

BILL NO. 24-070

ORDINANCE NO. 19586

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE CITY CODE PERTAINING TO HOME-BASED BUSINESSES.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

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 Independence 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, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on June 25, 2024, and rendered a report to the City Council recommending the text amendment to the UDO be approved by a vote of 7-0; and,

WHEREAS, the City Council has authority under RSMo. Ch. 89.020 to enact and amend zoning ordinances to promote health, safety, morals, and the general welfare of the community; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Independence Section 14-400-03 is hereby repealed and shall be replaced as follows:

**“14-400-03 – Home-Based Businesses**

**14-400-03-A. Definitions.**

**The following terms shall be given the definitions ascribed below:**

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

**HOME-BASED BUSINESS. A business operating in a residential dwelling within the City of Independence 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.**

**14-400-03-B. – No-Impact Home-Based Businesses**

- 1. 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.**
- 2. Restrictions And Limitations.**
  - (a) 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.**
  - (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 as long as the occupancy limits are not in excess of what is allowed pursuant to fire and building codes.**
  - (d) 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.**
  - (e) 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.**
  - (f) 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:
    - i. 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.**
    - ii. 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.****
  - (g) The total number of employees and clients in the home at one time may not exceed the maximum occupancy of the residence.**
  - (h) All No-Impact Home-Based Businesses shall follow all lawfully applicable regulations and requirements enacted in the City Code and required by state and federal laws and regulations.**

**14-400-03-C. – Other Home-Based Businesses**

1. This Section shall not apply to No-Impact Home-Based Businesses as defined in this Chapter.
2. All persons operating a Home-Based Business are required to obtain a City occupation license in accordance with Article 1 of Chapter 5 of this Code.
3. All Home-Based Businesses must be operated in a way that does not constitute a public nuisance under this Code.
4. No exterior additions to the building structure are permitted in connection with any Home-Based Business without a permit. An existing accessory building may be used for a Home-Based Business, as provided for in this section, but a new accessory building may not be built for a Home-Based Business without a permit. The Planning Commission may approve an exterior addition to the building structure, or a new accessory building, in connection with any Home-Based Business.
5. Vehicles used to deliver goods to a major home business are limited to passenger vehicles, mail carrier, and express carrier, such as the United Parcel Service, and FedEx.
6. Owners/operators of a Home-Based Business shall provide adequate off-street parking to accommodate as many customers/clients as will be expected to be on the property at one time. No more than one on-street parking space shall be used for customer/client parking.
7. Either up to 25 percent of the total floor area of the dwelling unit may be used in conjunction with a Home-Based Business, or one accessory structure, such as a freestanding garage, may be used for a Home-Based Business.
8. All Home-Based Businesses shall follow all lawfully applicable regulations and requirements enacted in the City Code and required by state and federal laws and regulations.

All Home-Based Business applications to the Planning Commission shall follow the review and application process outlined in Chapter 14, Article 4, Section 14-424-23-B of the Independence Unified Development Ordinance.

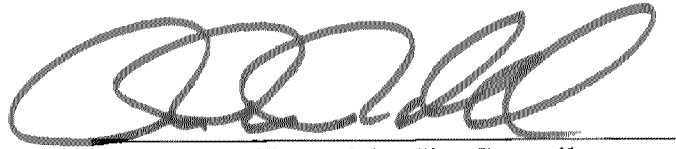
Sec. 14-400-03-D. – Penalties

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 2. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

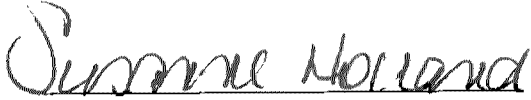
SECTION 3. That correction of any scriveners’ errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS 19<sup>th</sup> DAY OF August, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

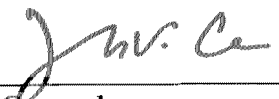


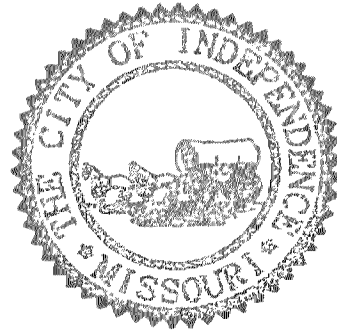
Presiding Officer of the City Council  
of the City of Independence, Missouri

ATTEST:

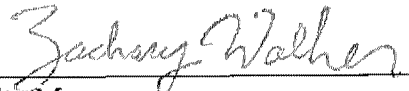
  
City Clerk

APPROVED - FORM AND LEGALITY:

  
City Counselor



REVIEWED BY:

  
City Manager

**NOTE: Words struck through are being removed from this ordinance and words underscored and bolded are being added to this ordinance.**