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BILL #9074

ORDINANCE #9074

**AN ORDINANCE OF THE CITY OF WEBSTER GROVES,
MISSOURI, AMENDING CHAPTER 53, “ZONING,” BY
AMENDING DEFINITIONS IN SECTION 53.020; AMENDING USE
CHARTS IN SECTIONS 53.100 AND 53.159; AND ADDING
DEVELOPMENT STANDARDS IN SECTION 53.206 OF
THE ZONING ORDINANCE IN ORDER TO CLARIFY
AND ADD STANDARDS FOR HOME OCCUPATION USES
AND MATTERS RELATED THERETO**

WHEREAS, the City Council of Webster Groves, Missouri, has determined that its regulations for home occupation uses in residential zoning districts should be clarified and expanded for all areas of the City in the code of Webster Groves; and

WHEREAS, the City Council of Webster Groves, Missouri, has determined that it is in the best interest of the general welfare of the community if such regulations were provided for in the code rather than just as a definition; and

WHEREAS, text amendments for the home occupation definition and development standards were referred to the City Plan Commission, which studied the recommendations of the Director of Planning and Development and held a duly noticed public hearing at its February 4, 2019, March 4, 2019, April 1, 2019 and May 6, 2019 meetings to receive public comment; and

WHEREAS, the City Plan Commission has recommended approval of proposed revisions to the Zoning Code as set forth herein; and

WHEREAS, the City Council gave due notice and held a public hearing on the proposed revisions at City Hall, on Tuesday, June 4, 2019 at 7:30 P.M., where the Council heard and considered comments and suggestions by those present.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEBSTER GROVES, MISSOURI, AS FOLLOWS:

Section 1. Sections 53.020 “Definitions”; 53.100 “Use Table for Residential Districts”; and 53.159 “Use Table for Commercial, Industrial and Planned Districts” are hereby amended and a new Section 53.206 “Development Standards for Home Occupations” has been added as set forth in **Exhibit A** to this Ordinance #9074, a true and accurate copy of which is attached hereto and incorporated herein by this reference.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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Section 3. This Ordinance shall be printed in the Code of Webster Groves.

Section 4. This Ordinance shall become effective immediately upon passage and approval.

Passed and Approved this ____ day of _____ **2019.**

Mayor

ATTEST:

City Clerk

CHAPTER 53. ZONING

ARTICLE I: General Provisions

Section 53.020. Definitions.

For the purpose of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; and the word “shall” is mandatory and not directory. The definitions follow in alphabetical order:

“Home Occupation” shall mean any occupation, business, profession, or commercial activity carried on by a member ~~or members of a household of the immediate family,~~ residing on the premises, ~~which is incidental and subordinate to the use of the residential dwelling, , in connection with which there is kept no stock in trade; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except that which is normally used for purely domestic or household purposes; and in connection with which there is no display or activity whatever that will indicate from the exterior that any building in a residential zone is being used, in any manner, for any purpose other than that of a dwelling, except that the indoor tutoring of up to two students at a time is a permissible home occupation; and upon which premises no commercial vehicle shall be parked or stored except within a closed garage, and in compliance with the applicable zoning District.~~ This use does not include those pursuits that have a primary location not within the residential structure.

Section 53.206. Development Standards for Home Occupations.

Home occupations shall comply with the following development and operations standards. When the standards of the underlying zoning district conflict with the standards herein, the following development standards shall apply. Should the home occupation proposed not meet the following standards, variations from the standards may be reviewed and approved through the Conditional Use Permit procedure under the requirements of Section 53.170 et. seq.

- a. All home occupations shall have a valid occupancy permit and obtain a business license.
- b. The business shall be owned by a member of the household listed on the occupancy permit. Renters shall obtain permission from the property owner to apply for a home occupation.
- c. Other than the household residing within the dwelling, there shall be no more than one (1) full time equivalent employee and no more than one (1) employee at a given time. Applications for more than one (1) full time equivalent employee or

- multiple part time employees are permitted under requirements specified in Section 53.170 et. seq.
- d. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation shall be conducted entirely within the residence or accessory structure on the property.
 - e. There should be no visible evidence of the home occupation, including but not limited to, alterations to the exterior of the residence which changes the character of the residence, exterior displays or the outdoor storage of materials or equipment used in the home occupation.
 - f. The home occupation shall not require the installation of mechanical, electrical or plumbing equipment or service other than that which is typical for domestic or hobby purposes.
 - g. Hours of Operation for businesses which have customers, clients, or students coming to the property shall maintain hours of operation of 8:00 am to 7:00 pm.
 - h. No more than three (3) customers, clients, or students may be at the property at one time for home occupation purposes. Applications for more than three (3) customers, clients, or students are permitted under requirements specified in Section 53.170 et. seq.
 - i. Larger sales of products or events associated with the home occupation shall follow Section 70.291 Garage, Estate, Moving and Yard Sales.
 - j. No traffic shall be generated in greater volume than would normally be expected in a residential neighborhood.
 - k. No signage shall be allowed for the home occupation.
 - l. The following performance standards shall apply to all home occupations:
 1. **Vibration.** Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.
 2. **Noise.** Every use shall be so operated that it does not disturb the peace, quiet and comfort of neighboring residential property or at any time with a volume louder than is necessary for convenient hearing for the persons who are in the structure or on the property in or on which the noise is generated under the following additional conditions:
 - i. The maximum volume of sound or noise generated does not exceed sixty (60) dB(A) at any point on the lot line of the lot on which the use is located on Mondays through Fridays between the hours of 7:00 AM to 8:00 PM local time; on Saturdays between the hours of 7:00 AM to 7:00 PM local time; and on Sundays between the hours of 9:00 AM to 7:00 PM local time.
 - ii. The maximum volume of sounds or noise generated does not exceed fifty-five (55) dB(A) at any point on the lot line of the lot on which the use is located for all other hours not listed in b.1. above.
 - iii. Outdoor loudspeakers and audible communication systems are not permitted within one thousand (1,000) feet of a residential district.
 - iv. Operating, playing or permitting the operation or playing of any radio, television, drum, musical instrument, sound amplifier or similar device

which reproduces or amplifies sound is also considered “sound or noise” as listed in 2.i. and 2.ii. above.

3. **Odor.** Every use shall be so operated that no offensive or objectionable odor is emitted in accordance with the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
 4. **Smoke.** Every use shall be so operated that no smoke from any source shall be emitted of exceeds the emission levels in the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
 5. **Emission of Dirt, Dust, Fly Ash and Other Forms of Particulate Matter.** Emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed the emission levels of the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
- m. All vehicles used for the primary purpose of the home occupation and that have indicators that the vehicle is designed or used for commercial purposes shall be parked in an enclosed garage on the site with the following exceptions:
1. A commercial vehicle may be permitted to park in the rear yard in instances where screening from neighboring properties and the public right-of-way can be provided by means of an appropriate year-round vegetative buffer, fencing or a combination thereof.
 2. A single trailer with a cargo area/work platform, not exceed the length of 14’ and attached to a vehicle which is customarily used in the home occupation may be stored on the premise, but no construction or business equipment/materials may be stored on such trailer.
- n. Deliveries related to home occupations shall be limited to the United States Postal service; parcel delivery services and messenger services. Home occupations shall not involve commercial delivery by tractor-trailer of materials or products to or from the premises.
- o. Off street parking shall be provided under the following in addition to meeting Section 53.182 Off-Street Parking of the City Code:
1. One (1) off street parking space for employees that do not reside in the dwelling;
 2. One (1) off street parking space for home occupations that have regular customer visits or deliveries of material, supplies or products to the home.

The following uses are required to obtain a Conditional Use permit under requirements specified in Section 53.170 et. seq.

1. Construction Companies (exception for the home office use of the business only)
2. Landscape Care (exception for the home office use of the business only)

The following is a list of prohibited “home occupations”:

1. Ammunition or Firearm sales
2. Automotive Repair & Services
3. Dancing Academy
4. Funeral Homes

5. Food production or sales with the exception of those businesses allowed under a “Cottage Food Operation” with permits and licenses through the St. Louis County Health Department.
6. Medical Marijuana Dispensary
7. Medical or Dental Offices
8. Restaurants
9. Tattoo Parlors
10. Veterinary Clinic
11. Other activities the Director of Planning and Development determines to be substantially similar in character, nature, intensity or impact to the activities listed above.

The following uses are regulated under other Zoning Code sections and are not considered “home occupations”:

1. Bed & Breakfast Facility
2. Day Care Home, Adult which may be required to obtain a CUP under other sections of the Zoning Code
3. Day Care Home, Child which may be required to obtain a CUP under other sections of the Zoning Code
4. Kennels
5. Short Term Rentals