



## Memorandum Department of Planning & Public Works

**To:** Planning and Public Works Committee  
**From:** Aimee Nassif, Planning & Development Service Director  
**Date:** November 19, 2010  
**RE:** City of Chesterfield Ordinance Number 2117-Home Occupations

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### Summary

Several weeks ago Mr. Schmidt contacted the Planning and Public Works Department to inquire about obtaining a permit to hire an employee to work at his home occupation business. His request was denied because Section 1003.020 of the City Code states the following, "A home occupation has no employee that is not a resident on the premises....." In addition, Section 1003.167 (20) of the City Code states that "All employees shall be residents of the home".

Mr. Schmidt then inquired about the process to seek a variance and requested to be heard before the City of Chesterfield Board of Adjustment. The Board of Adjustment derives its duties and powers from City of Chesterfield Ordinance Number 834 and Chapter 89 of Missouri State Statute. These documents do not grant the Board of Adjustment authority to review or approve items in the City Code which are strictly prohibited. As this is the situation in this case, Mr. Schmidt was advised that he could request that the City Council permit his petition to be heard before the Board of Adjustment or he could request that the City Council consider an amendment to the Home Occupation regulations.

On November 6, 2010 the Department received a letter from Mr. Schmidt requesting that several amendments to the Home Occupation regulations be considered. Attached is a copy of said letter and a copy of City of Chesterfield Ordinance Number 2117 which establishes the definition and regulations for Home Occupations.

Thank you

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November 6, 2010

Michael Casey  
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Mike,

Regarding Home Occupations, I've attached both a copy of the ordinance (Bill No. 2290, Ordinance No. 2117, passed August 16, 2004) as well as the business license application based on the ordinance. I assume both would need to be changed.

In the ordinance, I would like to see the phrase in Section 1003.020 (86) "... no employee that is not resident on the premises,..." deleted. Along with that, I would like to see the line in Table 1 of Section 1003.167 (20) on employees also deleted. I think that since the ordinance lists other requirements that "protect and maintain the residential character of the neighborhoods in the City of Chesterfield", primarily addressing hours of operation and parking, I don't think it necessary to limit employees to being residents of the home. If the number of people who are not residents of the house is to be limited, it seems to me that it should not matter whether they are employees, patrons, students, or business callers. To that end, I would propose revising the section on Patrons to say "Patrons, students, business callers, or employees on site." And "A maximum of two (2) patrons, students, business callers, or employees of any kind may be on the premises at any given time. For child care centers, a maximum of five (5) children, not related to the provider, shall be permitted."

Being really bold, I would go so far as to suggest that the line in Table 1 of Section 1003.167 (20) on patrons also be removed entirely. It seems to me that the requirement that "Parking shall not cause a burden on the immediate property or to the neighborhood" and that "The home occupation shall occupy no more that 25% of the residence including the basement and attached garage..." would naturally limit the number of people present, and that a specific limitation of the number of people getting together is not necessary.

In the permit application, the changes I would suggest are to paragraphs in section II.

First, I would like to see paragraph (4), stating "No person shall be employed other than a member of the family residing on the premises" deleted entirely.

Second, I would like to see paragraph (5) and (6) revised so that the phrase "patrons, students, or business callers" instead says "patrons, students, business callers, or employees".

Third, if at all possible, I would like to see paragraph (5) deleted entirely.

I think these changes would promote a business-friendly environment, especially for start-ups, while still protecting and maintaining the residential character of the neighborhoods in the City of Chesterfield.

Regards,

Mike Schmidt

ADD TO NEXT  
P/PW ABEODA -  
REQUESTED BY  
COUNCIL MEMBER CASEY

✓ MBS  
11/8/10

BILL NO. 2290

ORDINANCE NO. 2117

**AN ORDINANCE AMENDING CITY OF CHESTERFIELD ZONING  
ORDINANCE SECTION 1003.020(86) TO ALLOW FOR A NEW  
DEFINITION FOR HOME OCCUPATION AND AMENDING SECTION  
1003.167(20) TO ALLOW FOR NEW CRITERIA. (P.Z. 3-2004 CITY OF  
CHESTERFIELD/HOME OCCUPATION.)**

**WHEREAS**, there has been increased interest in establishing a new definition and new use limitations for home occupations; and,

**WHEREAS**, the Planning Commission Ordinance Review Committee has recommended new criteria for home occupation and;

**WHEREAS**, the Planning Commission concurred with the recommendation of the Ordinance Review Committee and voted to recommend said amendment by a vote of 6-1.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

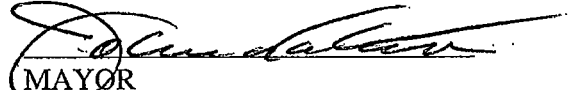
**Section 1.** The City of Chesterfield Zoning Ordinance is hereby amended and agrees to make necessary changes thereto, as set out in Attachment "A" which is attached hereto and made a part hereof.

**Section 2.** The City Council, pursuant to the petition filed by the City of Chesterfield in P.Z. 3-2004, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on April 26, 2004, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

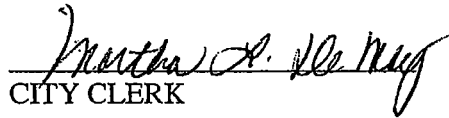
**Section 3.** This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

**Section 4.** This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 16th day of AUGUST, 2004

  
MAYOR

ATTEST:

  
CITY CLERK

## Attachment A

### *Section 1003.020 (86) Definitions.*

(86) Home Occupation. Any activity conducted by a resident within a dwelling for financial gain which is incidental to, and clearly subordinate to, the residential use of the property. A home occupation has no employee that is not a resident on the premises, has no retail sales (except for goods and services produced on the premises) and occupies no more than 25% of the residence including the basement and attached garage.

### *Section 1003.167 Miscellaneous Regulations.*

(20) *Home Occupation*. The purpose of this Section is to ensure that a home occupation is so located and conducted that the average neighbor would not be aware of its existence or be disrupted by it. It is the intent of this ordinance to protect and maintain the residential character of the neighborhoods in the City of Chesterfield. Both a business license and a home occupation permit shall be required for a home occupation.

- A) The development criteria for home occupation shall adhere to the standards set forth by Table 1 below.

Table 1: Development Criteria

| <i>Performance standards</i> | <b>Criteria</b>   |
|------------------------------|---|
| Purpose                      | Home occupation activity shall be clearly subordinate to the residential use of the property.     |
| Use limitation               | The home occupation has no retail sales (except for goods and services produced on the premises). |

|                                       |   |
|---------------------------------------|---|
| Prohibited uses                       | Animal hospital; kennel or dog sitting service of more than five (5) dogs at a time, not including dogs owned by the homeowner; clinic and hospital; vehicle repair; outside storage of equipment, material or supplies; restaurant; medical or dental practice, excluding counseling services, which require patients to receive services in the home. |
| <b>Structure</b>                      |   |
| Performance standard of structure     | Any noise, vibration, smoke, odors, heat or glare produced as a result of the home occupation which would exceed that normally produced by a single residence shall be prohibited.  |
| Use of structure                      | The home occupation shall occupy no more than 25% of the residence including the basement and attached garage. Use of existing outbuildings for the home occupation is permitted and not considered in the allowable square footage.  |
| Alteration of structure               | The residential structure which accommodates the home occupation shall maintain its character as a dwelling. Alteration of the structure for handicap access shall be permitted.  |
| Exterior of structure                 | The home occupation shall maintain its residential character of the premises by not having any exterior storage of materials, or any other indication of a home occupation.   |
| Signage                               | In order to maintain its residential character, signage of any kind located on the exterior of the property or visible from the property shall be prohibited.   |
| <b>Parking</b>                        |   |
| Standard                              | Parking shall not cause a burden on the immediate property or to the neighborhood.  |
| Alteration of parking on the property | Exterior expansion of the parking for the residential use of the property only shall be permitted.  |

|   |   |
|---|---|
| Location  | All parking for the home occupation must occur on site.   |
| Commercial vehicles                             | One (1) commercial vehicle, which is also used by the resident, may be parked at the residence within any 24 hour period.   |
| <b><i>Patrons</i></b>                           |   |
| Patrons, students, or business callers on site. | A maximum of two (2) patrons, students, or business callers of any kind may be on the premises at any given time.<br>For child care centers, a maximum of five (5) children, not related to the provider, shall be permitted. |
| <b><i>Hours</i></b>                             |   |
| Maximum hours of operation                      | Patrons, students, or business callers shall only be received within the hours of 7:00 a.m. and 9:00 p.m.   |
| Hours for deliveries                            | All deliveries related to the home occupation shall be made between the hours of 7:00 a.m. and 9:00 p.m.  |
| <b><i>Employees</i></b>                         |   |
| Employee requirement                            | All employees shall be residents of the home.   |