



**PLANNING AND ZONING COMMISSION  
MEETING**

**1 GOVERNMENT CTR, BALLWIN, MO 63011  
MONDAY, DECEMBER 05, 2022 at 7:00 PM**

**AGENDA**

**1. Call to Order**

**2. Approval of Minutes**

**a.** Minutes of the November 7, 2022 Meeting

**3. Agenda Items**

**a. SUE 22-08 - Restaurant without the Sale of Alcohol**

**Tealux Cafe, 14788 Manchester Rd, Ballwin MO 63011**

*Petitioner: Ms. Sophia Tran, 808 Garonne Dr., Manchester, MO 63021*

Ms. Tran is requesting approval for a restaurant, located at 14788 Manchester Rd, to allow the operation of a business not inherently permitted in C-1 Commercial.

**b. SUE 22-09 - Restaurant without the Sale of Alcohol**

**The Ground Coffeeshop and Retail, 109 Ballpark Dr, Ballwin MO 63011**

*Petitioner: Ms. Shannon Moore, 260 Treasure Cove, Ballwin, MO 63021*

Ms. Moore is requesting approval for a restaurant, located at 109 Ballpark Dr. to allow the operation of a business not inherently permitted in C-1 Commercial.

**c. Z 22-02 - Zoning Ordinance Change**

**Residential Business Accessory Use**

*Petitioner: Mr. Shawn Edghill, 1 Government Ctr, Ballwin MO 63011*

On June 30, 2022, The State of Missouri passed House Bill 1662, creating new provisions governing the regulation of home-based businesses by municipalities. This has necessitated amendments to the City of Ballwin’s Zoning Code to ensure compliance with State Law.

**4. Adjourn**

**NOTE:** Due to ongoing City business, all meeting agendas should be considered tentative. Additional issues may be introduced during the course of the meeting.

**ADA NOTICE:** Residents of Ballwin are afforded an equal opportunity to participate in the programs and services of the City of Ballwin regardless of race, color, religion, sex, age, disability, familial status, national origin or political affiliation. If one requires an accommodation, please call (636) 227-8580 V or (636) 527-9200 TDD or 1-800-735-2466 (Relay Missouri) no later than 5:00 p.m. on the third business day preceding the hearing. Offices are open between 8:00 a.m. and 5:00 p.m. Monday through Friday.



MINUTES OF THE  
PLANNING AND ZONING COMMISSION MEETING  
1 GOVERNMENT CTR ♦ BALLWIN MO 63011  
NOVEMBER 7, 2022

Chairman Weaver called the meeting to order at 7:00 p.m. Members in attendance were:

PRESENT

- Chairman Mark Weaver
- Secretary Olivia Pieknik
- Commissioner Grant Alexander
- Commissioner Derek Beiter
- Commissioner Gary Carr
- Commissioner Chad Silker
- Commissioner Mike Swain
- Commissioner Victoria Winfrey
- Alderman Mark Stallmann

ABSENT

- Mayor Tim Pogue

- Planning Technician Shawn Edghill
- City Administrator Eric Serman
- City Attorney Robert E. Jones

**Approval of Minutes**

A motion was made by Alderman Stallmann to accept the minutes of the October 3, 2022 meeting as submitted. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present.

**SUE 22-07 – Restaurant with Sale of Alcohol by the Drink**

Siline’s, 15581 Manchester Rd, Ballwin MO 63011

*Petitioner: Mr. Pierre Lamour & Mr. Drew Bolinger, 14615 Manchester Rd, Manchester MO 63011*

Mr. Drew Bolinger addressed the Commission requesting approval for the special use exception to sell alcohol by the drink. The restaurant will serve Haitian and Caribbean style food. He noted that the previous use for the site was a restaurant that did not sell alcohol; however, a sushi restaurant in the same plaza does serve alcohol. The petitioner will not be selling alcohol to be taken from the premises.

Commissioner Swain asked about the hours of operation. Mr. Pierre Lamour addressed the Commission, stating that the hours will be 11:00 am – 1:00 am. Commissioner Beiter asked about the seating capacity, and Secretary Pieknik asked if there will be outdoor seating. Mr. Lamour said that there is seating for 30-50 inside, and plans to have seating for eight outside. Commissioner Carr asked if the petitioner plans to increase protection for the outside seating, in the form of bollards or something similar. Mr. Lamour said he does plan on installing some sort of barrier.

Secretary Pieknik asked how many employees the petitioner has. Mr. Lamour said approximately ten. She asked where the employees would park; he said they will park behind the building.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of SUE 22-07. No one came forward, and Chairman Weaver asked if anyone wished to speak in opposition to the petition. No one came forward, and Chairman Weaver closed the public hearing.

Chairman Weaver made a motion to recommend approval of Petition SUE 22-07 to the Board of Aldermen. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present.

### Capital Improvement Plan Budget (CIP)

Finance Officer Denise Keller presented the 2023 Capital Improvement Plan Budget (CIP) for review per Section 89.380 of the Revised MO Statutes, which states that all improvements to land, infrastructure and public facilities are to be reviewed by this commission before being approved by the Board of Aldermen.

Our CIP only includes true capital projects. These are defined as: *land and building acquisition, major land and building improvements with a cost of \$250,000 or more, and systems reconstruction or replacement with a cost of \$250,000 or more.* We also include all major street, culvert and bridge reconstruction projects that are partially offset by federal grants. Any design or planning work for capital projects is also included in the CIP.

The largest of the City’s capital projects in the 2023 budget is the remaining construction of the new police building. Final completion is targeted for May, with expense of \$5.1 million anticipated. An additional \$175,000 is budgeted for demolition of the current building. Funding sources are accumulated and new public safety taxes and operating fund balance that has been committed for infrastructure projects.

Two projects that had been budgeted for 2022 are being re-budgeted for 2023. The first of these is the resurfacing of New Ballwin Road from Manchester Road to Twigwood Drive. This project encompasses pavement resurfacing, curb repair, ADA ramp replacements and upgrades to the intersection pedestrian signal. It also includes 25 new streetlights which will be the property of the city. Bids received this year exceeded budget by more than 80%, so the project was delayed. Bids will be solicited again in early winter in the hopes of generating more competition and lower prices. Total construction cost is anticipated at \$1,257,125 with offsetting federal funds of \$652,863. Federal projects typically pay 80% of construction expense but because of escalated costs we anticipate a reimbursement ratio of just 55%.

The City has been awarded federal funding for the resurfacing of Ries Road as well; preliminary engineering has already begun and will complete in 2023 at a cost of \$51,346. Construction will follow in 2024 at a net cost of \$235,330.

The second re-budgeted project is the redevelopment of Holloway Park which incorporates recommendations from the 2019 Parks Master Plan. These include a new playground, comfort station, and conversion of the lower court for pickle ball play. A Land Water Conservation Fund (LWCF) grant which funds 50% of this project was not awarded until mid-summer, and then bids were difficult to obtain. All of the work is now scheduled in 2023 at a net cost of \$271,300.

The Vlasik Park Master Plan was adopted this year and the improvements are recommended in five phases. The first will occur next year with additional phases tentatively scheduled in 2024 and 2027 contingent on the receipt of Municipal Park Grants to offset the costs. Replacement of the playground in Vlasik and dredging of the detention ponds is planned next year at a total cost of \$938,050. An ARPA stormwater grant of \$226,000 has been applied for to fund the work on the ponds; net cost from the capital budget for Vlasik Park is budgeted at \$137,050.

In 2026 we hope to replace the playground adjacent to The Pointe. The cost is expected to and we will apply for a LWCF grant of \$250,000. That year we also hope to make improvements to the lake in New Ballwin Park at a cost of \$605,000, with 95% offset by grant funding.

While a preliminary needs analysis of the Public Works yard was performed as part of the Vlasis Park master plan, a more detailed analysis is needed to prepare an accurate estimate of the cost. Expensive equipment needs to be moved under cover and space is at a premium. \$30,000 is budgeted for this study next year and architectural design is budgeted for 2024. Construction could occur as early as 2025 and is preliminarily estimated at \$2,000,000.

In 2023 the City will make its final payment of municipal revenues towards the Olde Towne Center TIF bonds at an anticipated expense of \$64,335. This is calculated based upon the TIF sales tax collections in 2022. It is the final payment because the TIF District terminated in October of this year after having been in existence for 23 years, which is the legal maximum life.

Total expenses for next year in the Capital Projects fund are \$8,182,000. Revenues to fund these projects come from multiple sources and total \$8,200,621. Current tax revenues will generate \$1,286,000; grants will generate \$1,725,163; \$4,400,000 will be transferred from operating fund reserves for public safety and infrastructure; and \$789,458 is unspent amounts from 2022 that will be carried forward to beginning capital fund balance.

Commissioner Carr asked if there are any plans to increase the parking capacity at New Ballwin Park, as it tends to fill up quickly, especially if there is an event. City Administrator Sterman said there are no plans to do so, but he will pass the request along to Parks Director Chris Conway. Secretary Pieknik asked if the City has an agreement with the nearby schools to use their parking lots if needed. City Administrator Sterman said there is no formal agreement, but the City has a good relationship with the schools and when school is not in session, there has never been an issue with residents and visitors parking there.

Commissioner Swain asked if there is a savings to the City to own the 25 new streetlights on New Ballwin Road. Ms. Keller said it will cost the City less than the rate paid to Ameren.

Commissioner Beiter asked about the scope of the Planning & Zoning Commission’s consideration of the CIP. City Attorney Jones said the Commission can look at all aspects of the budget. Alderman Stallmann commended all staff who worked on the budget.

Chairman Weaver made a motion to approve the 2023 Capital Improvement Plan Budget. Secretary Pieknik seconded the motion, which received unanimous approval from the Commission members present.

**Z 22-01 – Waterford Subdivision Rezoning**

*Petitioner: Mr. Shawn Edghill, 1 Government Ctr, Ballwin MO 63011*

Planning Technician Edghill state that effective January 1, 2021, Waterford subdivision was officially annexed into and became a part of the City of Ballwin. The subdivision comprised the entirety of a pocket of unincorporated St. Louis County between the cities of Ballwin and Ellisville remaining from the 1999 Southwest Annexation. The subdivision is bounded on three sides by the City of Ellisville and on the west, Ballwin’s former city limits.

A petition signed at least 75% of the registered voters in the subdivision was submitted, allowing the City of Ballwin to undertake an annexation process known as a Simplified Boundary Change: Annexation. In the Plan of Intent that Ballwin filed with the St. Louis County Boundary Commission, Ballwin stated that it would change the zoning district designation in this area from the current County zoning to the closest approximate Ballwin zoning classification that was appropriate.

According to Missouri case law, the zoning district classification of an annexed property automatically change as the result of an annexation. The court ruled that properties annexed by a jurisdiction retain their previous zoning district classification until the district classification is formally changed.

Planning Technician Edghill said that the rear setbacks are identical; the side and front setbacks are larger under Ballwin's zoning (8' and 70' respectively, as opposed to 6' and 60'). This will only affect homes if there is a complete teardown and rebuild; at that time, the new footprint will have to comply with Ballwin zoning setbacks.

Commissioner Swain asked about trash pickup. Planning Technician Edghill said that the residents are allowed to keep their current trash provider for two years, at which time they will be required to use the provider with whom the City has a contract. If they wish to change prior to the two years, they must do so as an entity, not individuals.

Commissioner Carr asked if the streets in the annexed area are up the Ballwin's standards. Planning Technician Edghill said they are average for streets in a subdivision of that age.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition Z 22-01. No one came forward, and Chairman Weaver asked if anyone wished to speak in opposition to the petition. No one came forward, and Chairman Weaver closed the public hearing.

Alderman Stallmann made a motion to recommend approval of Petition Z 22-01 to the Board of Aldermen due to lack of response from the petitioner. Commissioner Winfrey seconded the motion, which received unanimous approval from the Commission members present.

### Other Business

Chairman Weaver asked if there are any agenda items for the December agenda. Planning Technician Edghill said that at least one restaurant will be on the agenda, as well as the residential business accessory use amendment.

### Adjournment

Secretary Pieknik made a motion to adjourn the meeting. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present. The meeting was adjourned at 7:37 p.m.

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J. Mark Weaver, Chairman  
Planning & Zoning Commission

## SPECIAL USE EXCEPTION PETITION REVIEW REPORT

**Petition Number:** SUE 22-08

**Petitioner:** Sophia Tran  
808 Garonne Dr.  
Manchester, MO 63021

Noel Fehr  
6105 Dunn Rd.  
Hazelwood, MO 63042

**Project Name:** Tealux Café

**Requested Action:** Restaurant without intent to sell alcohol

**Public Hearing Date:** December 5, 2022

**Code Section:** Art. XIV, Sec. 1 (20)

**Location:** 14788 Manchester Rd

**Existing Land Use/Zoning:** Commercial/C-1

**Surrounding Land Use/Zoning:** North – Commercial/ C-1  
South – Residential/ R-4  
West – Commercial/ C-1  
East – Commercial/ C-1

**Plan Designation:** Restaurant





**Figure 1:**  
**Map View of the location of 14788 Manchester Rd.**  
**Source: St. Louis County Parcel Viewer**



**Figure 2:**  
**Front view of Site, Aug 2018.**  
**Proposal would use the former Ballwin Cleaners suite shown on the right end of the strip.**  
**Photo obtained via Google Maps.**

**Project Description:**

Ms. Tran and Mr. Fehr are requesting approval for a restaurant, located at 14788 Manchester Rd, to allow the operation of a business not inherently permitted in C-1 Commercial.

**Zoning Ordinance Requirements  
Appendix A, Article IX (Commercial/ C-1 District):**

- Article IX, Section 1 is a general introductory statement and imposes no design or plan requirements so it is not germane to this review.
- Art. IX, Sec. 2 establishes uses allowed by right in the C-1 district. The use contemplated in this petition is not included in the base C-1 use regulations. **The provision for a restaurant in the City of Ballwin is required to undergo the SUE permitting process, detailing the necessity of my assessment.**
- Art. IX, Sec. 3 establishes a height limitation of 45'. **No changes are proposed to the current structure.**
- Art. IX, Sec. 4 (1) establishes a front yard depth of not less than 40', except for: Art. XI, Sec. 4 (1) (i), which states that land lying along Manchester Rd shall have a front yard not less than 60 feet. **No changes are proposed to the current structure.**
- Art. IX, Sec. 4 (2) establishes no requirement for a side yard, so long as the location does not adjoin with a dwelling, dwelling district, or any public activity district. **No changes are proposed to the current structure.**
- Art. IX, Sec. 4 (3) establishes a rear yard depth of not less than 25'. **No changes are proposed to the current structure.**
- Art. IX, Sec. 4 (4) refers to improvement of a C-1-zoned parcel with single-family dwellings, and is not pertinent to this evaluation.
- Art. IX, Sec. 5 (1) refers to off street parking and loading spaces, neither is this petitioner is making changes to the currently existing building nor to its parking lot. **No changes are proposed.**
- Art. IX, Sec. 5 (2) refers to parking for shopping centers, plazas and office complexes with two or more tenants having more than 100,000 square feet of gross floor area and is not applicable to this review.
- Art. IX, Sec. 6 refers to review by MoDOT for any intensive redevelopment along Manchester Rd. This is irrelevant to this proposal.
- Art. IX, Sec. 7 (1) requires that the minimum spacing of curb cuts is to be 500' between centerlines. No change is proposed.
- Art. IX, Sec. 7 (2) requires the construction of a 6' wide sidewalk along Manchester Road and is not applicable to this review.
- Art. IX, Sec. 7 (3) requires that commercial parking lots be interconnected or that a cross access, driveway/parking lot vehicular interconnection easement be established to the benefit of Ballwin to allow a future parking lot interconnection with adjoining properties. No change is proposed, given that this proposal is using a pre-existing structure, and such a requirement would be best applied to a proposal with new construction included.

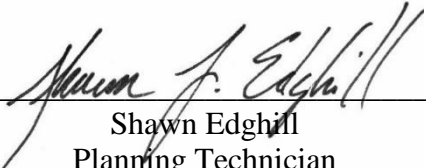


**Zoning Ordinance Requirements/SUE Regulations  
Appendix A, Article XIV**

- Article XIV, Section 1 (20) refers to any shop where food is served for consumption on the premises (i.e. restaurant) in the C-1 commercial district.
- Article XIV, Sec. 2 (1) refers to minimum yard requirements. All yard requirements are abided by.
- Art. XIV, Sec. 2 (2) refers to site illumination. No change is proposed.
- Art. XIV, Sec. 2 (3) refers to greenery and planting. No change to the current landscape is proposed.
- Art. XIV, Sec. 2 (4) refers to fencing. No change is proposed.
- Art. XIV, Sec. 2 (5) refers to parking. The petitioner is neither making changes to the currently existing building nor to its parking lot. There are 20-25 seats expected inside the restaurant, requiring a parking need of 5-7 spaces. There are 25 parking spaces with 2 handicapped spaces open for use.
- Art. XIV, Sec. 2 (6) refers to pavement and parking compliance. No change is proposed.
- Art. XIV, Sec. 2 (7) refers to storm water runoff control. No change is proposed.
- Art. XIV, Sec. 2 (8) refers to loading docks and facilities. No dedicated loading spaces are proposed for this use.
- Art. XIV, Sec. 2 (9) refers to ingress and egress at the site. No change is proposed.
- Art. XIV, Sec. 2 (10) refers to adequate area for the use. No changes are being proposed for the building, and the area is considered adequate for the use proposed.
- Art. XIV, Sec. 2 (11) states that in off-street parking for public use or for employees, no sales, dead storage, repair work nor dismantling of automobiles shall be permitted.
- Art. XIV, Sec. 2 (12) refers to rubbish and trash disposal and screening. No change is proposed outside of the current trash disposal situation.

**Staff Recommendation:**

Staff has no concerns.

  
\_\_\_\_\_  
Shawn Edghill  
Planning Technician

**SPECIAL USE EXCEPTION  
PETITION REVIEW REPORT**

**Petition Number:** SUE 22-09

**Petitioner:** Shannon Moore  
260 Treasure Cove  
Ballwin, MO 63021

**Project Name:** The Ground Coffeeshop and Retail

**Requested Action:** Restaurant without intent to sell alcohol

**Public Hearing Date:** December 5, 2022

**Code Section:** Art. XIV, Sec. 1 (20)

**Location:** 109 Ballpark Dr.

**Existing Land Use/Zoning:** Commercial/C-1

**Surrounding Land Use/Zoning:** North – Commercial/ C-1  
South – Commercial/ C-1  
West – Commercial/ C-1  
East – Commercial/ C-1

**Plan Designation:** Restaurant



**Figure 1:**  
**Map View of the location of 109 Ballpark Dr.**  
**Source: St. Louis County Parcel Viewer**



**Figure 2: Front view of Site, Aug 2021.**  
**Proposal would use the former Dancing Thru Life studio.**  
**Photo obtained via Google Maps.**

**Project Description:**

Ms. Moore is requesting approval for a restaurant, located at 109 Ballpark Dr. to allow the operation of a business not inherently permitted in C-1 Commercial.

**Zoning Ordinance Requirements  
Appendix A, Article IX (Commercial/ C-1 District):**

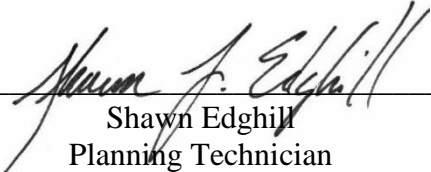
- Article IX, Section 1 is a general introductory statement and imposes no design or plan requirements so it is not germane to this review.
- Art. IX, Sec. 2 establishes uses allowed by right in the C-1 district. The use contemplated in this petition is not included in the base C-1 use regulations. **The provision for a restaurant in the City of Ballwin is required to undergo the SUE permitting process, detailing the necessity of my assessment.**
- Art. IX, Sec. 3 establishes a height limitation of 45'. **No changes are proposed to the current structure.**
- Art. IX, Sec. 4 (1) establishes a front yard depth of not less than 40', except for: Art. XI, Sec. 4 (1) (i), which states that land lying along Manchester Rd shall have a front yard not less than 60 feet. **No changes are proposed to the current structure.**
- Art. IX, Sec. 4 (2) establishes no requirement for a side yard, so long as the location does not adjoin with a dwelling, dwelling district, or any public activity district. **No changes are proposed to the current structure.**
- Art. IX, Sec. 4 (3) establishes a rear yard depth of not less than 25'. **No changes are proposed to the current structure.**
- Art. IX, Sec. 4 (4) refers to improvement of a C-1-zoned parcel with single-family dwellings, and is not pertinent to this evaluation.
- Art. IX, Sec. 5 (1) refers to off street parking and loading spaces, neither is this petitioner is making changes to the currently existing building nor to its parking lot. **No changes are proposed.**
- Art. IX, Sec. 5 (2) refers to parking for shopping centers, plazas and office complexes with two or more tenants having more than 100,000 square feet of gross floor area and is not applicable to this review.
- Art. IX, Sec. 6 refers to review by MoDOT for any intensive redevelopment along Manchester Rd. This is irrelevant to this proposal.
- Art. IX, Sec. 7 (1) requires that the minimum spacing of curb cuts is to be 500' between centerlines. No change is proposed.
- Art. IX, Sec. 7 (2) requires the construction of a 6' wide sidewalk along Manchester Road and is not applicable to this review.
- Art. IX, Sec. 7 (3) requires that commercial parking lots be interconnected or that a cross access, driveway/parking lot vehicular interconnection easement be established to the benefit of Ballwin to allow a future parking lot interconnection with adjoining properties. No change is proposed, given that this proposal is using a pre-existing structure, and such a requirement would be best applied to a proposal with new construction included.

**Zoning Ordinance Requirements/SUE Regulations**  
**Appendix A, Article XIV**

- Article XIV, Section 1 (20) refers to any shop where food is served for consumption on the premises (i.e. restaurant) in the C-1 commercial district.
- Article XIV, Sec. 2 (1) refers to minimum yard requirements. All yard requirements are abided by.
- Art. XIV, Sec. 2 (2) refers to site illumination. No change is proposed.
- Art. XIV, Sec. 2 (3) refers to greenery and planting. No change to the current landscape is proposed.
- Art. XIV, Sec. 2 (4) refers to fencing. No change is proposed.
- Art. XIV, Sec. 2 (5) refers to parking. The petitioner is neither making changes to the currently existing building nor to its parking lot. There are 12 parking spaces open for use.
- Art. XIV, Sec. 2 (6) refers to pavement and parking compliance. No change is proposed.
- Art. XIV, Sec. 2 (7) refers to storm water runoff control. No change is proposed.
- Art. XIV, Sec. 2 (8) refers to loading docks and facilities. No dedicated loading spaces are proposed for this use.
- Art. XIV, Sec. 2 (9) refers to ingress and egress at the site. No change is proposed.
- Art. XIV, Sec. 2 (10) refers to adequate area for the use. No changes are being proposed for the building, and the area is considered adequate for the use proposed.
- Art. XIV, Sec. 2 (11) states that in off-street parking for public use or for employees, no sales, dead storage, repair work nor dismantling of automobiles shall be permitted.
- Art. XIV, Sec. 2 (12) refers to rubbish and trash disposal and screening. No change is proposed outside of the current trash disposal situation.

**Staff Recommendation:**

Staff has no concerns.

  
 Shawn Edghill  
 Planning Technician



**ZONING ORDINANCE CHANGE  
PETITION REVIEW REPORT**

**Petition Number:** Z 22-02

**Petitioner:** City of Ballwin  
1 Government Ctr.  
Ballwin, MO 63021

**Project Name:** Residential Business Accessory Use Text Amendment

**Requested Action:** Zoning Ordinance Regulations Change

**Public Hearing Date:** December 5, 2022

**Code Section:** Zoning Ordinance, Article XVI, Section 30

**Project Description:**

On June 30, 2022, The State of Missouri passed House Bill 1662, enacting provisions related to restrictions on real property. Namely, it created new provisions governing the regulation of home-based businesses by municipalities. Numerous prohibitions were made, which together with further restrictions applied to items covered under preexisting legislation under the City of Ballwin’s Zoning Code, amendments have been necessitated to ensure compliance with State Law.

Due to the fact that Article XVI lies under Article A, The Zoning Ordinance of the City of Ballwin, it was determined to be necessary to inform and gather the recommendation of the Planning and Zoning Commission before bringing this before the Board of Aldermen.

The City Attorney has proposed that Article XVI, Section 30 be repealed and replaced with the following:

Section 30: Residential Business Accessory Use

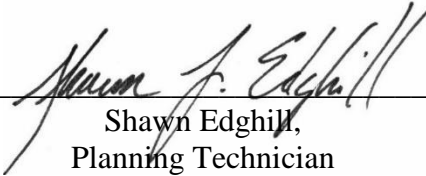
- [A] Any home-based business owned or operated by the owner or tenant of the residential dwelling that is “no impact” pursuant to Sections 71.990 and 89.500 of the Revised Statutes of Missouri including being incidental and secondary to the principal use of the residential building unit shall be permitted in any such residential dwelling unit, provided it complies with the following criteria:
  1. The use of the residential dwelling unit for the home-based business shall be clearly incidental and secondary to its use for residential purposes by its occupants and shall under no circumstances change the residential character of said residential dwelling.
  2. There shall be no exterior storage of equipment or material used in connection to the home-based business.
  3. The activities of the business shall only occur inside the residential dwelling unit or in the yard and shall not be visible from the street.
  4. No mechanical equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside the residential dwelling unit.
  5. Any need for parking generated by the conducting of such home based business shall be met by lawful off-street parking.
  6. No alterations or changes to the exterior appearance of the residential building or premises shall be made which detract from the residential nature or appearance of the residential dwelling unit.
  7. Delivery or pickup vehicles shall not restrict or interfere with traffic or parking on rights-of-way adjacent to the residential dwelling unit where the residential business accessory use is conducted.

- 8. No home-based business shall involve commercial vehicle traffic on or in the vicinity of the residence. For the purpose of this section, “commercial vehicle” shall be defined as any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:
  - (1) Has a gross vehicle weight rating or a gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
  - (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
  - (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
  - (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.
- 9. Traffic generated by such home-based business shall not exceed volumes than would normally be expected in the residential area.
- 10. A home-based business shall be subject to all applicable laws and its activities shall be limited to the sale of lawful goods and services.
- 11. There shall not be any displays or signs other than those permitted in Chapter 22 of the City’s Code of Ordinances and shall under no circumstances change the residential character of said residential dwelling.
- 12. The home-based business shall register with the City to ensure that the business activity of the home-based business is compliant with state and federal law and paying applicable taxes.
- 13. Short Term Residential Rentals
  - A. Definitions. As used in this subsection, the following terms shall have the prescribed meaning:
    - Short Term Residential Rental. The leasing of a residential dwelling, or portion thereof, to overnight guest.
  - B. Requirements and restrictions. In addition to all other pertinent and applicable federal, state, and local regulations, including but not limited to tax, occupancy, fire, building, zoning, and property maintenance regulations, the following special conditions shall apply to short term residential rentals:
    - 1. Prior to offering short term residential rentals, the resident shall register with the City to ensure that the business activity of the short term rental is compliant with state and federal law and paying applicable taxes.

- 2. The total number of guests on-site at one time shall not exceed the occupancy limit for the residential dwelling unit.
- 3. All vehicles of the resident, overnight guests, and guests of overnight guests shall not violate any parking regulations contains within the City Code of Ordinances.
- 4. Short term rentals shall be subject to compliance with all applicable property maintenance, nuisance, zoning, and building code regulations.

C. Penalties for violation

- 1. Any act in violation of the requirements set forth in this section is declared to be unlawful and shall be subject to Section 1.6 General Penalty.



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Shawn Edghill,  
Planning Technician