

PLANNING & ZONING MEETING
ASHLAND, MO 65010
TUESDAY OCTOBER 11, 2022
ASHLAND MUNICIPAL CENTER COMMUNITY ROOM

AGENDA

Call the Regular Meeting to Order at 7:00 PM.

Approval of the Agenda for October 11, 2022.

Approval of the Previous Minutes of August 9, 2022.

Public Comments:

Old Business:

1. Article VI Home Occupation

New Business:

Discussion/Reports:

If you are unable to attend, please call Ashland City Hall at 573-657-2091 or e-mail lmartin@ashlandmo.us

Leslie Martin
Administrative Assistant

Posted October 5, 2022 @ 10:30 a.m.

PLANNING AND ZONING MEETING
ASHLAND, MO. 65010
TUESDAY, AUGUST 9, 2022
DRAFT NOT APPROVED BY BOARD

1. REGULAR MEETING:

Chairman Sapp called the meeting to order August 9 , 2022 at 7:00 p.m. Commissioners in attendance were Jeff Sapp, Cynthia Wills, Jerrod Bryan, Scott Dooley, Cory Bergthold and Nicki Rinehart

Commissioners absent:

City Staff Present: Building Inspector Darin Ratermann, Mayor Dorise Slinker, Administrative Assistant Leslie Martin, and Todd Smith City Attorney

Guests: Mike Goins-TMG Construction Management, Mike Frese, and Tony Lovasco-State Representative

2. Approval of Agenda:

Chairman Sapp called for a motion to approve the August 9 , 2022 agenda.

Commissioner Bryan made a motion to approve the August 9 , 2022 agenda, seconded by Commissioner Bergthold. Motion carried.

3. Approval of Previous Minutes:

Chairman Sapp called for a motion to approve the previous minutes dated June 14, 2022. Motion made by Commissioner Bryan to approve the previous minutes as presented dated June 14, 2022, seconded by Commissioner Wills. Motion carried.

4. Public Hearing:

Amend Chapter 9, Planning and Zoning, of the Code of City of Ashland, adding Article VI Home Occupation- Todd Smith, City Attorney, gave a staff report and stated this will come into effect in late August. He stated that he and his firm drafted this ordinance with certain provisions. Tony Lovasco, State Representative, gave feedback on the ordinance that Todd and his firm came up with. He stated he had a few points he wanted to touch on. He stated those areas were: the limitation on the percentage of floor area, max occupancy to be required to be checked by the fire department, regulating things that might be hazardous, requiring an affidavit, and the business license requirement. Commissioner Wills questioned about

advertising she stated the code says you can tell them they can not have a sign. Commissioner Rinehart asked what the definition of the home business is.

Sara Walsh, State Representative stated some of the proposed ordinances seems to have gone too far. She also wanted to thank the committee for their service and serving Ashland.

5. Public Comments:

6. OLD BUSINESS:

7. NEW BUSINESS:

A. Taco Bell Site Plan - Darin Ratermann, Building Inspector, gave the staff report. Motion made by Commissioner Bryan and seconded by Commissioner Bergthold. Commissioner Bergthold questioned if this meets the city code due to the detention issue. Mike Goins, TMG Construction Management general contractor stated he thought it was part of the master plan that this lot had the proper detention but they are willing to look back at it and reconfigure. He asked Darin Ratermann, Building Inspector, about the reconfiguring for detention and what lots it covers. Chairman Sapp stated that he thinks that a traffic study should be done again because it would not have included the growth that is there now. Commissioner Bryan is concerned with how people are supposed to cross over the overpass. Commissioner Dooley stated the design is not intended to go over the overpass. He stated people can cross over at their own risk. Commissioner Bryan stated he is concerned this is keeping the East going to the West and Vis versa. Commissioner Bergthold stated the north side looks like there would be an area of ponding and the grading needs to be looked. Commissioner Bergthold made a motion to amend the motion and to approve when storm water requirements/improvements meet city code, and seconded by Commissioner Wills. Commissioner Dooley asked the city attorney if they should wait and bring this back to the board to look at again before approving. Commissioner Bryan asked if they are on a certain timeline. Mike Goins, TMG Construction Management, stated yes they are wanting to be operating by the end of the year. Roll call vote was taken on motion, Commissioner Wills-yes, Commissioner Dooley-no, Commissioner Bryan-no, Commissioner Bergthold-yes, Commissioner Rinehart-yes. Roll call vote was taken on amended motion, Commissioner Wills-yes, Commissioner Dooley-no, Commissioner Bryan-no, Commissioner Bergthold-yes, Commissioner Rinehart-yes. Motions carried.

B. Article VI Home Occupation- Motion made by Commissioner Bergthold and seconded by Commissioner Rinehart. Commissioner Dooley stated to table until the changes are made that were suggested by the state representatives. Todd Smith, city attorney, stated he will do whatever the board wants him to do by making the changes or to keep how it is. Commissioner Wills had questions about the affidavit and what the purpose for having it was. He stated it is giving some control for the city to know what businesses are operating in the city. He also stated the affidavit

will help the city know more of what is going on without violating the statute. Commissioner Bergthold asked if there is a reason the wording doesn't match. Todd Smith stated every city will have to come up with their own ordinance and you cannot just take the statute and use the exact wording. The board had a discussion about the ordinance and what should be in it or not and to approve or not. Chairman Sapp stated he thinks it should follow closer with what the state statute says and be less restrictive. Mike Frese, 5575 Charlotte, stated the current business license is not being enforced. He also stated there is a file that can be uploaded on what business are operating in the city through the state website. He stated this should be tabled. Commissioner Bergthold asked if the sign allowance is in compliance with the city sign code. He stated he doesn't really like the thought of the affidavit. He stated he doesn't feel like there should be restrictions on floor area. Commissioner Rinehart asked how the floor area would be enforced. Commissioner Bergthold made a motion to table, and seconded by Commissioner Bryan. Roll call vote was taken; Commissioner Wills-yes, Commissioner Dooley-yes, Commissioner Bryan-yes, Commissioner Bergthold-yes, Commissioner Rinehart-yes, Motion carried to table.

8. DISCUSSION:

9. Mayor's Report:

None

10. City Administrator's Report:

None

11. Building Department's Report:

None

12. Alderman Liaison's Report:

None

13. Commissioners' Report:

Commissioner Bryan - asked about paper packets due to the board being made up of volunteers

Commissioner Bergthold - none

Commissioner Wills - none

Commissioner Sapp - none

Commissioner Dooley - asked if the Public Works Department can go and repair a hump at West Oaks and Marina because it exploded.

Commissioner Rinehart - none

Chairman Sapp called for a motion to adjourn the August 9, 2022, Planning and Zoning Meeting. Commissioner Bergthold made a motion to adjourn the August 9, 2022, Planning and Zoning Meeting seconded by Commissioner Dooley. Motion carried. Meeting adjourned at 8:46 pm.

Minutes prepared by Leslie Martin

DRAFT

IN THE CITY OF ASHLAND, MISSOURI

BILL NO. 2022-023

ORD. NO. _____

**AN ORDINANCE REVISING AND AMENDING THE CITY’S
ORDINANCES REGARDING HOME OCCUPATIONS.**

WHEREAS, the Missouri General Assembly has passed, and Governor Parson 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 Ashland 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 language of this Bill has been submitted to the Planning and Zoning Commission, which, after conducting a public hearing on the same which was properly noticed, has recommended that the Board of Aldermen amend the Zoning Code of the City of Ashland as provided herein; and

WHEREAS, The Board of Aldermen has conducted a public hearing on this matter in compliance with Chapter 89 RSMo.;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Ashland, as follows:

Section One: Sections 9.342 of the Code of the City of Ashland are hereby repealed.

Section Two. There is hereby enacted in Chapter 9 of the Code of the City of Ashland, one new Article, to read as follows:

ARTICLE VI. HOME OCCUPATIONS

Section 9.600 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 business 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.

Section 9.610 Definitions

As used in this Chapter, the following terms shall have the meanings provided below:

- (B) "Goods", any merchandise, equipment, products, supplies, or materials;
- (C) "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.
- (D) “No-Impact Business” means a home-based business that:
 - (1) Is engaged in the sale of lawful goods and services; and
 - (2) Does not cause a substantial increase in traffic through the residential area; and
 - (3) The activities of the business are not visible from any public street; and
 - (4) 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
 - (5) 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 that the business is operating.

Section 9.620 Restrictions And Limitations.

- (E) 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.
- (F) The owner or operator of the No-Impact Home-Based Business must reside at the residence.
- (G) The owner or operator of the No-Impact Home-Based Business may employ others to work in the No-Impact Home-Based Business.
- (H) The home occupation may be conducted in an existing detached accessory building that existed at the time this Chapter was adopted.
- (I) Outdoor storage of materials or equipment used in the home occupation shall not be permitted.
- (J) Alterations to the exterior of the principal residential building shall not be made which change the character of the residence.
- (K) 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 so long as:
 - (1) 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.
 - (2) 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.
- (L) 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.

Section 9.630 Licenses and Permits.

- (1) No permit shall be required to operate a No-Impact Home-Based Business, however,.
- (M) Businesses operated in a residence which do not qualify as a No-Impact Home-Based Business must have a conditional use permit from the Planning and Zoning Commission.

Section 9.640 Penalties

Any person who operates a business in violation of this Article shall, upon conviction, be subject to a fine of not less than \$100.00 and up to ninety (90) days in jail or both. Each day of violation shall be considered a separate offense.

Section Three. All other code sections and ordinances which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section Four. This Ordinance shall be in full force and effect upon final passage and approval.

FIRST READING BY THE BOARD OF ALDERMEN THIS _____ DAY OF _____, 2022.

SECOND READING AND FINAL PASSAGE BY THE BOARD OF ALDERMEN THIS _____ DAY OF _____, 2022

Approved:

_____ Date: _____
Dorise Slinker, Mayor

Attest:

Darla Sapp
City Clerk

Approved as to form:

Nathan M.Nickolaus, City Attorney