

AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE SECTION 402.010, SUBSECTION B; SECTION 405.040, SUBSECTION C; AND VARIOUS SECTIONS OF CHAPTER 605 AMENDING THE PROVISIONS FOR HOME-BASED BUSINESSES TO REFLECT REVISED STATUTES OF MISSOURI

WHEREAS, the Missouri General Assembly has passed, and Governor Parsons 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 Parkville is prohibited from:

- A. limiting the hours of operation for any home-based business; or
- B. prohibiting or requiring any structural modifications as a condition of operating a home-based business; or
- C. Prohibiting service by appointment within the home-based business; or
- D. Prohibiting any particular occupation as a home-based business; or
- E. 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 business qualifies as a "no-impact home-based business" the City is further prohibited from:

- A. Limiting the number of employees or customers in the business at any 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 for the limited purpose of ensuring that the business activity is compliant with state and federal law and paying applicable taxes; 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 Code of Ordinances of the City of Parkville 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 PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1: That Section 402.010.B.4 is hereby amended in part, with only the effected definition that is to be amended reflected as follows:

OFFICE

An employment use focusing on the administrative and management aspects of business or professional services, typically does not have a high rate of exchange with the general public, consumers, or patrons, but may involve regular interaction with clients or other business activities. This use type is broken into the following sub-classes based on scale and intensity.

a. **OFFICE**

HOME OCCUPATION — An office use entirely within an owner occupied residential dwelling and/or its accessory structures, when such activities are clearly incidental or subordinate in use to the dwelling and may involve limited on premise interaction with customers.

SECTION 2: That Section 405.040.C, *Standards Applicable to Specific Uses*, is hereby amended in its entirety, and shall hereafter read as follows:

C. Home Occupation.

1. Permitted in Residential Districts, when – No Impact Home-Based Businesses shall be permitted in all residential districts and in accordance with and subject to the restrictions and limitations of this Section. No other business may be operated in a residence at any time. The term ‘home occupation’ when used in this Section shall be interpreted to mean Home-Based Business.
2. Definitions – As used in this Section, the following terms shall have the meanings provided below:
 - 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” means a home-based business that:
 - (1) Is engaged in the sale of lawful goods and services; and
 - (2) Does not cause a substantial 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 the business is operating.

3. 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. 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 No Impact Home Based Business may be conducted in an existing detached accessory building that existed at the time this Section was adopted. A new accessory building shall not be constructed to house a No Impact Home Based Business.
- e.** Outdoor storage of materials or equipment used in the No Impact Home Based Business 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.** Signage shall be permitted per the requirements of Chapter 409.
- 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 as 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' shall mean more than twice in a given seven-day period.
- i.** 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.

4. Licenses and Permits

- a. No permit shall be required to impact a No Impact Home Based Business, however, a business operating in a residence that do not qualify as a No Impact Home Based Business must have a conditional use permit from the Planning and Zoning Commission.

5. Penalties—Any person who operates a business in violation of this Section 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 3: That Chapter 605 General Licensing Regulations is hereby amended in part, with red text reflecting the added or removed language as follows:

Section 605.020 **Definitions.**

For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

BUSINESS LICENSE

A document required, except where a business qualifies as a No Impact Home Based Businesses, by the City to conduct business in the City of Parkville.

FEE

All license fees levied on or required to be paid by any merchant, manufacturer, business or occupation doing business in the Parkville City limits, except those that qualify as a No Impact Home Based Business.

NO IMPACT HOME-BASED BUSINESS

A no impact home-based business is one that:

- a. Is engaged in the sale of lawful goods and services; and
- b. Does not cause a substantial increase in traffic through the residential area; and
- c. The activities of the business are not visible from any public street; and
- d. 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
- e. 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 the business is operating.

PROFESSION

~~An occupation that requires special education, training or skill.~~

Section 605.040 License Required — Fees to Be Paid.

C. Exemptions. A business may be exempt if they meet one of the following criteria:

5. Any business that qualifies as a “No Impact Home-Based Business” as defined in Section 605.020.

Section 605.060 Licensing Requirements.

A. All businesses operating at a location within the Parkville City limits are required to complete all the requirements in Subsection (A), in addition to any requirements listed below that apply to the type of business being conducted.

6. Home-based businesses. Every applicant for a home-based business license is required to conform to Title IV of this Code and shall submit the appropriate affidavits as required, except where the home-based business qualifies as a “No Impact Home-Based Business” as defined in Section 605.020.

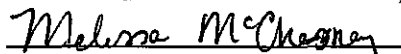
Section 605.070 Exemptions.

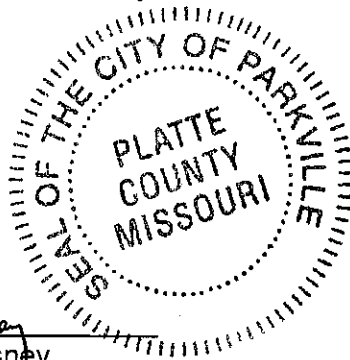
D. Home-Based Sales. No license shall be required for home-based sales on private property, however, the following requirements must be met, except where the home-based business qualifies as a “No Impact Home-Based Business” as defined in Section 605.020.

SECTION 4: All other code sections and ordinances which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect upon final passage and approval. PASSED and APPROVED this 6th day of December 2022.

ATTEST:


City Clerk Melissa McChesney




Mayor Dean Katerndahl