

Periodic Review Amendments, Part I

Chapter 88, Zoning and Development Code

November 7th, 2023

Prepared for

City Plan Commission



Identified Amendments

- 1) Home Occupations
- 2) Westport Overlay District
- 3) Communications Service Establishments
- 4) Major Amendment Criteria

Part II, Coming Soon

- 5) Neighborhood Serving Commercial
- 6) Reuse of Public/Civic Buildings
- 7) Site Plan Review and Approval
- 8) Interpretations of Approved Plans

Home Occupations

- Missouri House Bill 2593 prohibits cities from regulating “no-impact” home based businesses. A “no-impact” home based business is defined as one where:
 - Total number of employees does not exceed occupancy limit
 - The business activities:
 - Are limited to the sale of lawful goods or services;
 - May involve more than one client at a time;
 - Do not generate on-street parking or cause a substantial increase in traffic through residential areas;
 - Occur inside the dwelling or in the yard; are not visible from the street

Home Occupations

- The city is forbidden from:
 - Regulating hours of operation
 - Prohibiting outdoor storage or use of equipment outside the home or accessory structure which does not “produce effects outside the home”
 - Restricting any particular type of occupation
 - Requiring any licensing (including business license) or permit
 - Restricting the number of occupants or employees to any number other than maximum building occupancy
 - Requiring employees to live in the home
 - Prohibiting occupation in accessory structure
 - Requiring or prohibiting structural alterations to accommodate occupation

Home Occupations

- The bill severely limits the ability of the city to regulate home occupations through zoning.
- The bill does allow cities to adopt narrowly tailored regulations protecting health, safety and welfare, such as noise, odor or dust. These ordinances exist and are enforced by other departments.
- The bill does not supersede private deed restrictions enforced by HOAs.

Westport Overlay District

- Correct an error in not referencing the new district

Communications Services Establishments

- Use categories includes data centers.
- Various industries are entering data center business.
- Result is a desire to operate small scale data centers.
- Code treats all data centers the same, and assumes they are all large, and allows them without standards in O, B2-B4, DC and DX, and all M districts.
- Amendment allows small scale data centers on underutilized sites with standards:
 - R-80, when limited to 50,000 sf
 - B and D districts when not located on ground level of any building within 50 feet of a street; not allowed to exceed 100,000 sf unless SUP

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Plan Amendment Criteria

- Code specifies when changes to approved plans require a major amendment.
 - Building floor area increase of 10% or 5,000 sf whichever is less
 - Building height increase of 10% or 6 ft whichever is less
 - Impervious surface increase of 10% or 2,000 sf whichever is less
- Amendment proposes eliminating the 5,000 sf, 6 ft, and 2,000 sf caps.
- Caps penalize large buildings with arbitrary numbers that do not correspond to anything else in the code.

Questions?