

**AN ORDINANCE AMENDING CHAPTERS 225, 400 AND 475 OF THE MUNICIPAL CODE OF THE CITY OF PARKVILLE TO ADDRESS OUTDOOR STORAGE AND DISPLAYS.**

WHEREAS, all required notifications have been published and posted, and all required public hearings on this matter have been held;

WHEREAS, the Planning & Zoning Commission has reviewed, considered and recommended the above-referenced amendment. At its December 9, 2014 meeting, the Planning & Zoning Commission held a public hearing. The Commission concluded that the proposed text amendments are appropriate to address common issues and concerns related to outdoor storage and displays and are consistent with the City's goals, objectives and priorities. The Commission unanimously recommended approval of the proposed amendment subject to conditions which are incorporated herein by a vote 8 to 0; and

WHEREAS, the Board of Aldermen concurs with the Planning Commission's conclusions and accepts their recommendation;

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

SECTION 1. Parkville Municipal Code, Title IV, Chapter 400, Section 400.030, is here by amended to include the following definitions:

**DISPLAY AREA, OUTDOOR:** See Outdoor Display Area.

**DUMPSTER.** A large container designed and used for storage of items to be thrown away, refuse, rubbish, trash, garbage, junk and/or debris until a regularly scheduled pickup. Such container is generally used for non-residential or multi-family residential occupancy, but is also used for temporary non-residential and residential projects.

**DUMPSTER, TEMPORARY.** A large container designed and used for storage of items to be thrown away, refuse, rubbish, trash, garbage, junk and/or debris for a period of time corresponding to a particular task or project. Such container is typically rented or leased to owners or occupants of property for their temporary use and is typically delivered and removed by truck. This term shall not be interpreted to refer to a trash can, trash container or a dumpster that is stored on a more permanent manner on the property and from which trash is collected on a recurring basis.

**STORAGE.** The placement of goods, materials or personal property for more than two (2) consecutive days or any part of two (2) consecutive days.

**STORAGE, ACCESSORY.** Storage that is incidental, subordinate or secondary in area, extent and purpose and customarily associated with to a permitted primary use on the same lot as the principle or primary use or structure to which it is related.

**STORAGE, OPEN.** See Storage, Outdoor.

**STORAGE, OUTDOOR.** The keeping or storage of any goods, items, materials, or merchandise outside a wholly enclosed building.

**OUTDOOR DISPLAY.** The placement, display, sale, advertisement or other offering of goods, merchandise or services, outside a wholly enclosed building.

**OUTDOOR DISPLAY AREA.** The area approved for temporary or routine placement, display, sale, advertisement or other offering of goods, merchandise or services, outside a building.

**MATERIALS, BUILDING.** Materials which are generally essential to the construction of buildings or structures, including lumber, concrete, bricks, roofing materials, siding, plumbing, heating and electrical equipment, windows, doors, insulation, landscaping supplies, and similar materials customarily associated with building construction.

**MATERIALS, CONSTRUCTION.** Materials which are generally essential to the construction of public or private improvements, including lumber, concrete, gravel, bricks, asphalt, stone, rock, masonry, bar, pipe, posts, fencing and similar materials customarily associated with building construction.

**PORTABLE STORAGE CONTAINER.** Any portable container designed and used for personal property or similar storage. A portable storage container is typically rented or leased to owners or occupants of property for their temporary use and is typically delivered and removed by truck, but shall include any and all portable containers regardless of ownership, delivery or removal method.

**TEMPORARY DUMPSTER.** See Dumpster, Temporary.

**SECTION 2.** Parkville Municipal Code, Title IV, Chapter 475, *Supplementary Height, Area, and Bulk Requirements*, is hereby renamed to Chapter 475, *Supplementary Regulations for All Districts*.

**SECTION 3.** Parkville Municipal Code, Title IV, Chapter 475, is hereby amended to add a new Section 475.040 as follows:

**475.040: Storage and Display Regulations**

- A. *Outdoor storage.* Except as otherwise expressly permitted by this Chapter, approved as part of a site plan, development plan, conditional use permit, construction or building permit, outdoor storage shall be expressly prohibited in all districts with the following exceptions.
  - 1. *Building and construction materials.* Except as may be approved for permitted building material or construction material supply stores or other uses allowing outdoor storage of building or construction materials, the following restrictions shall apply.
    - a. Building materials for use on the same premises may be stored thereon during the time that a valid permit is in effect for building on that premises. Where no permit is required, building materials for use on the same premises may be stored thereon for a period customarily and reasonably necessary to complete the associated project or task, not to exceed thirty (30) days unless otherwise determined necessary by the Parkville Building Official.

- b. Construction materials may be stored on a construction project site during the time that a valid construction permit is in effect. Where no permit is required, construction materials may be stored on the construction site for a period customarily and reasonably necessary to complete the associated project or task, not to exceed sixty (60) days unless otherwise determined necessary by the Parkville Building Official or Public Works Director.
  - c. Where permitted, building and construction materials stored outdoors shall be free of trash and debris, maintained in a safe and organized manner. Where materials could constitute an attractive nuisance or otherwise jeopardize public safety, the permit holder, property owner and other persons responsible for the building or construction project or task shall be responsible to locate and secure the materials as necessary to limit public access and ensure public safety.
  - d. Except as may be permitted, in the event of an emergency, no building or construction materials shall be stored on public property without first obtaining necessary permits and approvals.
2. *Residential districts.* With the exception of those items permitted in this Chapter, no portion of a residential property shall be used for outdoor storage except in accordance with the following:
- a. No portion of any yard shall be used for storage of appliances, building fixtures, items not designed, made and / or intended for use outdoors, items to be thrown away, refuse, rubbish, trash, garbage, junk and/or debris, storage of inoperative or unlicensed motor vehicle, boat, camper, recreational vehicle, or trailer, or items that would otherwise be determined to be a nuisance. Where permitted, motor vehicle, boat, camper, recreational vehicle, trailer or similar, shall only be parked on a hard surface in accordance with Chapter 460, *Vehicle Parking*.
  - b. No portion of any front, side or rear-yard abutting a public street shall be used for storage of lawn, property maintenance, commercial and/or other equipment, compost piles, play structures, pools, hot tubs, or items that would be determined to be a nuisance.
  - c. No portion of any outdoor living space, including but not limited to a porch, balcony, deck, terrace, walkway, patio, cabana, gazebo, playhouse or similar, shall be used for storage or contain items not customarily associated with the use of a specific outdoor living space, and/or other items not designed, constructed and / or intended for use outdoors.
  - d. No outdoor storage of any kind related to a home occupation shall be permitted.
3. *Non-residential districts*
- a. With the exception of items permitted in this Chapter, or approved outdoor displays and legally-conforming outdoor storage existing prior to January 6, 2015, no outdoor storage shall be permitted in any non-residential district unless expressly allowed with the approval of a development plan, site plan or conditional use permit.

- b. Except for approved storage and display areas, all outdoor storage shall be enclosed by a fence, wall, hedge, berm or combination thereof, not less than six (6) feet in height at the time of installation. The enclosure shall provide ninety percent opacity. With the exception of vehicles and equipment, unless otherwise expressly approved, the items stored shall not exceed the height of the enclosure. In no case shall any item permitted to be stored, or any part, attachment or apparatus thereof, be extended, raised or otherwise positioned to increase visibility to, draw attention to or advertise the item being stored or other use, on or off the subject property.
  - c. Where permitted, outdoor storage shall be screened from view from abutting residential uses; provided, however, where topographic conditions make effective screening impractical, alternatives such as the addition of landscaping in addition to an enclosure may be allowed with the approval a development plan, site plan or conditional use permit.
  - d. All outdoor storage areas and access drives shall be paved.
4. *Communications tower, utility and substation compounds.* Outdoor storage on communications tower, utility and substation compounds is prohibited, unless specifically allowed as part of a site plan, development plan or conditional use permit approval. Where approved, outdoor storage shall be associated with the primary site use and shall not be visible from the abutting streets or properties.
5. *Portable storage containers and temporary dumpsters.*
- a. Portable storage containers and temporary dumpsters may be permitted in conjunction with a building or construction permit. Where no building or construction permit is required, portable storage containers and temporary dumpsters may be permitted for a period customarily and reasonably necessary to complete the associated project or task, not to exceed thirty (30) days unless otherwise associated with a specific project or task and previously approved by the Community Development Director or Public Works Director or their designee in writing.
  - b. All portable storage containers and temporary dumpsters shall be delivered and maintained in good condition free from rodents, insects, graffiti, vulgar and/or offensive words or pictures.
  - c. Portable storage containers and temporary dumpsters shall not be placed on public property or within the City's right-of-way without prior approval of a right-of-way permit. Where permitted, no portable storage container or temporary dumpster shall be located in an intersection sight triangle.
  - d. Portable storage containers and temporary dumpsters shall be placed on a paved surface. The placement of portable storage containers shall not encroach onto adjoining properties and shall not block or hinder access to or from any ingress, egress or emergency exit. Should existing site conditions not allow for the placement in full compliance with these provisions, exceptions may be considered and written approval granted on a case by case basis by the

Community Development Director or the Public Works Director or their designee in writing.

- e. Upon removal of a permitted portable storage container or temporary dumpster, any portion of the site disturbed by the container or dumpster shall be returned to an original or better condition, including at minimum seeding or sodding any vegetative areas disturbed.

6. *Trash and recycling containers.*

- a. Except as otherwise expressly permitted by Chapter 225, trash and/or recycling containers, bins or receptacles for individual recurring collection shall not be stored in any required front, side or rear-yard setback abutting a public street. The same shall not be placed in public view for periods greater than permitted by Section 225.030, A.
- b. Except where site conditions do not allow or where such location would increase visibility to the public, trash and recycling dumpsters for private recurring collection shall be located to the rear of the building and shall not be stored in any required front, side or rear-yard abutting a public street or visible from a public street. Should existing site conditions not allow for the placement in full compliance with these provisions, exceptions may be allowed on a case by case basis as part of a site plan, development plan or conditional use permit approval.
- c. Dumpsters shall be screened from public view using an enclosure, landscaping or a combination of the two that provides immediate screening. Enclosures shall be constructed of durable materials including designed to withstand regular use and capable of being maintained, including masonry, steel, hard wood, and other durable materials matching or complimentary to the materials, color and design used for other structures and features on the same site or within the same development.
- d. All other aspects of trash and recycling containers shall be regulated in accordance with Chapter 225.

7. *Vacant or undeveloped property.* With the exception of permitted building and construction materials, no portion of any vacant or undeveloped property or property where no main building exists and is occupied by a primary or principal use shall be used for outdoor storage.

8. *Accessory storage.* Where permitted, outdoor storage must be associated with and accessory to the primary or principal use.

9. *Condition and number.*

- a. Where permitted, outdoor storage shall be maintained and organized in a functional and operable manner. Items which are broken, in disrepair or otherwise not usable for their intended purpose shall not be permitted.
- b. Items stored outdoors shall be kept in numbers and volumes typically associated with the primary use. Where items are stored in excess of typical numbers or

volumes, the outdoor storage shall be considered excessive and regulated as commercial storage. In no case, shall commercial storage be approved in a residential district.

- B. *Outdoor display.* Except as otherwise expressly permitted by this Chapter, approved as part of a site plan, development plan, conditional use permit, construction or building permit, outdoor displays shall be subject to the following:
1. Outdoor displays may be approved in association with a temporary event permitted in accordance with the adopted Guidelines for Events in Parkville, incorporated herein by reference.
  2. Outdoor furnishings, including seating, lighting, planters, landscaping and other similar furnishings located outside of an enclosed building shall not be considered outdoor displays unless the items are offered or displayed for sale or advertisement.
  3. With the exception of outdoor displays approved or allowed per subsections 1 and 2 above, the Community Development Director or their designee may approve up to three (3) outdoor displays per location or address per year. No outdoor display shall be approved for more than seven (7) consecutive days.
  4. Where permitted, a specific outdoor display area shall be designated.
  5. Unless approved, with alternative routes signage, outdoor displays shall provide adequate room for pedestrian circulation on all public and private sidewalks and vehicular circulation on all streets, alleys and drives.
  6. No outdoor displays of any kind related to a home occupation shall be permitted.

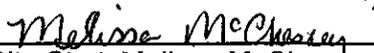
SECTION 4. Parkville Municipal Code, Title II, Chapter 225, Section 225.030, *Collection of Solid Waste*, subsection A, is hereby repealed and replaced as follows:

- A. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this Chapter to be placed at the curb or alley for collection shall not be so placed for a period greater than 24 hours and shall be placed no sooner than 5:00 pm the day prior to regularly scheduled collection day.

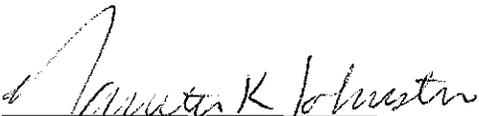
SECTION 5. This ordinance shall be effective upon adoption.

PASSED and APPROVED this 6<sup>th</sup> day of January 2015.

ATTESTED:

  
City Clerk Melissa McChesney



  
Mayor Nanette K. Johnston