

AGENDA ITEM
January 13, 2015

Subject: Amending Section 37-15 of the Municipal Code

Department: Planning/Zoning

The City Municipal Code does not currently address obstruction of joint driveways adjacent to home occupations. This ordinance will add guidelines to the code when a home occupation shares a driveway.

A GENERAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI AMENDING SECTION 37-15 OF THE CODE OF THE CITY OF NEVADA, MISSOURI, ADDRESSING OBSTRUCTION OF JOINT DRIVEWAYS ADJACENT HOME OCCUPATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI, THAT:

Section 1. Section 37-15(i)(1) of the Code of the City of Nevada, Missouri, is amended by the addition of subparagraph (d)13, as follows:

13a. Home Occupations are permitted in residential areas because generally, they do not tend to impose significant inconvenience to neighbors or interfere with the reasonably unfettered use of the property of the adjoining owner. Home occupations on properties with joint driveways present a special concern where clientele traffic is such that it obstructs the reasonable use by adjacent owners of a joint driveway. Where the issues are not specifically addressed in a written joint driveway agreement the following provisions shall apply:

(1) Where street parking and an area or sidewalk for pedestrian access to a home is constructed, it shall be a violation of this code for any owner of home occupation with a joint driveway to fail to reasonably endeavor to keep the joint driveway free of obstruction by asking clientele in writing to park in the street parking and use the pedestrian access, and to not obstruct the joint driveway.

(2) It shall be a violation of this code for any person not owning an interest in such a joint driveway to obstruct the same for any period of time that unreasonably inconveniences the owner of the adjacent property or obstructs access and egress unreasonably unless permission is obtained from both owners of the joint driveway.

(3). As a reasonable alternative, an owner of a home occupation on such a property may provide in garage delivery or pick up, or parking off the joint driveway for delivery and pickup by clientele. For parking see Section 37-7 of the Code of the City of Nevada, Missouri. Reasonably prompt access to and from the same shall not be a "use" or "obstruction" prohibited by this ordinance.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Nevada, Missouri, this ____ day of _____, 2015.

(seal)
ATTEST:

Seth Barrett, Mayor

Bev Baker, City Clerk

CERTIFICATION

I, the undersigned Clerk of the City of Nevada, Missouri, hereby certify that the above and foregoing Ordinance is a true and correct copy of the Ordinance adopted by the City Council of the City of Nevada, Missouri, as the same appears of record in my office and that the same has not been amended or repealed as of the ____ day of January 2015.

(SEAL)

Bev Baker, City Clerk