



## Board of Aldermen Request for Action

**MEETING DATE:** 9/20/2022

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2960-22, Amending Outdoor Storage - 2<sup>nd</sup> Reading

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### **REQUESTED BOARD ACTION:**

A motion to read Bill No. 2960-22 for Second Reading by Title Only to amend provisions of the zoning code pertaining to Outdoor Storage in commercial districts.

### **SUMMARY:**

The ordinance would change the zoning to allow outdoor storage in certain commercial districts where all outdoor storage is currently banned.

### **BACKGROUND:**

The zoning code was amended in 2013 and it was decided to eliminate outdoor storage provisions in commercial districts and require it to be inside buildings in most cases. In order to treat businesses in each district equally and appropriately, changes to the code would be required. Staff researched the history of the various changes to the zoning code since its inception in 1966 and found numerous changes to the code over time. After the first public hearing in July, the Planning Commission discussed certain changes to address outdoor storage if the storage was properly screened with sight-obscuring fencing or other means. Staff continued its research while preparing the proposed draft for the Commission and discovered certain enforcement issues that required additional Commission discussion and input at the August meeting. Staff then drafted an ordinance addressing all the discussion points, and advertised for a second public hearing on the matter. At the September 13, 2022 meeting, a public hearing was again conducted and the Commission voted to recommend the changes and made its formal statement on the reasons. The Commission's statement is attached to the ordinance as Exhibit A.

### **PREVIOUS ACTION:**

The regulations concerning outdoor storage have been created, modified and amended numerous times over the previous 50 years, including the new zoning code adopted in 2013.

### **POLICY ISSUE:**

Improves the climate for businesses to operate in the commercial and industrial districts.

### **FINANCIAL CONSIDERATIONS:**

None

**ATTACHMENTS:**

- |  |                                   |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance  | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution  | <input type="checkbox"/> Plans    |
| <input checked="" type="checkbox"/> Staff Report   | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Planning and Zoning meeting is available for viewing online |                                   |

**BILL NO. 2960-22**

**ORDINANCE 31XX-22**

**AN ORDINANCE AMENDING SECTIONS OF CHAPTER 400, THE ZONING CODE RELATED TO OUTDOOR STORAGE.**

**WHEREAS**, the Planning Commission advertised and held a public hearing on July 12, 2022, and again for a public hearing on September 13, 2022 related to potential changes to outdoor storage in the commercial and industrial zoning districts; and

**WHEREAS**, following the public hearings, the Planning and Zoning Commission provided its' statement on the outdoor storage code amendments attached hereto as Exhibit "A" and recommended the approval of this ordinance; and

**WHEREAS**, the Smithville Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said amendments to provide for outdoor storage that is both beneficial to the businesses involved and the public.

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

SECTION 1. Chapter 400 of the Code of Ordinance is amended by adding the following new provisions:

*(B-1 Districts)*

§400.155.B.7

No outdoor storage except the display of merchandise for sale to the public, but only when the business is open and only during daylight hours.

*(B-2 and B-3 districts)*

§400.160.B.7 and §400.165.B.8

No outdoor storage except the display of merchandise for sale to the public, except outdoor storage completely enclosed in proper storage screening.

*(B-4 district)*

§400.170.B.8

No outdoor storage except the display of merchandise for sale to the public during business hours, except outdoor storage completely enclosed in proper storage screening.

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

**BE IT REMEMBERED** that the above was read two times, by title only, **PASSED AND APPROVED** by a majority of the Smithville Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri this 4<sup>th</sup> day of October, 2022.

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Damien Boley, Mayor

ATTEST

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Linda Drummond, City Clerk

First Reading: 9/20/2022

Second Reading 10/04/2022

## **EXHIBIT A**

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

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

1. These changes are consistent with the intent and purpose of these regulations.
2. The areas of the city which are most likely to be directly affected by these changes are those zoned commercially, and these properties will be affected by the new provisions for outdoor storage behind storage screening where it is currently completely prohibited.
3. This amendment is made necessary as a result of significant investment in commercial construction and the commercial development of the city, as well as the evolving nature of the districts.

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Planning and Zoning Commission Chair



<b>Date:</b>	September 6, 2022
<b>Prepared By:</b>	Jack Hendrix
<b>Subject:</b>	Outdoor Storage Ordinance and Findings

The attached Outdoor Storage Ordinance and Findings represent my understanding of the general consensus of the Commission at the August meeting. This ordinance specifically adds new storage provisions to the B-1, B-2, B-3 and B-4 districts that had been removed in 2013. These provisions also delineate different treatment for the B-1 district from those of the B-2 and B-3 districts, as well as a different treatment in the B-4 district. No changes are included in the two industrial districts, for reasons explained herein.

First, the B-1 districts are those districts that are most likely to be incorporated into residentially zoned districts, so the proliferation of outdoor storage would become problematic in the future. There was a consensus that products for display for sale to the public could be allowed, but concerns about the length of time that were presented. To address those comments, staff drafted the current provision specifically to allow display of merchandise, but with two additional restrictions: That such outdoor display of merchandise can only occur during business open hours, and that no such outdoor display of merchandise can occur outside the daylight hours. The second provision is recommended to address the potential 24-hour operations. If in the future a Conditional Use Permit was issued for a gas station, there would be a chance that the specific additional condition of outdoor storage could be lost if the establishment was authorized for 24-hour operations.

Second, the B-2 and B-3 districts were given the same treatment because of their lower likelihood of being adjacent to residential districts. These districts currently have no provision for outdoor storage, so this change opens the opportunity for storing items outdoor and allows for product to be displayed outdoors at all times. If there was a limitation on the display of merchandise provisions here, there would be a significant impact to automobile and farm/home equipment dealers.

Third, the B-4 district was given similar treatment as the B-2 and B-3 districts except for permanent display of merchandise is limited to business hours. Given the close proximity to residential uses, as well as the increasing pedestrian activity, this limited restriction meets the public welfare requirements.

Lastly, the current I-1 and I-2 provisions allow for "the outdoor storage of manufactured materials or products provided all outside storage is screened from any public right-of-way." There is no provision for display of merchandise due to the

limitation of retail activities in the industrial district related to the building itself. Allowing merchandise display could effectively eliminate the purpose of limiting retail activity in the industrial districts. Again, the I-2 district gains this same authority through the inclusion of all uses in the I-1 district. These provisions also limit the storage screening requirements to just from the public rights of way.

In order to move this to the Board, a recommendation and findings are required. Here is a staff draft of a compliant findings document. If there are suggested changes, it should be through the suggestion of an amendment, a second and a vote.

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