

AN ORDINANCE AMENDING THE VILLAGE OF INNSBROOK ZONING ORDER TO REQUIRE PERMITS FOR ALL HOME BASED BUSINESS (HOME OCCUPATION). THIS AMENDMENT ALSO REPLACES ALL CURRENT DEFINITIONS WITH RESPECT TO HOME OCCUPATION WITHIN THE VILLAGE OF INNSBROOK WITH THE FOLLOWING DEFFINITIONS

WHEREAS, the Board of Trustees of the Village of Innsbrook, Warren County, Missouri, after having placed a 180 day moratorium to solicit public input and develop regulations to promote the general health, welfare, and safety of the citizens of the Village of Innsbrook; and

WHEREAS, under the provisions of Section 89.050 of the Revised Statues of Missouri a public hearing was duly published and held by the Village of Innsbrook on May 4th, 2004; and

WHEREAS, at said public hearing all interested persons, corporations, and political subdivisions were given an opportunity to be heard and were heard, and were given an opportunity to present evidence and did so; and

WHEREAS, the Board of Trustees after hearing evidence regarding the proposed change to the Zoning Order determined that the proposed change to the Zoning Order was essential to promoting the general health, welfare, and safety of the citizens of the Village of Innsbrook; and

WHEREAS, the Board of Trustees of the Village of Innsbrook desires to plan for the orderly future development and to preserve, protect, and enhance the aesthetics of the Village of Innsbrook's natural resources and scenic beauty; and

WHEREAS, no less than fourteen (14) days have elapsed since the date of the public hearing and no objections have been filed with the Village of Innsbrook against said change to the Zoning Order; and

WHEREAS, a copy of the proposed Ordinance has been available for public inspection prior to its consideration by the Board of Trustees.

WHEREAS, the Board of Trustees of the Village of Innsbrook now determines that the implementation of an ordinance for the regulation of commercial in-home businesses as defined below, would be in the best interests of the citizens of the Village of Innsbrook;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF INNSBROOK, WARREN COUNTY, MISSOURI AS FOLLOWS:

Home Occupation: A home based business (home occupation) is an occupation or profession which is customarily carried on entirely within the dwelling unit by a member of the family residing in the dwelling unit, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

In most cases, home based business results in a home offices, where business is done via the U.S. Mail, phone, fax and/or computer. Typically, home occupations have limited customer traffic coming to the residence, do not require or possess equipment supplies which are not customarily found in a residence, and are characterized by business being done off-site.

Village of Innsbrook Home Occupation Standards: Home occupations are permitted subject to the following standards:

1. Home occupation(s) shall be operated entirely from each residence and shall not occupy more than approximately fifteen percent (15%) of the dwelling unit's floor area.
2. No alteration of the exterior of the principal residential building shall be made which changes the character thereof as a residence, or creates other visible evidence of conduct of the home occupation.
3. No exterior display or outdoor storage of materials or equipment used in the home occupation shall be permitted. Parking of vehicles involved in the home occupation shall be limited to those owned and operated by the resident and no more than one client. Vehicles shall comply with any current or future off-street parking and loading requirements.
4. There shall be no visible evidence of the home occupation except owner may provide a home occupation sign, which is permitted no larger than one (1) square foot in area and attached to the residence.
5. Home occupation business hours shall not be permitted before 6:00 a.m. or after 8:00 p.m.
6. All home occupations shall comply with any current or future Environmental Performance Standards. In no case, shall any equipment or process be used which creates visual or audible interference in any radio or television receiver of the premises, or cause fluctuation in line voltage beyond the property line of the lot upon which the home occupation is conducted.
7. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
8. No wholesale or retail occupation shall be permitted unless it is conducted entirely by mail, telephone or computer, and does not require the receipt, sale, shipment, delivery, or storage of merchandise on or from the premises, provided however, that the articles produced by the family residing on the premises may be stored upon the premises.
9. The conduct of a home occupation is limited to the resident of the property. Upon sale or transfer of the property, the home occupation shall not continue to be operated by the previous owner from that location and shall terminate. This

- requirement shall not be construed as prohibiting the new owner of the property from pursuing any legally permissible home occupation in his/her own right.
10. No machinery or equipment shall be permitted which is not customarily found within or incidental to residential use of property.

Permitted Home Occupations:


1. Dressmakers, seamstresses, tailors. Not more than one (1) client on the premises at a time shall be permitted.
2. Instructional services for not more than one (1) pupil at a time. No group instruction shall be permitted.
3. Artists, sculptors, authors, composers, and home crafts. Not more than one (1) client on the premises at a time shall be permitted.
4. Home office of a salesman, sales representative or a manufacture's representative, but only when no retail or wholesale sales are made or transacted on the premises, except by telephone, and when no products or materials are displayed, warehoused or stored upon the premises.
5. Home office of an accountant, architect, broker, engineer, insurance agent, land surveyor, professional consultant, lawyer, real estate agent, or computer programmer. Not more than one (1) client on the premises at a time shall be permitted.
6. Ministers, rabbis, priests.
7. Babysitting of not more than four (4) children in addition to the children of the resident household.

Specific Examples Prohibited: Permitted home occupations may not be deemed to include:


1. Automobile and vehicular repair.
2. Rental Business.
3. Stables or kennels in residential districts.
4. Eating and/or drinking establishment.
5. Nursery schools and kindergartens and child-sitting services having more than four (4) children at any one time not including members of the immediate family of the operator.
6. Tourist homes.
7. Veterinarian services or animal hospitals.
8. Mortuaries and embalming establishments.
9. Private clubs, including fraternity and sorority houses.
10. Uses of similar character after determination by the City Planner or Administrator

Approval from the Village Administrative Office: An applicant is required to be issued a zoning conformation letter from the Village Administration Offices including any applicable restriction(s) and approving a requested home occupation.

This Bill was passed and approved this 1st day of June, 2004, by the Board of Trustees of the Village of Innsbrook after having been read by title or in full two times prior to passage.


Chairman

ATTEST:


Village Clerk