

Webster Groves Plan Commission
Meeting Minutes
May 6, 2019

Members Present	Jeff Smith	PLANNER
	Brandon Harp	Danny Jendusa
	Steve Hunkins	DIRECTOR OF PLANNING & DEVELOPMENT
	Annie Tierney	Mara Perry
	Anne Tolan	CITY ATTORNEY
	Scott Mueller	Neil Bruntrager
	Christopher Michael	COUNCIL LIAISON
	Pam Bliss	
Members not Present	Charles Sindel	
	Adam Field	

REGULAR SESSION

1. Smith opened the meeting at 7:00 p.m.
2. **APPROVAL OF MINUTES:**
Smith asked for a motion to approve the minutes from the April 1, 2019 meeting. Mueller made a motion to approve. Hunkins seconded the motion. Tolan abstained from the vote. The motion passed 6-0.
3. **PUBLIC COMMENTS:**
There were none.
4. **PUBLIC HEARING:**
 - a) **19-PC-04 Zoning Code Text Amendment – Home Occupations:** Proposed amendments include changes to Definitions in Section 53.020 and the Use Charts in Sections 53.100 and 53.159 of the Zoning Ordinance; and adding a new section 53.206 in order to clarify and update regulations for home occupations.

Perry said this is a continuation from the April Plan Commission meeting. Staff has made changes based on feedback received. The current definition has not changed. Perry went through the updates as follows:

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.*

- 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 two (2) customers, clients, or students may be at the property at one time for home occupation purposes. Applications for more than two (2) 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. *All commercial vehicles or vehicles with commercial signage shall be parked in an enclosed garage on the site.*
- m. *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 is a list of prohibited “home occupations”:

- 1. Ammunition or Firearm sales*
- 2. Automotive Repair & Services*
- 3. Dancing Academy*
- 4. Construction Companies (exception for the home office use of the business only)*
- 5. Funeral Homes*
- 6. Landscape Care (exception for the home office use of the business only)*
- 7. Food production or sales*
- 8. Marijuana Dispensary*
- 9. Medical or Dental Offices*
- 10. Restaurants*
- 11. Tattoo Parlors*
- 12. Veterinary Clinic*
- 13. 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*

Tierney asked what could happen if you could not meet the off-street parking limit. Perry said staff would review the situation and they may need to go through the CUP process.

Tolan agrees with no signage but what about artist who want to display their creations in the yard as someone else might display something in their yard. She thought maybe there could be a maximum number of items allowed. Also, to include “artist originals may be displayed as yard decorations to a maximum of three items and may not be intended as signage or advertisement for the home occupation”.

Harp said maybe that would be part of the CUP process and reviewed case by case.

Perry agreed and said this is a difficult one as we have had art displayed as a signage for a business in the yard in the past. She believes we should leave the ordinance as is which bans it all together and if complaints are made then they can be addressed as needed.

Tolan asked about deliveries vs. traffic. She doesn't believe that # j covers large deliveries. She asked about the number of clients allowed in # h. And does the business license move with the person and does it require an inspection.

Perry said staff thought two was a good number allowed. If the applicant moves they will need a new occupancy permit for that address as well as the business license. No inspection is required for the business license as we would have done for the occupancy permit.

Hours and days of operation were discussed as well as allowing a commercial vehicle at the residential location. Perry said commercial vehicles are not allowed for a home business as well as a work truck that looks like a commercial vehicle.

Perry said she will add a sentence at the beginning of the ordinance stating If unable to meet these regulations you can go through the CUP process to ask for variations and follow procedures for 53.170. Also, she will write in a new item covering truck vehicles similar to "deliveries related to home occupations shall be limited to UPS, parcel delivery services and messenger services. Home occupations shall not involve commercial delivery by tractor trailer of materials or products to or from the premise.

Linda Helton, 201 Elm Valley Ct. has concerns about at what point would a CUP be needed for traffic. She has a home business and has had a neighbor complain when her clients were in her driveway for a very short time.

Perry said these are typically complaint driven and we need to be able to observe a violation and document. If this happens a CUP could be required for an existing business also.

Smith asked for a motion to close 19-PC-04. Mueller made a motion. Tolan seconded the motion. All in favor the motion passed 7-0.

5. **ADJOURNMENT OF REGULAR SESSION**

Smith asked for a motion to close the regular session. Hunkins made a motion. Michael seconded the motion. All in favor the motion passed 7-0.

EXECUTIVE SESSION:

6. **VOTES:**

19-PC-04 Zoning Code Text Amendment – Home Occupations: Proposed amendments include changes to Definitions in Section 53.020 and the Use Charts in Sections 53.100 and 53.159 of the Zoning Ordinance; and adding a new section 53.206 in order to clarify and update regulations for home occupations.

Perry said she will put together wording for the new sentence at the beginning about being able to meet the regulations and applying for a CUP. She will also add the new regulation about deliveries.

Smith asked for a motion to approve 19-PC-04. Tolan made a motion to approve the regulations and to add the new delivery regulation *“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.”* to be # M and the current #M to become #N. Harp seconded the motion. All in favor the motion passed 7-0.

7. **OTHER BUSINESS:** Perry said they have no items for a June meeting. They will be bringing changes for kennels soon. City Council has been working on affordable housing issues which you may see in the future.

8. **NEXT REGULAR MEETING:** June 3, 2019.

9. **ADJOURNMENT OF THE EXECUTIVE**

Smith made a motion to adjourn. Harp seconded the motion. All in favor motion passed 7-0. The meeting adjourned at 8:15.