

# City of Glenaire

**BILL NUMBER 357**

**ORDINANCE NUMBER 359**

## **AN ORDINANCE ALLOWING FOR HOME-BASED BUSINESSES AND OTHER ACCESSORY USES OF RESIDENTIAL PROPERTY IN THE CITY OF GLENAIRE, CLAY COUNTY, MISSOURI.**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF GLENAIRE, MISSOURI, AS FOLLOWS:

**SECTION 1:** Intent: The Board recognizes the importance of small businesses and entrepreneurship and adopts this ordinance with the following intent:

To recognize the need of some residents to use their place of residence for limited, non-residential business activities;

To ensure compatibility of home-based businesses with all residential uses provided for within City Ordinances;

To protect and maintain the character of Glenaire's residential neighborhoods, and;

To ensure home-based businesses do not create excess traffic, activity, noise, or other nuisances.

**SECTION 2:** General Restrictions and Limitations: Home-based businesses will be allowed within the City of Glenaire, as an accessory use to a residential property, subject to registration, as specified in Section 4, and to the requirements of this Section, as follows:

- a. The business operation is clearly secondary to the residential use of the structure.
- b. The business (1) shall be conducted only within an enclosed living area and/or garage of the dwelling and (2) shall not be permitted out-of-doors (3) nor shall be conducted in any accessory structure built solely to house the business. For definition purposes: A dwelling includes the house which is used for living purposes, an attached and/or detached garage and a small shed (less than 200 square feet). An accessory structure is another building on the premises not included in the definition of a dwelling.
- c. There shall be no storage of equipment, merchandise, supplies or packaging waste associated with the home-based business outside of the dwelling or garage.
- d. There shall be no change in the residential appearance of the dwelling or premises and no visible evidence of the conducting of a home-based business.

- e. The use of only one (1) commercial vehicle in conjunction with a home-based business which is strictly limited not to exceed one ton, owned by a resident of the dwelling, and which must be parked in a garage or residential driveway on site.
- f. No mechanical equipment shall be utilized, except that which is customarily used for household or leisure purposes (examples of prohibited equipment include, but not limited to, commercial kitchens, examination or treatment rooms, kilns in excess of six (6) cubic feet, paint booths, high voltage wiring, oversized plumbing, containers in excess of 5 gallons of herbicides and pesticides, and spraying equipment etc.
- g. The conduct of any home based-business or office shall not reduce the number of parking spaces below what is required by ordinance.
- h. Customers, students, or clients shall be limited to ten (10) per day, and not more than four (4) at the same time
- i. In no case shall a home business be open to customers, clients or students at a time earlier than 8:00 a.m. nor later than 8:00 P.M. with the exception of parents dropping off and/or picking up children from a home-based daycare provider.
- j. The use or storage of explosive material is prohibited. Storage of gasoline or diesel fluid is limited to 20 gallons each.
- k. No activity shall be allowed that would interfere with radio or television transmission in the area nor shall there be any offensive noise, vibration, smoke, dust, odors (including herbicides and pesticides), heat or glare noticeable outside the structure.
- l. Accumulation of inventories for public sale on premises and/or sale of any merchandise or products on display within or outside the residence are prohibited, provided that orders placed by private clients or at a sales party may be filled on premises.
- m. One person, in addition to those who are permanent residents of the dwelling, may be employed on site.
- n. Childcare providers may provide Childcare services for a maximum of six (6) children unrelated to the operator and no more than ten (10) children in total (related and unrelated to the operator) and shall conduct business in accordance with the following provisions:
  - i. The childcare business is an accessory use of the residence occupied by the operator. Childcare services cannot be provided in an accessory building.
  - ii. Be so developed, maintained and operated that the building and yards have the appearance and character of a single-family dwelling and do not detract from abutting single-family dwelling properties.

- iv. All play equipment and required outdoor play area is in the rear yard.
- v. Outdoor play only between 8:00 a.m. and 6:00 p.m.

**SECTION 3:** Other Accessory Uses of Residential Property: The following accessory uses to a residential property are allowed in the City of Glenaire, subject to the requirements of this Section, as set forth below. These accessory uses do not require registration with the City.

- a. Home parties for the purpose of selling merchandise or taking orders are permitted by private invitation only, shall not exceed twenty-five (25) guests and shall not be held more than four (4) times per year.
- b. Short term sales of used household and garden items commonly referred to as “garage sales,” “yard sales,” or “rummage sales,” may be held in accordance with the following provisions:
  - i. Sales are conducted on the owner’s property.
  - ii. Two sales per year are allowed, each lasting no more than three (3) days duration. The City wide garage sale day is not included in this limitation.
  - iii. Items for sale shall be limited to second-hand household and garden items.
- c. A hobby by the occupant for personal enjoyment and recreation, provided the articles produced or constructed are not sold. These hobbies may include uses such as gardens, customary pets, television, radio or other transmission antenna not exceeding sixty (60) feet in height.

**SECTION 4:** Registration: A property owner or resident of Glenaire may apply for registration for a home-based business and shall make this application on a form provided by the City of Glenaire at the office of the City Clerk. (A copy of said form is attached hereto as Exhibit A.) The operation of the business shall conform to the restrictions and limitations set forth in Section 2 above. At the time of registration the applicant/owner of the home-based business shall acquire a copy of this Ordinance to maintain compliance with these regulations. The registration shall terminate if, for any reason, the registered use ceases for more than six (6) months.

**SECTION 5:** It shall be unlawful for any person to cause, permit, maintain or allow a violation of the general restrictions and limitations provided for in this ordinance.

**SECTION 6:** Whenever a violation of this ordinance is found to exist within the City, the mayor, or some other duly-designated officer of the City, shall give five (5) calendar days written notice to the owner or occupant of the property upon which such violation exists, or upon the person causing or maintaining the violation, to abate the circumstances which are creating the violation.

It will be unnecessary to provide more than one written notice per calendar year to anyone creating or causing or maintaining the same violation

**SECTION 7:** The notice of violation issued under the provisions of this ordinance shall contain:

- a. an order to abate the violation or to request a hearing within a stated time which shall be reasonable under the circumstances;
- b. the location of the violation, if the same is stationary;
- c. a description of what constitutes the violation;
- d. a statement of acts necessary to abate the violation;
- e. a statement that if the violation is not abated as directed and no request for hearing is made within the prescribed time, the City may have a citation issued and assess the costs thereof against such person.

**SECTION 8:** The notice to abate a violation of this ordinance shall be served as any other legal process may be served pursuant to law.

**SECTION 9:** If a hearing is requested pursuant to the notice provided by Section 6 herein, the request is delivered to the mayor within said five (5) day time period, the mayor shall conduct a special hearing as soon as may be practical, but not earlier than five (5) days after notifying the occupant/owner of the hearing date, place and time, by personal service or by certified mail. This hearing must have a quorum of the board of aldermen to be convened and will be open to the public. At such hearing, the alleged occupant/owner shall have the right to be represented by counsel, to present testimony, and offer evidence and arguments. The City clerk will prepare a written record of this hearing.

**SECTION 10:** The board of aldermen, upon such hearing, shall state in writing their findings of fact, conclusions of law, and their order, if they find such violation to exist, that the same be abated within said period of five (5) days and shall cause stated findings, conclusions and order to be served upon such occupant/owner in the same manner as provided for notice of such hearings.

**SECTION 11:** Anyone violating any of the sections of this ordinance shall be deemed to have committed a misdemeanor punishable by a fine of not more than \$500 or a jail term not to exceed ninety (90) days, or both a fine and a term of imprisonment, at the discretion of the judge.

**SECTION 12:** In addition to any other penalty provided by this ordinance, this ordinance authorizes the prosecution of a civil cause of action before any court having jurisdiction over such codes or causes of action for the abatement of any violation of this ordinance. Any person found liable

for said violations shall, in addition to any other penalties provided by the court, including a permanent injunction, be responsible to pay the reasonable attorney fees of the City incurred in the prosecution of the claim and all court costs.

**SECTION 13:** This ordinance shall be in full force and effect from and after its passage and approval.

PASSED THIS 15th DAY OF February 2011

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Ron Ethridge, Mayor Pro Tem

(seal)

ATTEST:

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Clerk