

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The City Attorney has proposed that Article XVI, Section 30 be repealed and replaced with the following: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

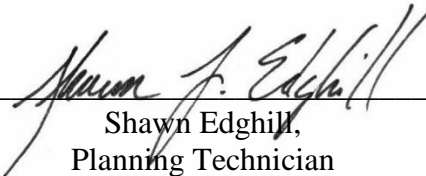
8. No home-based business shall involve commercial vehicle traffic on or in the vicinity of the residence. For the purpose of this section, “commercial vehicle” shall be defined as any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when 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.


Shawn Edghill,
Planning Technician