houses or multiple dwellings.
2. Two-family dwellings.
3. Nursing homes, boarding and lodging houses.
4. Uses as permitted in Subsection (B)(2) through (8) in Section 400.070.

**Section Three:** That a portion Section 400.100(A) of the Code of the City of Grain Valley pertaining to R-4 Manufactured Home Residential District is hereby amended in part, with boldened language reflecting the added language as follows:

A. Manufactured Homes — In General.

1. In District "R-4," no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:
  - a. Single and multi-sectional manufactured homes.
  - b. Parks, playgrounds, community centers and non-commercial



recreational facilities.

c. Accessory uses as provided in Section 400.230

d. Additional Uses.

(1) Structures and uses required for the operation of a public utility, the performance of a governmental function, or the operation or maintenance of the manufactured home park.

(2) In manufactured home parks, recreational vehicles shall not be occupied as living quarters and manufactured home sales lots shall not be permitted, but manufactured homes may be sold on lots they occupy in residential use.

(3) Once manufactured home parks contain at least one hundred (100) manufactured home lots ready for occupancy, commercial and service establishments intended to serve only persons within the manufactured home park and occupying in total, including related parking area, not more than five percent (5%) of the area of the manufactured home park may be constructed.

2. Manufactured homes which do not bear a seal dated on or after June 15, 1976, shall not be permitted within the corporate limits of the City of Grain Valley.
3. Manufactured homes shall be permitted only in manufactured home parks.
4. Prior to the placement of a manufactured home for residential purposes within the corporate limits of Grain Valley, a permit for the manufactured home shall be issued by the City, subject to compliance with all provisions of the Zoning Ordinance and fees established for building permits.
5. A manufactured home shall not be temporarily or permanently parked, stored or occupied on any public street or alley, nor on any lot or parcel within the City of Grain Valley, except when in complete conformity to zoning and other applicable ordinances.

**Section Four.** That a portion Section 400.230 of the Code of the City of Grain Valley pertaining to Accessory Uses is hereby amended in part, with boldened language reflecting the added language and struck through language reflecting removed language as follows:

- A. private driveway or walk to provide access to premises in a non-residential district shall not be permitted in District "A," "R-1," "R-1A," "R-1B," "R-1C," "R-2," "R-3" or "R-4."
- B. Buildings or structures or uses which are necessary to the use permitted in one (1) district shall not be permitted in a district of a higher classification.
- C. The following shall be permitted as accessory uses customarily incident to uses permitted in District "A" through "R-4" and located on the same lot therewith.

**1. No-Impact Home Based Businesses as described in Section 400.520 of this City's Code.**

**1. Garages And Accessory Buildings. [Ord. No. 2565, 11-22-2021]**

- a. In a lot that does not exceed forty-three thousand five hundred sixty (43,560) square feet (1 acre) in size and lies within Districts "R-1," "R-1A," "R-1B," "R-1C," and "R-2," a detached garage, not exceeding twenty (20) feet or two (2) stories in height or in any case not higher than the main building, may occupy not more than thirty percent (30%) of a rear yard and not more than one thousand (1,000) square feet, whichever is smaller, and one (1) detached accessory storage building not in excess of two hundred fifty (250) square feet in area constructed in connection with the residential use of a property.
- b. In a lot that is at least forty-three thousand five hundred sixty (43,560) square feet (1 acre), but does not exceed one hundred thirty thousand six hundred eighty (130,680) square feet (3 acres) in size and lies within Districts "R-1," "R-1A," "R-1B," "R-1C," and "R-2," two (2) detached garages/accessory buildings not exceeding twenty (20) feet or two (2) stories in height or in any case not higher than the main building, may occupy not more than thirty percent (30%) of a rear yard and not more than two thousand four hundred (2,400) square feet per structure, whichever is smaller in area, constructed in connection with the residential use of a property.
- c. In a lot that is equal to or greater than one hundred thirty thousand six hundred eighty (130,680) square feet (3 acres) in size and lies within Districts "R-1," "R-1A," "R-1B," "R-1C," and

"R-2," two (2) detached garages/accessory buildings, not exceeding twenty (20) feet or two (2) stories in height or in any case not higher than the main building, may occupy not more than thirty percent (30%) of a rear yard and not more than five thousand (5,000) square feet per structure, whichever is smaller in area, constructed in connection with the residential use of a property.

- d. In "A" District, detached garages and agricultural accessory buildings are limited to thirty percent (30%) of the area of the rear yard. In no case shall a detached garage or accessory building be located closer to the front of the lot than the front of the house or, in the case of corner lots, no closer than the required building setback lines for the zoning district.
  - e. A garage or accessory building may be built not less than five (5) feet from a side lot line and not less than five (5) feet from the rear property line. Accessory buildings may not be placed on utility easements.
  - f. In a lot within Districts "R-1," "R-1A," "R-1B," "R-1C," and "R-2," the drives and parking areas for the new detached garage and detached accessory storage building shall be concrete.
  - g. With the exception of "M-1" or "M-2" Zoning Districts, inoperative vehicles may not be stored or repaired (other than in enclosed garages) on the premises.
2. A private stable will be allowed on a lot having an area of more than one (1) acre, provided that it is located not less than one hundred (100) feet from the front lot line nor less than thirty (30) feet from any side or rear lot line. On such lots, there shall not be kept more than one (1) horse, pony or mule for each forty thousand (40,000) square feet of lot area; provided, however, that where any such stable exists and/or animals as herein provided for are kept, the owner or keeper shall cause the premises to be kept and maintained so as to comply with all State, County and municipal sanitary and health regulations regarding same.
3. Temporary real estate sales offices, not located on in a No Impact Home Based Business property being sold and limited to period of sale.,

but not exceeding two (2) years without special permit from the Board of Aldermen.

4. When swimming pools, meeting rooms or shelter houses are constructed in parks or playgrounds, public or private, adequate off-street parking shall be provided with landscaping and screening as required in Section 400.280. Lighting shall be so arranged as to reflect away from adjoining residential properties.
5. Pools, saunas and jacuzzis having a depth of two (2) feet or more, provided the following conditions are met: [Ord. No. 2506, 6-8-2020]
  - a. Below-Grade Pools, Saunas and Jacuzzis.
    - 1) Below-grade uses and associated above-grade appurtenances (decks, equipment, etc.) shall be located behind the front building line and not less than ten (10) feet from any rear or side property line. In the case of corner lots, they shall not be less than twenty-five (25) feet from a front or street side property line and at least twenty (20) feet from a principal building on an adjoining lot.
    - 2) The area in which the below-grade use is located shall be entirely enclosed and separated from adjoining property by a protective fence or other permanent structure at least forty-eight (48) inches in height, measured from grade with open spaces between members not exceeding four (4) inches. Such protective enclosure shall be provided with gates equipped with self-closing and self-latching devices. Refer to the latest adopted edition of the International Residential Code for additional regulations and standards.
  - b. Above-Grade Pools, Saunas and Jacuzzis.
    - 1) Above-grade uses and associated appurtenances (decks, equipment, etc.) shall be located behind the front building line and not less than ten (10) feet from any rear or sideline. In the case of corner lots, they shall not be less than twenty-five (25) feet from a street side property line and at least twenty (20) feet from a principal building on an adjoining lot.



- 2) The area in which the above-grade use is located shall be entirely enclosed and separated from adjoining property by a protective fence or other permanent structure at least forty-eight (48) inches in height, measured from grade with open spaces between members not exceeding four (4) inches. Such protective enclosure shall be provided with gates equipped with self-closing and self-latching devices. Refer to the latest adopted edition of the International Residential Code for additional regulations and standards.

Exception: The above separate protective fence or other permanent structure need only be required around the area providing access to the swimming pool, sauna or jacuzzi when decking and railing, a minimum of at least forty-eight (48) inches in height, measured from the exterior grade, meeting the guardrail requirements of the Building Code, totally surrounds the swimming pool, sauna or jacuzzi.

- c. Adequate drainage facilities shall be provided for which the plans and specifications shall be approved by the Building Inspector.
  - d. All pools, saunas and jacuzzis shall comply with other applicable Building and Electrical Code regulations.
6. Temporary Recycling Drives. Occasional, temporary recycling drives sponsored by schools, churches or non-profit community groups shall be allowed as an accessory use in all zoning districts, provided:
- a. Containers are located on property in District "A" or Districts "C-1" through "M-2," inclusive, or church or school grounds.
  - b. Containers shall not remain at the location for a period of more fourteen (14) continuous days.
  - c. Such drives are not conducted at the same location more than four (4) times within a twelve (12) month period of time.
  - d. Activity is at least one hundred fifty (150) feet from any adjacent property zoned or used for residential purposes.

- e. Reverse vending machines are not used; and
  - f. The temporary facility is maintained in a clean, litter-free condition on a daily basis.
7. Reverse Vending Machine. One (1) reverse vending machine is allowed by right in Districts "C-2" through "M-2," inclusive, provided the machine:
- a. Does not obstruct required parking spaces.
  - b. Does not obstruct pedestrian or vehicular circulation.
  - c. Is maintained in a clean, litter-free condition on a daily basis.
  - d. Is illuminated to ensure comfortable and safe operation if operating hours are between dusk to dawn.
  - e. Is at least one hundred fifty (150) feet from any adjacent property zoned or used for residential purposes; and
  - f. Is located and/or soundproofed such that noise of the operation is imperceptible from the property line of property zoned or used for residential purposes.
8. Fences. Fences shall be constructed out of any of the following materials:  
[Ord. No. 2506, 6-8-2020]
- Wood or vinyl simulating wood.
  - Wrought iron or aluminum simulating wrought iron.
  - Masonry: stone, brick, concrete with stone or brick veneer, or precast concrete simulated stone or brick.
  - Composite or plastic; or
  - Chain link (in the rear and side yard only).
    - The above fences are permitted in all zoning districts, provided a building permit is obtained for a fee (see fee schedule) and the following conditions are met:
      - a. No fence shall be constructed that will constitute a traffic hazard.  
[See Section 400.220(C).]
      - b. No fence shall be located in the required front yard, except split rail and picket (wood or vinyl simulating wood, composite, or plastic) or wrought iron or aluminum simulating wrought iron, not to exceed four (4) feet in height and slats with a minimum of two-inch spacing.
      - c. A fence over (4) feet in height cannot extend in front of the front

surface of the residence and cannot be located closer than eight (8) feet to a street right-of-way on a corner lot.

- d. Fences shall be limited to the height of six (6) feet for side and rear yards in any zone, except "M-1" and "M-2" zoned areas which allow eight (8) foot fences. Fences over six (6) feet must meet the requirements of the Building Code.
  - e. All fences shall be constructed with a finished surface facing outward from the property. Any posts or support beams shall be inside the finished surface or designed to be an integral part of the finished surface.
  - f. Fences for security in non-residential districts or fences around recreation amenities such as tennis courts or pools may be exempt from the location, height, and material standards by the Director of Community Development.
  - g. Any fence proposed across a drainage way or drainage easement shall require review and approval by the Director of Community Development.
  - h. Barbed wire and electric fences are not permitted except in agricultural zoning districts and as identified in this Section.
  - i. Barbed wire is permitted in "M-1" and "M-2" zoning districts only on brackets over six (6) feet fences, for security purposes.
- D. The following uses are permitted as temporary uses for the time period specified and, in the zoning, district specified:
- 1. Christmas Tree Sales. Christmas tree sales are permitted in any commercial or industrial zoning district for a period not exceeding sixty (60) days prior to Christmas. Display must be on private property. Trees shall not be displayed within thirty (30) feet of the intersection of any two (2) streets.
  - 2. Contractors' offices and equipment sheds and trailers which are accessory to a construction project are permitted during the duration of such project.
  - 3. Real estate offices are permitted as an accessory incidental use for residential developments. The use is permitted within a model home or dwelling unit that is not occupied or in a temporary structure set up for a

real estate office. Such temporary structure must comply with all setback requirements and provide paved off-street parking facilities. Such use may continue only until the sale of all properties within the development as long as the office is occupied and staffed a minimum of four (4) days per week.

4. Sales of farm produce grown on the premises is permitted in agricultural, commercial, and industrial zoning districts.
5. Carnivals, circuses, and fairs are permitted in commercial and industrial zoning districts for a time period not exceeding three (3) weeks.
6. Garage or yard sales are permitted in any zoning district, provided that such use shall not exceed three (3) consecutive days in duration, nor shall it occur more than two (2) times in a year at any location.

**Section Five.** There is hereby enacted in Section 400.520 of the Code of the City of Grain Valley, to read as follows:

**Section 400.520 HOME OCCUPATIONS**

- A. **Permitted in Residential Districts, when—No Impact Home Based Businesses shall be permitted in all residential districts and in accordance subject to the restrictions and limitations of this Chapter. No other businesses may be operated in a residence at any time. The term ‘home occupation’ when used in this Code shall be interpreted to mean home-based business.**
- B. **Definitions—As used in this Chapter, the following terms shall have the meanings provided below:**
  1. **“Goods”, any merchandise, equipment, products, supplies, or materials.**
  2. **“Home Based Business”, is a business operating 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.**
  3. **“No Impact Business” means a home-based business that:**
    - a. **Is engaged in the sale of lawful goods and services; and**
    - b. **Does not cause a substantial increase in traffic through the**



residential area; and

- c. The activities of the business are not visible from any public street; and
- d. Does not use any equipment that produces noise, light, odor, smoke, gas, or vibrations that can be seen, felt, heard, or smelled by a person of ordinary senses outside of the property where the business is located; and
- e. Does not sell any goods or services for which a health inspection would be required if the business were not located in a residence unless the owner or tenant provides written consent for the Department of Health to inspect the business during normal business hours or at any other time the business is operating.

C. Restrictions and Limitations.

- 1. A No Impact Home Based Business must be incidental and subordinate to the principal residential use of the premises and shall not change the residential character of the surrounding neighborhood. This provision shall not be interpreted as allowing an accessory building, accepted by the usual permitting process for accessory buildings.
- 2. The owner or operator of the No Impact Home Based Business must be an owner or tenant of the residence and must reside at the residence.
- 3. The owner or operator of the No Impact Home Based Business may employ others to work in the No Impact Home Based Business.
- 4. The home occupation may be conducted in an existing detached accessory building that existed at the time this Section was adopted. A new accessory building shall not be constructed to a house a home occupation.
- 5. Outdoor storage of materials or equipment used in the home occupation shall not be permitted.
- 6. Alterations to the exterior of the principal residential building shall not be made which change the character of the residence.
- 7. One sign, compliant with Section 400.300 of the City's Code will be

allowed. Signs must be properly maintained.

8. The owner or operator must provide adequate parking for the No Impact Home Based Business. Parking for the No Impact Home Based Business may include the driveway or garage of the residence, or a paved parking area located behind the front plane of the residence. Adequate parking may also include parking on the street as long as:
  - a. Parking is limited to the side of the street the No Impact Home Based Business is located on, between the lot lines of the residence, if parking at that location is otherwise lawful.
  - b. If the owner, operator, family members of the owner or operator, employees, clients, or customers routinely park in other locations on the street(s) adjoining the residence, the business shall not be considered a No Impact Home Based Business. For the purposes of this section, the term 'routinely' shall mean more than twice in a given seven-day period.
9. The total number of persons in the home, including residents, customers, clients, employees, and all others may not exceed the maximum occupancy of the residence at any time.

**D. Licenses and Permits**

1. No permit shall be required to impact a No Impact Home Based Business, however, a business operating in a residence shall be presumed not to qualify as a No Impact Home Based Business unless the owner or tenant provides an affidavit, on a form approved by the City Clerk stating that the business in question is qualified. No fee shall be charged for the filing of such an affidavit. The affidavit shall contain at a minimum, the following:
  - a. The name of the owner or tenant.
  - b. The address of the residence.
  - c. The general nature of the business, including whether the business is subject to health inspections. If the business is subject to health inspections, the affidavit must have

consent for inspections attached.

- d. The maximum occupancy of the residence and a statement that the maximum occupancy will not be exceeded. It shall be the duty of the affiant to obtain this number from the fire department and provide proof of the same with his or her affidavit.
- e. That the business qualifies as a No Impact Home Based Business.
- f. A statement that the affiant is familiar with the provisions of this Chapter and will comply with the same.

- 2. For purposes of ensuring that the business activity is compliant with state and federal law and paying applicable taxes, No Impact Home Based Businesses and other home occupations shall be required to have a business license.

- E. Penalties—Any person who operates a business in violation of this Section shall, upon conviction, be subject be punished in accordance with the provisions of Section 100.110 of this Code of Ordinances. Each day of violation shall be considered a separate offense.

**SECTION 2.** That this Resolution shall be in full force and effect immediately upon its execution by the Planning & Zoning Commission of the City of Grain Valley, Missouri.

**PASSED AND APPROVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF GRAIN VALLEY, MISSOURI, THIS 12<sup>th</sup> DAY OF OCTOBER 2022.**

\_\_\_\_\_  
Craig M. Shelton  
Chairman

ATTEST:

\_\_\_\_\_  
Jamie Logan, City Clerk

# THE EXAMINER

## AFFIDAVIT OF PUBLICATION

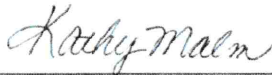
AFFIDAVIT OF PUBLICATION: #457420

STATE OF MISSOURI, COUNTY OF JACKSON, SS:

Kathy Malm

I, Kathy Malm, of lawful age, being duly sworn upon oath, deposes and says that I am the Authorized Agent of Examiner, a publication that is a "legal newspaper" as that phrase is defined for the city of Independence, for the County of Jackson, in the state of Missouri, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

24 Sep 2022



Authorized Agent



Notary, State of MN, County of Redwood  
Commission expires January 31, 2025

Printer's Fee: \$37.40



## CITY OF GRAIN VALLEY PLANNING AND ZONING COMMISSION PUBLIC HEARING

The Grain Valley Planning and Zoning Commission will hold a public hearing at 6:30PM on Wednesday, October 12, 2022, at City Hall in Council Chambers, 711 Main Street, Grain Valley, Missouri to receive input concerning the following request:

1. **City Code Chapter 400 Zoning Regulation Amendments-** A Resolution (2022-07) recommending to the Board of Aldermen that Title IV (Land Use) of the Code of Ordinances be amended whereby a portion of Section 400.230 pertaining to Home Occupations is repealed and new Section 400.520 for Home Occupations is established for No Impact Home Based Businesses under the provisions of HB 1662, new state statutes effective August 28, 2022 that changes the ability of cities to regulate and control home-based occupations. All interested parties are encouraged to attend.

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