

BILL NO. 5-9-2023

ORD. NO. 1352

IN THE CITY OF MOUND CITY, MISSOURI

AN ORDINANCE REVISING AND AMENDING THE CITY'S CODE REGARDING
NO-IMPACT HOME-BASED BUSINESSES.

WHEREAS, the Missouri General Assembly has passed, and Governor Parson has signed House Bill 1662, effective August 28, 2022, which makes sweeping changes to the ability of Missouri's Cities to regulate and control home-based occupations; and

WHEREAS, Under the provisions of HB 1662, the City of Mound City is prohibited from:

- A. Restricting the hours of operation for any home-based work; or
- B. Prohibiting or requiring any structural modifications to the home or accessory structure;
or
- C. Prohibiting service by appointment within the home or accessory structure; or
- D. Prohibiting any particular occupation from being home-based work; or
- E. Prohibiting mail order or telephone sales for home-based work; or
- F. Prohibiting the storage or use of equipment that does not cause effects outside of the home or an accessory building; and

WHEREAS, under the provisions of HB 1662, if a home-based business qualifies as a "no-impact home-based business" the City is further prohibited from:

- A. Limiting the number of employees and customers in the business at one time except to the extent of the fire codes; or
- B. Requiring that the business activities occur only within the residence, although the city may prohibit activities that can be viewed from the street; or
- C. Requiring that the business obtain any zoning permit, home occupation permit, or other licenses, other than a business license; and

WHEREAS, the language of this Bill has been submitted to the Planning and Zoning Commission, which, after conducting a public hearing on the same which was properly noticed, has recommended that the Board of Aldermen amend the Zoning Code of the City of Mound City as provided herein; and

WHEREAS, the Board of Aldermen has conducted a public hearing on this matter in compliance with Chapter 89 RSMo.;

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

SECTION 1: Section 405.070 of the City Code is hereby amended by deleting the term "Home Occupation" and adding four new terms. All other terms in Section 405.070 of the City Code are unchanged.

Section 405.070 Definitions of Words.

HOME OCCUPATION

~~Any occupation or profession located in the dwelling unit occupied as a private residence and no person other than members of the family occupying the dwelling unit and no more than one (1) other person that is not a member of the family occupying the dwelling unit shall be employed, engaged, participating or otherwise involved in said home occupation.~~

GOODS

Any merchandise, equipment, products, supplies, or materials.

HOME-BASED BUSINESS

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.

HOME-BASED WORK

Any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

NO-IMPACT, HOME-BASED BUSINESS

A home-based business qualifies as a no-impact, home based business if:

1. The total number of employees and clients on-site at one time does not exceed the occupancy limit for the residential dwelling; and
2. The activities of the business:
 - a. Are limited to the sale of lawful goods and services; and
 - b. May involve having more than one client on the property at one time; and
 - c. Do not cause a substantial increase in traffic through the residential area; and
 - d. Do not violate any parking regulations established by this City's Code; and
 - e. Occur inside the residential dwelling or in the yard of the residential dwelling; and
 - f. Are not visible from any public street; and
 - g. Do 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
 - h. Do 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 the business is operating.

SECTION 2: Chapter 405 of the City Code is hereby amended by repealing Section 405.130.A.10 and enacting one new section in lieu thereof.

Section 405.130 Residential Districts – “R-1” and “R-2”

~~10. Customary incidental home occupations subject to the following restrictions:~~

- ~~a. No alteration of the dwelling or premises shall be made which changes the residential character or appearance of the structure or neighborhood.~~
- ~~b. The use shall be conducted entirely within the principal structure and no stock in trade shall be displayed inside or outside or stored outside the structure.~~
- ~~c. Signs shall be as regulated in Article IX, Sections 405.320, et seq.~~
- ~~d. The use shall not generate traffic in volumes greater than would be normally expected in a residential neighborhood. All parking necessarily generated by the use shall be off the street.~~
- ~~e. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced~~
- ~~f. No business hours shall be permitted after 8:00 P.M.~~
- ~~g. No mechanical equipment shall be used other than that which is ordinarily used for domestic purposes.~~
- ~~h. The business or occupation shall have a merchant's license in accordance with the law of Mound City.~~

10. No-Impact Home-Based Businesses as defined in Section 405.070 of the City Code are permitted within any dwelling within this District.

SECTION 3: Section 605.095 of the City Code is hereby amended by adding paragraph C.

Section 605.095 **PERSONS NOT TO BE CHARGED FOR BUSINESS LICENSE.**

C. No person operating a business that qualifies as a no-impact home-based business as described in Section 405.070 of this code in this City shall be made liable to pay any municipal license fee in addition to a business license fee required by 605.010.

SECTION 4: Section 605.100 of the City Code is hereby amended to add the following underlined language.

Section 605.100 **Businesses, Occupations, Trades, Vocations, Activities and Professions Covered by this Chapter.**

Businesses, trades, professions, occupations, vocations or activities including, but not limited to, the following shall not be operated, practiced, engaged in or otherwise conducted in the City unless and until the owner, operator, manager, proprietor or practitioner thereof shall have applied for and obtained a license to operate, practice, engage in or otherwise conduct same from the City License Officer and shall have paid to the City the license tax hereinafter set forth, such license and tax thereafter to be issued and paid on an annual basis as set forth in this Chapter except where otherwise herein specifically provided. Businesses that qualify as no-impact home-

based businesses as described in Section 405.070 of this Code are not required to obtain a business license to operate, practice, engage in or otherwise conduct business within the City.

SECTION 5. Chapter 605 of the City Code is hereby amended by adding a new section, Section 605.270.

Section 605.270 NO-IMPACT HOME-BASED BUSINESSES

A. Permitted in Residential Districts, when.

No-Impact Home-Based Businesses shall be permitted in all residential districts and in accordance subject to the restrictions and limitations of this Chapter. No other business may be operated in a residence at any time.

B. Definitions.

As used in this Chapter, “No-Impact Home-Based Business” shall have the meaning as provided in Section 405.070.

C. Restrictions And Limitations.

- 1. A No-Impact Home-Based business must be incidental and subordinate to the principal residential use of the premises and shall not change the residential character of the surrounding neighborhood.**
- 2. 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.**
- 3. The owner or operator of the No-Impact Home-Based Business may employ others to work in the No-Impact Home-Based Business as long as the occupancy limits are not in excess of what is allowed pursuant to fire and building codes.**
- 4. The home occupation may be conducted in an existing detached accessory building that existed at the time this Chapter was adopted. A new accessory building shall not be constructed to house a home occupation.**
- 5. Outdoor storage of materials or equipment used in the home occupation shall not be permitted if such storage is visible from the street. Alterations to the exterior of the principal residential building shall not be made which change the character of the residence.**
- 6. 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:**

- a) 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.
- b) If any parking regulations established by the City Code are routinely violated, the business shall not be considered a No-Impact Home-Based Business. For the purposes of this section, the term "routinely" shall mean more than twice in a seven day period.
7. The total number of employees and clients in the home at one time may not exceed the maximum occupancy of the residence.

D. Penalties

Any person who operates a business in violation of this Article shall, upon conviction, be subject to a fine of not less than \$100.00 and up to ninety (90) days in jail or both. Each day of violation shall be considered a separate offense.

SECTION 6. All other code sections and ordinances which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. This Ordinance shall be in full force and effect upon final passage and approval.

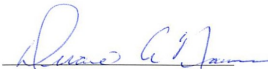
READ TWICE, PASSED AND APPROVED this 9th day of May , 2023,
by a roll call vote.

ATTEST:



Annisia Brandon

Annisia Brandon, City Clerk



Duane Nauman, Mayor