

Public Notice posted in accordance
RSMO. 610 as amended
By: Tiffany Wilson
Community Development Clerk

Date/Time Posted:

Friday, January 20, 2023
5:00 PM

**CITY OF PACIFIC
PLANNING AND ZONING COMMISSION
300 Hoven Drive**

**TUESDAY, JANUARY 24, 2023
7:00 P.M.**

**This meeting is open to the public.
The meeting will be streamed live on the City of Pacific YouTube channel:
<https://www.youtube.com/channel/UC9dxzhHQWbPuIQJC1N6TSig>**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES:** From November 8, 2022
- 4. PUBLIC HEARING**
 - a. PZ 2023-01: Text Amendment, Chapter 400, Recreational Marijuana uses. The City of Pacific is seeking a text amendment to Chapter 400 to establish provisions for Marijuana facility uses in C and M zoning districts.
 - b. PZ 2023-02: Text Amendment, Chapter 400, Sections 400.120 and 400.130. The City of Pacific is seeking a text amendment to Chapter 400, Sections 400.120 and 400.130 to establish Restaurants, Massage Therapy
- 5. NEW BUSINESS**
 - a. Consideration of PZ 2023-01. Text Amendment, Chapter 400, Recreational Marijuana uses.
 - b. Consideration of PZ 2023-02. Text Amendment, Chapter 400, Restaurants, Massage Therapy and Tattoo Establishment uses
 - c. Commission meeting notices
- 6. OLD BUSINESS**
 - a. Home Occupations text amendments
- 7. COMMITTEE REPORTS**
 - a. Board of Aldermen
 - b. Board of Adjustment
 - c. City Administrator
- 8. ADJOURNMENT**

The Planning and Zoning Commission will consider and act upon the matters listed above and such others as may be presented at the Meeting and determined to be appropriate for discussion at that time. The City of Pacific is working to comply with the Americans with Disabilities Act mandates. Individuals who require an accommodation to attend a meeting should contact City Hall (271-0500) at least twenty-four hours in advance.

**CITY OF PACIFIC
PLANNING & ZONING MINUTES
November 8, 2022 at 7:00 p.m.**

Call to order: The meeting of the Planning & Zoning Commission was called to order by Chairman Bruns at 7:00 PM on Tuesday, November 8, 2022.

Roll Call: Chairman Bruns, Commissioner Flannery, Commissioner Miles, Commissioner Graham, Commissioner Bates, Commissioner Brocato, Commissioner Koelling, Alderman Eversmeyer.

Absent: Commissioner Madrigal.

City Staff: Community Development Director Myers, City Clerk Barfield, Community Development Clerk Wilson.

Approval of Minutes: Regular meeting on October 25, 2022.

Motion made by Commissioner Brocato, seconded by Commissioner Flannery to approve. A voice vote was taken with an affirmative result. Opposed: none.

Public Participation

Public Hearing:

- a. **PZ 2022-13: Black Sheep Tattoo, CUP Application for Tattoo establishment in East End Plaza, Hannah Gehm & Kwade Nash, applicant.**

Chairman Bruns read the public hearing into the record. She opened the public hearing for comments and staff report.

Staff report: Director Myers pointed out that the applicants were present at the meeting. He stated the site is located at 540 East Osage Street, Pacific, Missouri. St. Louis County Property ID (Parent Locator) # 31Z630080. The subject space is located in the retail strip center known as 'East End Plaza' and is presently by Jonathan Tynes who has operated a custom apparel shop (KickPrint) at the site for several years. Mr. Tynes wishes to sublease approximately 735 sq. ft. of the space to the applicants and will retain the remainder of the space for storage. This is currently zoned as C-1. Director Myers toured the location with Mr. Tynes and found the space to be in good repair. Director Myers pointed out that this tattoo establishment will be regulated by the State of Missouri as well as the St Louis County Health Department. Section 660.100 specifies that a Health Officer from the City would enforce code on a tattoo establishment, but since the City does not have a Health Officer, this would fall on the Zoning Officer, who is Director Myers. A review of the code for future updates and improvements was made by Director Myers. He expressed concern about the extensive process this hopeful new business owner had to go through in order to get to Planning and Zoning. No other business is asked to collect 51% of names on a petition in order to open their business. Black Sheep Tattoo was successful in collecting the petition and it is present in the board packet. Research shows that of the 21,000 tattoo shops in America none have ever been located in Pacific, MO. The market is currently underserved in our community. Director Myers does not believe this business will be a nuisance to the surrounding businesses or community. He also felt it was consistent with our Comprehensive Plan and existing

zoning district provisions. Director Myers states that staff recommends approval for this CUP application.

Chairman Bruns asked Director Myers to clarify that two businesses will not be conducting business from the location. Director Myers stated that KickPrint has outgrown the facility and will be running their business from another location and only using the back of the building for storage. Commissioner Bates asked if the current building owner was in agreement with KickPrint subleasing to Black Sheep. Director Myers stated that he had spoken with the current owner and they were very supportive of this business coming into their space. Commissioner Flannery questioned Section 660 were it states that a Health Officer has the right to approve the application. He asked if the Planning and Zoning Board still needed to vote on this application if Director Myers, as the Zoning Officer, had the power to approve. Chairman Bruns clarified that tattoo shops are not listed in the C-1 District unless they apply for a conditional use permit. Director Myers said he is going to defer to the City Attorney to clean up the ordinance and make a recommendation for changes. Commissioner Flannery asked why the hours of operation were limited to 10pm at night. Alderman Eversmeyer suggested there was an outdated stigma towards this type of business and the code definitely need to be refreshed and brought up to this century. Commissioner Flannery asked Director Myers if there was a certification to become a Health Officer. If the State and County Health inspectors were going to be doing bi annual inspections of the business he wanted to know how the city would be qualified too also do so. Director Myers said he had looked and found none. He stated that he felt under qualified as the Zoning Officer to perform health inspections. He also thought that inspections by the State and County were sufficient and that our regulations need to be cleaned up. Chairman Bruns closed the public hearing.

Motion made by Commissioner Flannery, seconded by Commissioner Miles to recommend approval for PZ 2022-13: Black Sheep Tattoo, CUP Application for Tattoo establishment in East End Plaza, Hannah Gehm & Kwade Nash, applicant. A roll call vote was taken with the following results: Ayes: Commissioner Flannery, Commissioner Bates, Chairman Bruns, Alderman Eversmeyer, Commissioner Miles, Commissioner Koelling, Commissioner Graham, Commissioner Brocato. Nays: none.

Old Business-Commissioner Flannery asked if the vehicle weight was ever clarified. Director Myers said there has not been any clarification as of yet per Administrator Roth. Commissioner Flannery asked if any action had been taken on the curb and gutter discussion south of the tracks. Director Myers stated that no action had been taken. Commissioner Bates followed up that he would like to know if any action was taken at the board level concerning Gallagher and the issue of curbs and sidewalks. Alderman Eversmeyer said that nothing was presented to the Board of Aldermen and he was told that Gallagher was going to put in the curb and gutter so the issue wouldn't need board approval. Director Myers said that it is still being discussed at a city level between Administrator Roth and Gallagher. Commissioner Bates found it odd that it never made it to the Aldermen, but wanted to say that he never meant any disrespect to Mr. Gallagher in previous discussions on this topic. He feels Gallagher is a great addition to our community and is a good friend of his.

Chairman Bruns wanted to clarify that Planning and Zoning will not be meeting the week of Thanksgiving. Director Myers said he will not plan one for that week. Christmas week meeting will be discussed at a later time.

Committee Reports-

- a. Board of Aldermen- Aldermen Eversmeyer stated their last meeting was quick. The Operations Committee discussed the RV encampment ordinance and they need more information before it goes before the Board of Aldermen. They also voted to put the Candlewick Lane closure on hold while the City staff has been asked to find an alternative route into the industrial park that doesn't use Candlewick.
- b. Board of Adjustments- No report

Chairman Bruns asked City Clerk Barfield to introduce the new Community Development Clerk, Tiffany Wilson.

Adjournment

Motion made by Commissioner Flannery, seconded by Commissioner Brocato. A voice vote was taken with an affirmative result.

Meeting adjourned at 7:30 p.m.

January 5, 2023

**NOTICE OF PUBLIC HEARING
CITY OF PACIFIC
PLANNING & ZONING COMMISSION**

**Zoning Code Amendments, Chapter 400
Recreational Marijuana uses in C and M zoning districts
and**

**Zoning Code Amendments, Chapter 400
Restaurants, massage therapy establishments and tattoo establishments in C zoning districts**

The City of Pacific Planning and Zoning Commission will conduct a Public Hearing on **Tuesday, January 24** at 7:00 P.M., in the Board of Aldermen Chambers of the Pacific Government Center located at 300 Hoven Drive, Pacific MO, to hear comments on the following proposals:

1. PZ 2023-01: Text Amendment, Chapter 400, Recreational Marijuana uses. The City of Pacific is seeking a text amendment to Chapter 400 to establish provisions for Marijuana facility uses in C and M zoning districts.
2. PZ 2023-02: Text Amendment, Chapter 400, Sections 400.120 and 400.130. The City of Pacific is seeking a text amendment to Chapter 400, Sections 400.120 and 400.130 to establish Restaurants, Massage Therapy Establishments and Tattoo Establishments as permitted uses in C zoning districts.

All citizens requesting to comment on the above proposal will be given an opportunity to speak at the hearing. Copies of the proposed amendments are available for review at Pacific City Hall, 300 Hoven Drive during weekdays between the hours of 8:00 a.m. and 5:00 p.m. Copies are also available online at www.pacificmissouri.com under "Public Hearing Notices." For more information, please contact Steve Myers, Community Development Director, at 636-271-0500 ext 216 or by email at smyers@pacificmissouri.com.

BILL NO. _____

ORDINANCE NO. _____

SPONSOR _____

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF TITLE IV: LAND USE, CHAPTER 400; ZONING CODE, TO ALLOW FOR RECREATIONAL MARIJUANA RELATED USES WITHIN THE CITY OF PACIFIC, MISSOURI.

WHEREAS, on November 8, 2022, a majority of the qualified voters of the State of Missouri approved the adoption of Amendment 3 to the Missouri Constitution relating to access to recreational marijuana, which became effective on December 8, 2022; and

WHEREAS, the general welfare, health, morals and safety of the citizens of this City will be promoted by enactment of this Chapter, and

WHEREAS, a Public Hearing was held on January 24, 2023 by the Planning and Zoning Commission regarding the proposed ordinance; and

WHEREAS, following the Public Hearing on January 24, 2023 by the Planning and Zoning Commission and after consideration of the request and testimony presented therein, the Planning and Zoning Commission recommended approval of the ordinance to the Board of Aldermen; and

WHEREAS, a Public Hearing was held on February 7, 2023 by the Board of Aldermen regarding the ordinance; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, MISSOURI, AS FOLLOWS:

Section 1. Section 400.040: Definitions of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

“Marijuana Microbusiness Facility”, a facility licensed as such by the Missouri Department of Health and Senior Services.

“Microbusiness Dispensary Facility”, a facility licensed as such by the Missouri Department of Health and Senior Services.

“Microbusiness Wholesale Facility”, a facility licensed as such by the Missouri Department of Health and Senior Services.

“Comprehensive Marijuana Cultivation Facility”, a facility licensed as such by the State of Missouri.

“Comprehensive Marijuana Dispensary Facility”, a facility licensed as such by the State of Missouri.

“Comprehensive Marijuana-Infused Product Manufacturing Facility”, a facility licensed as such by the State of Missouri.

“Marijuana” or “Marihuana” *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to

constitute marijuana, as well as resin extracted from the plant and marijuana- infused products. “Marijuana” or “Marihuana” do not include industrial hemp as defined by Missouri Statute or commodities or products manufactured from industrial hemp.

Marijuana-Infused Products, Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

Marijuana Cultivation Facility, a facility licensed as such by the Missouri Department of Health and Senior Services.

Marijuana Dispensary Facility, a facility licensed as such by the Missouri Department of Health and Senior Services.

Marijuana-Infused Products Manufacturing Facility, a facility licensed as such by the Missouri Department of Health and Senior Services.

Medical Marijuana Testing Facility, a facility certified as such by the Missouri Department of Health and Senior Services.

Section 2. Section 400.150.B of Article II: District Regulations of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

B. Permitted Uses

13. Marijuana cultivation facility entirely within an enclosed building
14. Marijuana-Infused Products Manufacturing Facility
15. Marijuana Testing Facility

Section 3. Section 400.140.B of Article II: District Regulations of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

B. Conditional Use Regulations

12. Marijuana cultivation facility entirely within an enclosed building
13. Marijuana-Infused Products Manufacturing Facility
14. Marijuana Testing Facility

Section 4. Section 400.130.B of Article II: District Regulations of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

B. Permitted Uses

8. Marijuana dispensary facility

Section 5. Section 400.120.B of Article II: District Regulations of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

B. Permitted Uses

31. Marijuana dispensary facility

Section 6. Section 400.060.B of Article II: District Regulations of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

B. Conditional Use

12. Marijuana cultivation facility (outside)

Section 7. Section 400.236 of Article VI: Supplementary District Regulations of Title IV of the Municipal Code is hereby amended as follows:

400.236 Marijuana. The purpose of this division is to regulate the placement and licensing of facilities for the dispensing, selling, cultivating, manufacturing, storing, and testing of marijuana and marijuana-infused products, to the extent permitted by the Missouri Constitution, applicable statutes enacted by the General Assembly, and regulations promulgated by the Missouri Department of Health and Senior Services, and to protect the health, safety, and welfare of the residents, businesses, and property owners in the City.

- A. No marijuana related use, activity or facility shall emit an odor or in any way cause a public nuisance per Chapter 225 of this Code. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises or other changes to the facilities can be required if a public nuisance violation occurs.
- B. No more than a total of three (3) Marijuana Dispensary Facilities will be allowed within the City Limits.
- C. Each Marijuana Cultivation Facility, 1 Marijuana-Infused Products Manufacturing Facility or Marijuana Dispensary Facility shall be located on properties that meet the following distance requirements:
 - 1. No marijuana related uses shall be operated or maintained within one hundred (100) feet of any school, child day-care center or church.
 - 2. No marijuana related uses shall be operated or maintained within one thousand five hundred (1,500) feet of another marijuana related use except when marijuana sales represents less than 5% of the dollar volume of business in a state or federally licensed pharmacy. Marijuana related uses under the same ownership and on the same property are exempt from this requirement.
 - 3. In the case of a free-standing facility, the distance between the facility and the school shall be measured from the external wall of the facility closest in proximity to the school to the closest point of the property line of the school, unless the school is part of a larger structure such as an office building or mall, in which case the distance shall be measured to the entrance or exit of the school in closest proximity to the facility. In the

case of a facility that is part of a larger structure, such as an office building or mall, the distance between the facility and the school shall be measured from the property line of the school to the facility's entrance or exit closest in proximity to the school, unless the school is part of a larger structure such as an office building or mall, in which case the distance shall be measured to the entrance or exit of the school in closest proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot..

- D. No marijuana or marijuana-infused product shall be displayed so as to be visible through glass, windows, or doors by a person of normal visual acuity standing at the outside perimeter of a Facility.
- E. Paraphernalia as defined in Chapter 195 of the Revised Statutes of Missouri, as may be amended, may be lawfully sold at a Marijuana Dispensary Facility.
- F. The sale or consumption of alcohol within a Facility is prohibited.
- G. The consumption, inhalation or other personal use of marijuana or marijuana-infused products on or within the premises of a Marijuana Cultivation Facility, Marijuana Testing Facility, Marijuana-Infused Products Manufacturing Facility or Marijuana Dispensary Facility is prohibited, except that a Marijuana Testing Facility may consume marijuana during the testing process and only as the consumption relates to the testing process.
- H. Dispensaries can be on the same property as a cultivation facility, a Marijuana-Infused Products Manufacturing Facility or a Marijuana Testing Facility but are not permitted to be within the same building as any other marijuana related use.
- I. Security Plans. Marijuana Cultivation Facility, Marijuana Testing Facility, Marijuana-Infused Products Manufacturing Facility or 1 Marijuana Dispensary Facility shall provide adequate security on the premises including, but not limited to, the following:
 - 1. Surveillance. Security surveillance cameras installed to monitor each entrance to the Facility along with the interior and exterior of the premises to discourage and to facilitate the reporting and investigation of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least ninety (90) days, and be made available to law enforcement officers upon demand.
 - 2. Inventory. All salable inventory of marijuana must be kept and stored in a secured, locked manner.
 - 3. Safe. A locking safe or secure vault permanently affixed or built into the premises to store any currency on site.
 - 4. Alarm System. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the Facility at all times.
 - 5. Emergency Contact. Each Facility shall provide the chief of police with the name, cellular telephone number, electronic mail address, and facsimile number of an on-site Facility employee to whom the City may provide notice of any operating problems associated with the Facility. It shall be the responsibility of the Licensee to keep up to date the contact information of the Facility employee.
- J. Operating Plans. As a condition of processing of a business license application, a

Facility operator shall provide at the time of filing the business license application a detailed operations plan and, upon issuance of a license, shall operate the Facility in accordance with the plan. Such plan shall include:

1. Floor Plan. A plan showing the layout of the Facility and the principal uses of the floor area depicted. A Marijuana Dispensary Facility shall have a lobby waiting area at the entrance to the center to receive clients, and a separate and secure designated area for dispensing marijuana to qualified patients or designated primary caregivers. The primary entrance of any stand-alone facility shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways. All storage areas shall be shown and labeled.
2. Odor Controls. A Facility shall provide a plan for the mitigation and control of odors and other environmental impacts which may emanate from a Facility. Such plan shall describe the ventilation system for the premises. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises of a Facility or other changes to a Facility may be required to abate a public nuisance.

K. Signage.

1. A sign for a marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall comply with the requirements of Chapter 425 of this Code, or any ordinance enacted hereafter regulating signs.
2. A sign for a marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall be located on the same premises as the facility.

L. Each Facility shall at all times possess a current City business license. By obtaining a City business license, the Facility Licensee irrevocably consents to the immediate closure and cessation of operation of the Facility in addition to all other penalties or remedies available by law for the failure to possess a current City business license.

M. It shall be unlawful for any person to distribute, transmit, give, dispense or otherwise provide marijuana as a home occupation.

N. No marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, or marijuana testing facility shall be operated within the City without a valid license issued by the Missouri Department of Health and Senior Services. No marijuana or marijuana-infused products shall be acquired, certified, cultivated, delivered, manufactured, processed, sold, stored, tested, or transported within the City, except by persons or entities licensed for such purposes by the Missouri Department of Health and Senior Services.

O. Application Review Process:

1. Site review permit. This preliminary permit reviews the proposed marijuana related use for compliance with the City's zoning and location standards prior to issuance of State license. A draft of proposed security and floor plans should also be provided. Site review approval shall expire, and be of no effect, one (1) year after the date of issuance thereof. Site review and approval shall be conducted administratively.

2. Business license. Once State licensing has been received, the business license shall include all relevant State approvals and approved operating plans and security plans.

Section 8. Section 400.235 of Article XII: Off-Street Automobile Parking Space Requirements of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

Table 1 400.480 Off-street parking space requirements:

Use	Number of Parking Spaces
Commercial	
Marijuana dispensary facility	One (1) space per 400 square feet of retail plus one (1) space per 400 square feet of office
Industrial Uses	
marijuana cultivation facility	One (1) space per 3,000 square feet of grow and process area plus one (1) space per 400 square feet of office

Section 9. This Ordinance shall be in full force and effect upon its passage by the Board of Aldermen and approval by the Mayor.

PASSED this _____ day of _____, 2023. _____
Heather Filley, MAYOR

APPROVED this _____ day of _____, 2023. _____
Heather Filley, MAYOR

ATTEST:

City Clerk

BILL NO. _____

ORDINANCE NO. _____

SPONSOR _____

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF TITLE IV: LAND USE, CHAPTER 400; ZONING CODE, WITH RESPECT TO MASSAGE THERAPISTS, RESTAURANTS AND TATTOO ESTABLISHMENTS AND REPEALING CHAPTER 660.

WHEREAS, a Public Hearing was held on January 24, 2023 by the Planning and Zoning Commission regarding the proposed ordinance; and

WHEREAS, following the Public Hearing on January 24, 2023 by the Planning and Zoning Commission and after consideration of the request and testimony presented therein, the Planning and Zoning Commission recommended approval of the ordinance to the Board of Aldermen; and

WHEREAS, a Public Hearing was held on February 7, 2023 by the Board of Aldermen regarding the ordinance; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, MISSOURI, AS FOLLOWS:

Section 1. Section 400.040: Definitions of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

TATTOO ESTABLISHMENTS

Commonly referred to as tattoo parlors, means any establishment in which the act or practice of marking the human skin with patterns, pictures, legends or words by making punctures in it and inserting pigments is conducted.

TATTOO, TATTOED OR TATTOOING

Referred to any methods of placing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

Section 2. Section 400.120.B of Article II: District Regulations of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

B. Permitted Uses

- 33. Massage establishments and outcall massage services, in accordance with Chapter [645](#) of the Municipal Code of the City of Pacific.
- 34. Tattoo establishments.
- 35. Restaurants.

Section 3. Section 400.120.C, Subsections 9. And 16. of Article II: District Regulations of Title IV of the Municipal Code are hereby deleted (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

Section 4. Section 400.130.B of Article II: District Regulations of Title IV of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

B. Permitted Uses

- 9. Massage establishments and outcall massage services, in accordance with Chapter [645](#) of the Municipal Code of the City of Pacific.
- 10. Tattoo establishments.
- 11. Restaurants.

Section 5. Chapter 660 of the Municipal Code is hereby repealed in its entirety.

Section 6. This Ordinance shall be in full force and effect upon its passage by the Board of Aldermen and approval by the Mayor.

PASSED this _____ day of _____, 2023. _____
Heather Filley, MAYOR

APPROVED this _____ day of _____, 2023. _____
Heather Filley, MAYOR

ATTEST:

City Clerk

BILL NO.

ORDINANCE NO. _____

SPONSOR: _____

AN ORDINANCE AMENDING SECTION 400.170 OF THE ZONING ORDINANCE OF THE CITY OF PACIFIC, MISSOURI REGARDING HOME OCCUPATIONS

WHEREAS, Section 400.170 of the City Zoning Code establishes zoning regulations concerning home occupations; and

WHEREAS, state law has changed regarding the ability of local government to regulate home occupations (HB 1662, 2022) and the Director of Community Development has applied for approval of the necessary zoning ordinance changes, and

WHEREAS, the Planning and Zoning Commission of the City of Pacific, Missouri has recognized the need for amendments to such regulations as set forth herein, to comply with state law; and

WHEREAS, the Planning and Zoning Commission of the City of Pacific, Missouri, held a public hearing thereon at _____ on _____, 2022, beginning at _____ p.m., or immediately following the close of the previous public hearing; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____, recommended approval of the subject amendments as set forth herein at its meeting on _____, 2022; and

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the _____, a newspaper of general circulation in the City of Pacific and otherwise posted and published in accordance with the Zoning Ordinance; and

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the Board of Aldermen; and the Bill was read by title in open meeting two times before final passage by the Board of Aldermen; and

WHEREAS, the Board of Aldermen being fully informed finds that amending the City Code of Ordinances as set forth herein has been mandated by the State Legislature;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, MISSOURI, AS FOLLOWS:

Section 1. Section 400.170 of the Zoning Ordinance, of the City of Pacific's Code of Ordinances shall be amended to read as follows:

Home-Based Businesses.

A. *Definitions.* As used in this section, the following terms mean:

1. “Goods”, any merchandise, equipment, products, supplies, or materials;
2. “Home-based business”, any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

B. *Authorization.* Any home-based business owned or operated by the owner or tenant of the residential dwelling unit that is “no impact” pursuant to state law (Sections 71.990 and 89.500, RSMo.) including being incidental and secondary to the principal use of the residential dwelling unit, shall be permitted in any such residential dwelling subject to the provisions set forth herein. Any person who resides in a residential dwelling may use the residential dwelling for a home-based business unless such use is restricted by:

1. Any deed restriction, covenant, or agreement restricting the use of land; or
2. Any master deed, bylaw, or other document applicable to a common-interest ownership community.

C. *Purpose Of Regulation.* Home-based businesses shall be regulated so as to:

1. Ensure compatibility of home- based businesses with all uses permitted in the "R1-E", "R1-H", "R1-A", "R1-B", "R1-C", "R-2" and "R-3" Districts.
2. Promote the health, safety, and general welfare of residential neighborhoods by preventing excessive noise, traffic, nuisances, fire hazards and other adverse effects of unregulated home occupations.
3. Establish standards for home occupations in residential units.

D. *Use Limitations.* All home-based businesses shall comply with the following provisions to preserve residential appearance, prevent adverse impacts on the character of the surrounding neighborhood, and protect public health and safety:

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 thereof.
2. Home-based businesses shall be subject to all applicable laws and its activities shall be limited to the sale of lawful goods and services.
3. The total number of employees and clients on-site at one time shall not exceed the occupancy limit for the residential dwelling unit.
4. 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.

5. No alteration to the exterior experience of the residential building or premises shall be made which detracts from its residential character.

6. 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 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.

7. No mechanical equipment or process shall be used that creates excessive noise, vibration, glare, fumes, odors, electrical interference, or fluctuations in line voltage outside the residential dwelling unit.

8. Notwithstanding anything in Chapter 425 herein to the contrary, no advertising, identification or business exterior displays or signs are permitted on any residential premises.

9. Traffic generated by such home-based business shall not exceed volumes than would normally be expected in the residential area and any need for parking generated by the conduct of such home-based business shall be met by lawful off-street parking.

10. There shall be no exterior storage of equipment, commodities, inventory, or material used in connection with the home-based business.

11. 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.

Section 2: This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen and approval by the Mayor.

PASSED this _____ day of _____, 2022. _____
Heather Filley, MAYOR

APPROVED this _____ day of _____, 2022. _____
Heather Filley, MAYOR

ATTEST:

City Clerk