

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF DUQUESNE, MISSOURI, BY AMENDING TITLE VI: BUSINESS AND OCCUPATION, CHAPTER 610: MISCELLANEOUS BUSINESS REGULATIONS, BY ADDING NEW ARTICLE V. NO-IMPACT HOME-BASED BUSINESSES, TO COMPLY WITH STATE MANDATED CHANGES IN REGULATING NO-IMPACT HOME-BASED BUSINESSES.

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

SECTION 1: That the Municipal Code of the City of Duquesne, Missouri, be, and the same hereby is, amended by amending Title VI: Business and Occupation, Chapter 610, Miscellaneous Business Regulations, by adding new Article V. No-Impact Home-Based Businesses, to comply with state mandated changes in regulating No-Impact Home-Based Businesses, so that new Article V, shall read as follows:

“CHAPTER 610: MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE I. PEDDLERS AND SOLICITORS

....

ARTICLE V. NO-IMPACT HOME BASED BUSINESSES

Section 610.510. Permitted in Residential Districts, when

No-impact Home-based businesses shall be permitted in all residential districts in accordance with, and subject to, the restrictions and limitations of this Article. No other business may be operated in a residence at any time unless otherwise permitted by Chapter 404 of this Code. The term “home occupation” when used in this Code shall be interpreted to mean Home-based Business.

Section 610.520. Definitions.

- A. Goods – Any merchandise, equipment, products, supplies, or materials.**
- B. Home-based business – Is a business operating 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.**
- C. No-Impact Business – Is a home-based business that:**
 - 1. Is engaged in the sale of lawful goods and services; and**

2. Does not cause an increase in traffic through the residential area; and
3. The activities of the business are not visible from any public street; and
4. Does not use any equipment that produces noise, light, odor, smoke, gas, or vibrations that can be seen, felt, heard, or smelled by a person of ordinary senses outside of the property where the business is located; and
5. Does not sell any goods or services for which a health inspection would be required if the business were not located in a residence unless the owner or tenant provides written consent for the Department of Health to inspect the business during normal business hours or at any other time that the business is operating.

Section 610.530. Restrictions And Limitations

A. A No-Impact Home-based business must be incidental and subordinate to the principle residential use of the premises and shall not include more than twenty-five percent (25%) of the floor area of any one (1) floor of a dwelling unit, not including the floor space of any permitted accessory building used by the business. This provision shall not be interpreted as allowing an accessory building, accepted by the usual permitting process for accessory buildings.

B. The owner or operator of the No-Impact Home-based Business must be an owner or tenant of the residence and must reside at the residence.

C. The owner or operator of the No-Impact Home-Based Business may employ others to work in the No-Impact Home-Based Business.

D. The home occupation may be conducted in an existing detached accessory building that existed at the time this Article was adopted. A new accessory building shall not be constructed to house a home occupation.

E. Outdoor storage of materials or equipment used in the home occupation shall not be permitted.

F. Alterations to the exterior of the principal residential building shall not be made which change the character of the residence.

G. One sign, compliant with any sign code provisions for home-based businesses will be allowed. Signs must be properly maintained.

H. The owner or operator must provide adequate parking for the No-Impact Home-Based Business. Parking for the No-Impact Home-Based Business may include the driveway or garage of the residence or a paved parking area located behind the front plane of the residence. Adequate parking may also include parking on the street so long as:

1. Parking is limited to the side of the street the No-impact Home-Based Business is located on, between the lot lines of the residence, if parking at that location is otherwise lawful.

2. If the owner, operator, family members of the owner or operator, employees, clients, or customers routinely park in other locations on the street(s) adjoining the residence, the business shall not be considered a No-Impact Home-Based Business. For the purposes of this section, the term “routinely” means more than twice in a given seven-day period.

l. The total number of persons in the home, including residents, customers, clients, employees, and all others may not exceed the maximum occupancy of the residence at any time.

Section 610.540. Licenses and Permits

A. No permit, license, variance or other type of prior approval shall be required to operate a qualified No-Impact Home-Based Business.

B. Businesses operated in a residence, which do not qualify as a No-Impact Home-Based Business must have a Special Use Permit from the Planning and Zoning Commission and a business license issued by the City Clerk.

Section 610.550. Penalties

Any person who operates a business in violation of this Article shall, upon conviction, be subject to a fine of not less than one hundred dollars (\$100.00). Each day of violation shall be considered a separate offense.”

SECTION 2: That this Ordinance shall take effect from and after its passage and approval.

Passed this 13th day of April, 2023.



ATTEST:

Terry Ingram
Terry Ingram, City Clerk

Bill Sherman
Bill Sherman, Mayor