



NOTICE OF PUBLIC HEARING

**APPLICATION TO PLANNING AND ZONING COMMISSION
#22-025 TEXT AMENDMENT TO MODIFY THE HOME OCCUPATIONS
REQUIREMENTS FOR PERMITTED USES IN COMPLIANCE WITH
CHANGES TO STATE LAW ACCORDING TO HOUSE BILL 1662**

FOR THE MEETING OF: Monday, September 19, 2022 at 6:00 P.M.

REQUEST: Jason Jaggi, Director of Community Development, on behalf of the City of Creve Coeur, has submitted an application for text amendments to Section 405.450.A of the Zoning Ordinance which regulates home occupations. Recent changes in state law have occurred as a result of House Bill 1662 (2022) which requires updates to the City's zoning regulations for home-based businesses. The amendment allows for less regulation of home-based businesses while preserving residential appearance, preventing adverse impacts on the character of the surrounding neighborhood, and protecting public health and safety.

Text Amendments to the Zoning Ordinance require review by the Planning and Zoning Commission and final approval by the City Council.

ADDITIONAL INFORMATION: The Planning and Zoning Commission will conduct a Public Hearing on this request on Monday, September 19, 2022, prior to providing a recommendation to the City Council. Additional information is available at the Government Center, Planning Division offices. Meetings are held at 6:00 P.M., in the Council Chambers of the Creve Coeur Government Center located at 300 North New Ballas Road.

We encourage you to attend if you have any questions or wish to make a statement. In addition, you can submit written or e-mail comments in advance or at the meeting. Additional information regarding this proposal is available at the Government Center, Planning Division offices or on the City's website at www.crevecoeurmo.gov/447/Current-Planning-Projects. You may also call (314) 872-2504 or e-mail jjaggi@crevecoeurmo.gov.

APPLICANT: Jason Jaggi
Director of Community
Development
300 N. New Ballas Road
Creve Coeur, MO 63141

Key Issues:

- Are the changes consistent with the purposes of the Zoning Code?
- Are the changes consistent with the objectives and strategies of the Comprehensive Plan?

Zoning Code References

- Section 405.450.A.
Permitted Use. Home Occupations.

101st Missouri General Assembly

- House Bill No. 1662

STAFF CONTACT: Jason Jaggi, AICP, Director of Community Development

AN ORDINANCE AMENDING SECTION 405.450.A OF THE ZONING ORDINANCE OF THE CITY OF CREVE COEUR REGARDING HOME OCCUPATIONS

WHEREAS, Section 405.450.A of the City Zoning Code establishes zoning regulations concerning home occupations; and

WHEREAS, state law has changed regarding the ability of local government to regulate home occupations (HB 1662, 2022) and the Director of Community Development has applied for approval of the necessary zoning ordinance changes, and

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to such regulations as set forth herein, to comply with state law; and

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, _____, 2022, beginning at 6:00 p.m., or immediately following the close of the previous public hearing; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____, recommended approval of the subject amendments as set forth herein at its meeting on Monday, _____, 2022; and

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and the Bill was read by title in open meeting two times before final passage by the City Council; and

WHEREAS, the City Council being fully informed finds that amending the City Code of Ordinances as set forth herein has been mandated by the State Legislature;

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri, as follows:

SECTION 1: Section 405.450.A of the Zoning Ordinance, of the City of Creve Coeur’s Code of Ordinances shall be amended as follows:

~~Home-Based Businesses Occupations.~~

1. Authorization. Any ~~home-based business occupation~~ owned or operated by the owner or tenant of the residential dwelling unit that is “no-impact” pursuant to state law¹ including by being customarily incidental and secondary to the

¹ Sections 71.990 and 89.500 RSMo (HB 1662 2022).

principal use of ~~a the residential~~ dwelling unit shall be permitted in any such residential dwelling unit ~~subject to based on~~ the provisions of paragraphs (2) and (3) of this Subsection 405.450(A).

2. Use limitations. All home-~~based businesses occupations~~ shall comply with the following provisions to preserve residential appearance, prevent adverse impacts on the character of the surrounding neighborhood, and protect public health and safety:

a. ~~The total number of employees and clients on-site at one time shall not exceed the occupancy limit for the residential dwelling unit business shall not employ persons other than members of the family residing on the premises.~~

b. ~~The activities of the business shall only occur inside the residential dwelling unit or in the yard, and shall not be visible from a street. No more than twenty-five percent (25%) of the total combined enclosed floor area of a dwelling unit or any otherwise permissible accessory buildings, including finished or unfinished basement or attic spaces, may be used for such business.~~

c. The use of the residential dwelling unit for the home-~~based business occupation~~ shall be clearly incidental and secondary subordinate to its use for residential purposes by its occupants and shall under no circumstances change the residential character thereof.

d. ~~No alterations~~ to the exterior appearance of the ~~principal~~ residential building or premises shall be made which detracts from changes its residential character~~the nature of its appearance as a residence~~.

e. No mechanical equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable ~~to the normal senses~~ outside the residential dwelling unit residence housing the home occupation.

f. ~~There shall not be any~~ exterior displays or signs other than a name plate as exempted in Section 405.930(E) of Article VIII.

~~g.~~ There shall be no goods, materials or commodities sold at retail or wholesale or displayed for sale at wholesale or retail from inventory on the premises.

~~gh.~~ There shall be no exterior storage of equipment or material used in connection with the home based business occupation.

~~hi.~~ ~~No t~~Traffic shall be generated by such home based business occupation in greater shall not exceed volumes than would normally be expected in thea residential areaneighborhood and any need for parking generated by the conduct of such home based business occupation shall be met by lawful off- the street parking.

~~ij.~~ A home based business occupation shall be subject to all applicable laws and its activities shall be limited to the sale of lawful goods and services City occupational licenses and permits.

~~3.~~ Permitted home occupations. Customary home occupations include, but are not limited to, the following list of occupations. Others judged similar or identical thereto by the Zoning Administrator may be added to this list from time to time. Uses that are not similar or identical to any listed permitted home occupation, as determined by the Zoning Administrator, shall be considered prohibited. Each listed occupation shall, in any event, be subject to the limitations of the environmental performance standards provided in Section 405.550.

~~a.~~ Architects, engineers, lawyers, realtors, insurance agents, brokers and members of similar professions.

~~b.~~ Artists and sculptors.

~~c.~~ Authors and composers.

~~d.~~ Babysitting not more than four (4) children.

~~e.~~ Dressmakers, seamstresses and tailors.

~~f.~~ Data entry and similar computer work.

~~g.~~ Home crafts such as model making, rug weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment be used or employed other than that which would customarily be found in the home shop, in connection with a hobby or a vocation not conducted for gain or profit.

~~h.~~ Music teachers, provided that instructions shall be limited to one (1) pupil at a time, except for occasional groups.

BILL NO. _____

ORDINANCE NO. _____

~~i. Office facility of a minister, rabbi, priest or other similar person associated with a religious organization.~~

~~j. Office facility of salesman, sales representative or manufacturer's representative, only when no retail or wholesale sales are made or transacted on the premises for goods, products or materials displayed, warehoused or stored on premises. Catalogue sales for goods, products or materials not inventoried, warehoused or stored on the premises are permissible.~~

~~k. Similar uses which do not involve retail or wholesale sales transactions on the premises, employment of persons other than occupants of the dwelling, any greater assembly, processing or fabrication operations. Such similar uses must be approved by the Zoning Administrator.~~

SECTION 2: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2022.

JOSPEPH MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2022.

DR. ROBERT HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK