

INTRODUCED BY: Trustees Fortune, Graves, Whitmore, Eisenhauer and Stoeckl

AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE ZONING CODE OF THE VILLAGE OF TWIN OAKS TO ALLOW FOR SPECIAL BUSINESS PERMIT PROCEDURES

WHEREAS, the Village of Twin Oaks, pursuant to Section 400.510 of the Code of Ordinances of the Village of Twin Oaks (“Code”), has the authority to make amendments to the written text of its Zoning Code; and

WHEREAS, the Planning and Zoning Commission has considered and made a recommendation to the Board of Trustees that proposed amendments to revise existing Code Section 400.130 (“Use Regulations”) and adopt a new Code Section 400.175 (“Special Business Permit Procedure (SBP)”) be approved; and

WHEREAS, the Board of Trustees has held a duly noticed public hearing on September 7, 2016 in accordance with the Code Section 400.510 and Chapter 89 RSMo. relating to the amendments to Sections 400.130 and 400.175 of the Zoning Code; and

WHEREAS, the Board of Trustees finds it in the best interest of the Village to allow certain existing single family dwellings to be reutilized for office/low impact commercial uses under prescribed conditions and accordingly desires to amend the Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF TWIN OAKS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 400.130, entitled “Use Regulations” is hereby amended by adding subsection 9 to 400.130(A) as follows:

- 9. A limited commercial use pursuant to a Special Business Permit as set forth in Section 400.175.

Section 2. Section 400.175, entitled “Special Business Permit Procedure (SBP)” is hereby adopted to read as follows:

Section 400.175 Special Business Permit Procedure (SBP).

A. *Scope of Provisions.* This Section contains the regulations of the Special Business Permit Procedure. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter, which are incorporated as part of this Section by reference.

- 1. *Statement of Purpose.* The purpose of this Section is to provide a voluntary and alternative means for existing single family dwellings to be reutilized for office or low

impact commercial services in the "Old Town" area where certain site characteristics, changes in nearby uses and traffic conditions, and the reconstruction of Highway 141 may have rendered these properties less desirable for residential purposes. The issuance of any Special Business Permit shall only be approved after the Planning & Zoning Commission (the "Commission") has reviewed and determined that the proposal does not adversely impact the character of the surrounding neighborhood and is compatible in appearance and function with nearby uses.

2. *Applicable Zoning Districts and Roadway Designation.* The Special Business Permit Procedure may be utilized on Lots in the "A" Single Family Residential Dwelling District east of Highway 141. Lots considered for the Special Business Permit Procedure must have direct access onto Meramec Station Road.
3. *Authorized Developments.* The Special Business Permit Procedure may authorize the following development types:
 - a. Office uses that do not require steady customer visits.
 - b. Commercial services of a personal or educational nature, including music schools, art studio, alterations, tailors, architect, accounting or legal services, or other establishments offering services to the general public, excluding the manufacturing or sale of any goods on the premises except as an accessory use to a permitted use.
 - c. Mail order or internet-based operations provided that there is no storage or display of inventory outside the dwelling or visible from the roadway inside the dwelling.

Notwithstanding the above, no Special Business Permit may be granted if the Board of Trustees makes the legislative finding that any proposed use would create excessive traffic, noise or other nuisance.

4. *Owner-Occupied.* The Special Business Permit may not be granted for a business that is operated by a person other than the owner of record or a person sufficiently related to the owner of record. For purposes of this Section, a person shall be considered "sufficiently-related" to the owner of record to be issued a permit if the person is an entity, owned or operated by the owner of record, whether jointly or severally or in joint tenancy or by any partnership, corporation or other entity in which the owner of record holds a fifty percent (50%) or greater interest or by any shareholder, member or partner holding a fifty percent (50%) or greater interest in such owner of record, if an entity.
5. *Site Requirements.* Yard setbacks, screening and landscaping, and building use limitations shall be as established within the conditions authorizing the Special Business Permit. Additional restrictions applicable on a case-by-case basis are as follows:
 - a. Any building addition, parking area, or drive aisle shall comply with the setback requirements of the A zoning district, except in the following instances:
 - i. Where a Special Business Permit property abuts a residentially zoned area, the rear yard setback shall be a minimum of fifteen (15) feet in distance. If five (5) or more parking spaces are proposed in conjunction with the use, a minimum twenty-five (25) foot rear yard setback shall be required.
 - ii. Where a Special Business Permit property abuts a residentially zoned area, setback requirements may be made more restrictive in the conditions

governing the site, as authorized by the Special Business Permit, than those of the underlying district designation.

- b. Any Special Business Permit property shall have the following use limitations:
 - i. A Special Business Permit may be issued only for an existing structure originally constructed for occupancy as a single family dwelling and which was constructed not less than ten years prior to application for a Special Business Permit.
 - ii. No addition shall be permitted to any structure for which a Special Business Permit is issued that will increase the area of office/commercial use. This provision shall not prohibit the construction of an addition for living area or for sheltered parking otherwise permitted in the district in which the property is located. No such addition shall be eligible for an expansion of use granted under the Special Business Permit.
 - iii. No alteration of a principal residential structure shall be made which changes the nature of its appearance as a residence.
 - iv. No mechanical equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses outside any structure on the property.
 - v. There shall be no regular and steady visitation or concentrated coming and going of clients, patrons or customers to or from the property.
 - vi. There shall be no exterior storage of equipment or material used in connection with the Special Business Permit.
 - vii. If residential use of the property is retained in part, such living area shall be limited to the family of the operator of the business for which the Special Business Permit is requested.
6. *Parking.* Off-street parking and loading spaces for a Special Business Permit use shall comply with the applicable standards as established in Section 400.360 Residential Parking Requirements. If additional parking is desired by applicant, applicant must include a parking plan with the Site Plan for the Commission's review and recommendation as to whether the desired parking detracts from the Purpose of this Section as set forth in subsection 2.
7. *Signage.* Signage for the Special Business Permit Procedure may consist of one (1) sign not to exceed twenty-four (24) inches by thirty-six (36) inches in sign face area. This signage shall be located on the structure at its entrance. The sign, sign location as well as lighting for the sign, must be clearly indicated on the Site Plan for approval.
8. *General Review Process.* The appearance and operation of the structure shall be compatible with the surrounding area. Each request shall be required to meet the following requirements:
 - a. A Site Plan shall be submitted in conjunction with the Special Business Permit application for approval by the Commission.

- b. A rendering of the dwelling that reflects the existing facade treatments, as well as any proposed remodeling or alterations to the exterior of the dwelling in adherence to permit requirements, shall be submitted to the Commission for approval.
 - c. If site work or building additions are involved, a review by the Metropolitan St. Louis Sewer District shall be completed for each Special Business Permit Procedure request relative to the on-site handling of stormwater, required right-of-way dedications along applicable roadways, and accessory entrance improvements.
- B. *Procedures.* Procedures for filing, review, and approval of the Special Business Permit shall be as follows:

1. *Application.* Application for a Special Business Permit for a specific tract of land shall be initiated by the filing of a verified application by the owner or owners of record, or owners under contract of a lot or tract of land, or their authorized representatives. Application shall be submitted to the Village Clerk upon forms prescribed for such purpose by the Village and accompanied by the following:
 - a. Legal description of the property.
 - b. Outboundary plat of the property.
 - c. Photos of existing site and buildings;
 - d. If changes to the exterior of the building or property are proposed, a Site Plan, including, but not limited to the following:
 - i. Location and designated uses of all buildings and other structures as well as parking and open areas shall be indicated.
 - ii. Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Flood plain areas shall be delineated.
 - iii. Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses and proposed landscaping.
 - iv. Two (2) cross section profiles through the site showing preliminary building form, existing natural grade and proposed final grade.
 - v. Proposed ingress and egress to the site, including adjacent streets.
 - vi. Preliminary plan for provision of sanitation and drainage facilities.
 - vii. Preliminary plan for stormwater quality control measures (if applicable).
 - viii. Stream buffer areas.

The Village Clerk may waive any of the above requirements, including a site plan, deemed inessential for a specific application.

2. *Commission Action.* The application shall be forwarded to the Commission only after verification that it meets the minimum application requirements. Upon review of the application, the Commission may recommend approval subject to appropriate conditions, or denial. Conditions may relate to, but need not be limited to, the following:
 - a. Conditions relative to the type, location and extent of improvements and landscaping;
 - b. Conditions governing development and improvements (including minimum yard requirements);
 - c. Conditions relative to the maximum gross floor area for non-residential use;
 - d. Conditions relative to sign regulations; and

- e. Conditions relative to performance standards.

When approval has been granted subject to conditions, and the conditions would cause a substantial change in the Site Plan presented at public hearing, the Village Clerk shall withhold forwarding the Commission's decision to the Board of Trustees pending receipt of a revised plan from the applicant reflecting compliance with the conditions. The applicant shall be allowed a maximum of forty-five (45) days to submit the revised plan to the Village Clerk. If the applicant fails to submit the revised plan, the Village Clerk shall forward its decision to the Board of Trustees.

The Commission's recommendation shall be based upon whether the Special Business Permit Procedure proposal is consistent with the overall purpose of this Section regarding the style and functional aspects of the subject dwelling and the operational compatibility of the proposed use with surrounding uses, topography, and infrastructure. The recommendation, along with the Site Plan and conditions, where approval has been granted, shall be forwarded to the Board of Trustees for its review.

3. *Board of Trustees' Review of Commission Recommendation.*

- a. *Public Hearing.* A public hearing on the application shall be held in the same manner and with the same public notice procedure as required for a change of zoning (§400.510).
- b. The Board of Trustees shall review the recommendation of the Commission, including any conditions recommended, and the application and shall, considering the Purpose of this Section, any additional conditions needed and the requirements of Subsection A, either approve, approve with conditions or deny the application. The Board's action shall be in the form of a resolution or similar manner.

4. *Appeal Procedure.* Appeal by anyone aggrieved by the decision of the Board of Trustees hereunder shall be in accordance with Chapter 132.

C. Procedure to Amend the Conditions of Special Business Permit or Site Plan. In order to amend the conditions of an existing Special Business Permit or to amend the site development plan approved for a Special Business Permit, the procedure shall be as follows to:

1. Amend Conditions of a Special Business Permit:

- a. The property owner or authorized representative shall submit a written request to amend conditions to the Village Clerk. The Village Clerk shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
- b. The Village Clerk shall then forward the request and its report to the Commission. The Commission shall review the proposed condition amendments and file a report with the Board of Trustees in which the Commission shall recommend the Board grant, deny or modify the requested condition amendments.
- c. If the Commission determines that the requested condition amendments are not consistent in purpose and content with the nature of the proposal as originally

advertised for public hearing, the Commission may require a new public hearing on the matter in accord with the procedures specified herein.

2. Amend the Site Plan:

- a. The property owner or authorized representative shall submit an amended site development plan to the Village Clerk for review. The Department shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
- b. If the Village Clerk determines that the proposed amendment to the site development plan is not in conflict with the original proposal as advertised and the preliminary development plan, and meets all conditions of the Special Business Permit, the Village Clerk may approve said amended plan. The approved plan shall be retained on file by the Village Clerk.
- c. If the Village Clerk determines that the proposed amendment to the Site Plan is not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, or with the preliminary development plan, the Village Clerk shall so report to the applicant and the Commission. The Commission shall review the proposed site plan amendment and make a recommendation to the Board of Trustees. The Commission may, if deemed necessary, require a new public hearing on the matter in accord with procedures specified herein.

Section 3. This ordinance having been read by title or in full two times prior to passage, shall be in full force and effect from and after its passage and after being duly signed by the Chairman of the Board of Trustees and attested by the Village Clerk.

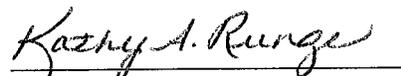
PASSED and APPROVED this 7th day of September, 2016.



Russ Fortune, Chairman
Board of Trustees

ATTEST:

First Reading: 9-7-16


Kathy A. Runge
Village Administrator/Clerk

Second Reading: 9-7-16