

BILL NO. 24-04

ORDINANCE NO. 2286

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,
MISSOURI, AMENDING VARIOUS PROVISIONS OF
CHAPTER 405 OF THE MUNICIPAL CODE REGARDING
HOME OCCUPATIONS**

WHEREAS, in 2022, the Missouri General Assembly adopted Sections 71.990 and 89.500, RSMo., which restrict the regulation of home based occupations; and

WHEREAS, the Planning and Zoning Commission and Board of Aldermen held public hearings to consider amending Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, regarding changes to the regulation of home occupations in the City; and

WHEREAS, at such public hearings, residents and interested persons had the opportunity to be heard regarding such changes; and

WHEREAS, the Board of Aldermen of the City desires to amend the home occupation regulations of the City to comply with Sections 71.990 and 89.500, RSMo.

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

SECTION 1. That Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and is hereby amended by deleting the definition of “Homeowner Business” in its entirety.

~~HOMEOWNER BUSINESS: A business conducted on residentially zoned property where the owner of said business resides in a single family dwelling on the same lot. (See Section 405.420).~~

SECTION 2. That Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and is hereby amended by deleting the definition of “Home Occupation” in its entirety, and enacting, in lieu thereof, a new definition of “Home Occupation” to read as follows:

HOME OCCUPATION

~~An occupation carried on entirely within a dwelling or accessory building by members of the family occupying the dwelling, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. (See Section 405.420).~~
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.

SECTION 3. That Paragraph (13) of Subsection (C) of Section 405.140 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and is hereby amended by deleting Paragraph (13) of Subsection (C) of Section 405.140 in its entirety and enacting, in lieu thereof, a new Paragraph (13) of Subsection (C) of Section 405.140 to read as follows:

Section 405.140. "R-1A" Single Family Residential District.

...

C. Conditional Uses.

...

13. Accessory uses incident to the above uses when located on a lot greater than one (1) acre ~~including homeowner businesses.~~

SECTION 4. That Section 405.420 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and is hereby amended by deleting Section 405.420 in its entirety and enacting, in lieu thereof, a new Section 405.420 to read as follows:

Section 405.420. Home Occupations.

~~A. Restrictions And Limitations. Home occupations shall be permitted as an accessory use to a residential use in any district subject to the requirements of this Section. Home occupations are intended for low intensity occupations operated out of a home which do not impact the residential neighborhood. They are not intended for operations that generate customer traffic or excessive deliveries and shipping. Typical candidate occupations might include web page design, mail order or Internet sales, professional consulting, etc.~~

~~1. All home occupations must occur in the home of the applicant.~~

~~2. An applicant must be a resident of the City at the time of submitting an application for a home occupation.~~

~~3. In addition to an application for a business license required pursuant to Title VI of this Code, all applicants must fill out an application for home occupation and submit it to the City Clerk. If proposed home occupation meets the requirements of this Section, the City Clerk shall issue the home occupation permit. If the home occupation permit is denied, the reasons for such denial shall be provided to the applicant in writing.~~

~~4. Home occupations shall be operated entirely from an enclosed structure and shall not occupy more than fifteen percent (15%) of the total floor area of the main residential building, with the use of the dwelling for a home occupation being clearly incidental and subordinate to its use for residential purposes by its occupants. Use of accessory buildings, not to exceed six hundred twenty-five (625) square feet, is permitted for warehousing only.~~

~~5. No alteration of the exterior of the principal residential building shall be made which changes the character thereof as a residence or other visible evidence of conduct of the home occupation.~~

~~6. No outdoor storage of materials, vehicles or equipment used in the home occupation shall be permitted.~~

~~7. There shall be no visible evidence of the home occupation. No signs shall be allowed.~~

~~8. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his/her residence.~~

~~9. No operation shall be conducted that creates a nuisance including, but not limited to, odor, vibration, noise, electrical interference or fluctuations in line voltage beyond the property line of the lot upon which the home occupation is conducted.~~

~~10. No commodities shall be displayed or sold outside of the main residential building.~~

~~11. A home occupation permit shall be issued by the Mayor on the recommendation of the City Engineer only to the individual occupying a dwelling as his/her residence. As such, home occupation permits shall not be transferable and shall terminate upon sale or transfer of the property to a new owner. Applications may be obtained from the City Clerk and require a twenty-five dollar (\$25.00) application fee. Home occupations shall require renewal annually on January first (1st) and require a twenty-five dollar (\$25.00) renewal fee.~~

~~12. Any individual requesting a home occupation permit for the retail sale or retail storage of firearms, weapons, potentially lethal items or hazardous materials shall indicate on their permit application the exact nature of their business. The individual must have complied with all Federal, State and local regulations dealing with the handling of firearms, weapons, potentially lethal items or hazardous materials prior to submitting the request for a home occupation permit. The City of Dardenne Prairie may request proof of compliance at time of application and/or any time the permit is in effect.~~

~~13. An applicant may, within ten (10) days of receipt of the written reasons for denial of a home occupation permit, appeal the denial of a home occupation permit by the City Clerk by submitting, in writing, a notice of appeal to the Board of Aldermen. The review of the denial of the Board of Aldermen shall be a review de novo of the permit application. The permit may be granted only upon the affirmative vote of the majority of the Board of Aldermen. The Mayor may vote only to break a tie vote of the Board of Aldermen. The purpose of this section is to ensure home occupations are conducted so that the average neighbor is not disrupted and to protect the health and safety of the public.~~

B. Home Occupations permitted pursuant to the provisions of the Section are subject to the following:

1. Home occupations may only be performed by the owner or a tenant of the dwelling unit within which the home occupation is being performed;

2. The total number of employees and clients onsite at one time in a dwelling unit may not exceed the occupancy limit for the dwelling unit;

3. The use of a dwelling unit for a home occupation shall not cause a substantial increase in traffic in the area of the dwelling unit;

4. The activities of the home occupation shall not be visible from any adjoining street;

5. In no way shall the appearance of the structure of the residence be altered or constructed in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises, vibrations;

6. No storage or display of materials, goods, supplies, or equipment related to the performance of a home occupation shall be visible from the outside of any structure located on the premises of the dwelling unit;

7. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or cause fluctuations in the line voltage outside the dwelling unit or which creates noise not normally associated with residential uses shall be prohibited;

8. All customer parking must be located so as to not negatively impact other properties and all home occupations must comply with parking regulations applicable to residential areas;

9. The performance of any home occupation, including but not limited to, the storage of goods and equipment, shall not reduce or render unusable areas provided for the required off-street parking;

10. Solid waste must not be stored or otherwise maintained on the property;

11. No home occupation shall cause an increase in the use of any one (1) or more utilities (water, sewer, electricity) so that the combined use for the residence and the home occupation exceeds the average for residences in the neighborhood;

12. Home occupations shall comply with state and federal laws including paying applicable taxes; and

13. The business activity performed by the owner or tenant of the dwelling unit shall be compliant with all State and federal laws and ordinances of the City.

SECTION 5. That Section 405.425 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and hereby is amended by deleting Section 405.425 in its entirety and reserving that section for the City's future use.

Section 405.425. ~~Homeowner Business.~~

~~Permitted as conditional uses in the "F-1A" District. See Section 405.480(5) (Reserved).~~

SECTION 6. That Paragraph (5) of Subsection (A) of Section 405.480 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and hereby is amended by deleting Paragraph (5) of Subsection (A) of Section 405.480 in its entirety and reserving that section for the City's future use.

Section 405.480. Additional Development Requirements of Certain Uses.

A. ...

...

~~5. Homeowner business. Shall be permitted as a conditional use, when an accessory use to a residential use in the "R-1A" District, subject to the following conditions:~~

~~a. The owner and operator of the business must own and reside in a single family dwelling upon a minimum of a one (1) acre tract.~~

~~b. The single family dwelling where the owner resides and the business must be on the same tract.~~

~~c. No outdoor storage of materials or equipment used in the homeowner business shall be permitted.~~

~~d. There shall be no visible evidence of the homeowner business, except the owner may provide a sign which is no larger than four (4) square feet.~~

~~e. No equipment shall be utilized that creates a nuisance due to odor, vibration, noise, electrical interference or fluctuations in line voltage beyond the property line of the tract upon which the business is conducted.~~

~~f. Parking generated by the conduct of a homeowner business shall be provided off-street.~~

~~g. No commodities shall be displayed or sold in front of the main building.~~

~~h. Any individual requesting a homeowner business for the retail sale or retail storage of firearms, weapons, potentially lethal items or hazardous materials shall indicate on their permit application the exact nature of their business. The individual must have complied with all Federal, State and local regulations dealing with the handling of firearms, weapons, potentially lethal items or hazardous materials prior to submitting the request for a homeowner business. The City of Dardenne Prairie may request proof of compliance at time of application and/or any time the permit is in effect.~~

~~i. Such use shall not be transferable to another owner or operator and shall terminate upon a change in use of the property.~~

~~j. Variances to these regulations may be granted to non-conforming uses by the Board of Adjustment (Reserved).~~

SECTION 7. That Paragraph (13) of Subsection (A) of Section 405.580 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and is hereby amended by deleting Paragraph (13) of Subsection (A) of Section 405.580 in its entirety and reserving that section for the City's future use.

Section 405.580. Signs in Residential and All Other Districts.

A. ...

...

~~13. Homeowner business and conditional use.~~

~~a. One (1) ground-mounted sign per lot not exceeding four (4) square feet per face.~~

~~b. Such signs shall not exceed six (6) feet in height from the surrounding grade to the highest point on the sign.~~

~~e. Shall be located no closer than fifteen (15) feet to the street pavement.~~

~~d. Such signs shall meet the sight triangle requirements of the City's zoning ordinance and shall not be located so as to obstruct vision at a vehicular entry or exit from the property.~~

~~e. In no instance will the conversion of commander boards to ground-mounted signs be allowed (Reserved).~~

SECTION 8. Savings Clause: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 9. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 10. Effective Date: This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

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Read two (2) times, passed, and approved this 17th day of January, 2023.

John W. Gotway
As Presiding Officer and as Mayor

Attest:

Kim Clark
City Clerk

Approved this 17th day of January, 2023.

John W. Gotway
Mayor

Attest:

Kim Clark
City Clerk