

AN ORDINANCE APPROVING TEXT AMENDMENT TO THE ZONING CODE OF THE CITY OF TWIN OAKS PERTAINING TO HOME OCCUPATIONS

WHEREAS, in the 2022 legislative session, the Missouri General Assembly adopted, and the Governor signed, H.B. 1662 providing for certain limitations on local government regulation of home-based businesses and home-based work; and,

WHEREAS, pursuant to § 400.550 of the Twin Oaks City Code, the Board of Aldermen may from time to time, on its own motion or on petition of the Planning and Zoning Commission, amend, supplement, change, modify or repeal by ordinance the regulations or districts herein or subsequently established after receiving the Planning and Zoning Commission’s recommendation and report; and

WHEREAS, the Board of Aldermen now seeks to amend Sections 400.080, 400.130, 400.190, and 400.270 of the Twin Oaks Zoning Regulations, Chapter 400 of the Municipal Code (hereinafter the “Zoning Code”) pertaining to the City’s regulations on “home occupations” (the “Amendments”); and

WHEREAS, on July 26, 2022, the Planning and Zoning Commission recommended that the Board of Aldermen approve of the proposed Amendments; and

WHEREAS, the Board of Aldermen, after careful and due deliberation and following a duly noticed public hearing held on August 17, 2022, in accordance with § 400.550 and § 89.060 RSMo., has concluded that the adoption of the proposed Amendments is in the best interests of health, safety, and welfare of the citizens of the City.

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

Section 1. Chapter 400 of the Twin Oaks Municipal Code, the Zoning Regulations, Section 400.080 (Definitions), is hereby amended by revising the definition of Home Occupation, to read as follows:

Section 400.080 Definitions.

* * *

HOME OCCUPATION

See definition and standards in Section 400.270.

Section 2. Section 400.270 of Article VI “Supplemental Regulations in Residential Districts” of Chapter 400 of the Twin Oaks Zoning Regulations, is hereby amended by adding the following supplemental regulations for home occupations in the “A” and “B” single family residential districts, to read as follows:

Section 400.270 Home Occupations.

A. *Purpose.* The following requirements for Home-Based Businesses and Home-Based Work are enacted for the purpose of protecting the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation, or traffic control, solid or hazardous waste, pollution, and noise control; ensuring that the business activity is compliant with city, state, and federal law; and confirming that the business is paying applicable taxes.

B. *Definitions:*

1. **GOODS OR SERVICES.** Any merchandise, equipment, products, supplies, or materials or any labor performed in the interest or under the direction of others; specifically, the performance of some useful act or series of acts for the benefit of another, usually for a fee. Goods or services does not include real property or any interests therein.
2. **HOME-BASED BUSINESS.** Any business operated 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.
3. **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.
4. **HOME OCCUPATION.** A No Impact Home-Based Business.
5. **NO IMPACT HOME-BASED BUSINESS.** Any Home-Based Business or Home-Based Work where:
 - a. The total number of employees and clients on-site at one time does not exceed the occupancy limit for the residential dwelling; and
 - b. The activities of the business:
 - (i) Are limited to the sale of lawful goods and services;
 - (ii) May involve having more than one client on the property at one time;
 - (iii) Do not cause a substantial increase in traffic through the residential area;
 - (iv) Do not violate the Residential Parking Requirements set forth in Section 400.390;
 - (v) Occur inside the residential dwelling or in the yard of the residential dwelling;
 - (vi) Are not visible from the street; and

(vii) Do not violate the narrowly tailored regulations in Subsection C, below.

C. *Regulations to Safeguard the Residential Character of the Dwelling and/or Surrounding Neighborhood.* To preserve the residential character of the residential building and protect against adverse effects on the character of the surrounding neighborhood, a Home Occupation may operate in the “A” or “B” Residence Districts, provided the Home Occupation:

1. Is (a) clearly incidental and secondary to the primary residential use of the dwelling unit; and (b) does not occupy more than forty-nine percent (49%) of the floor area of the dwelling; and
2. Does not change the residential character of the residential building by altering or modifying the exterior of the dwelling so as to indicate the presence of a Home Occupation; and
3. Is operated such that the total number of employees and clients on-site at one time does not exceed the occupancy limit for the residential dwelling; and
4. Pays all applicable taxes and otherwise operates in compliance with applicable city, state, and federal law; and
5. Is operated by a resident or residents of the dwelling unit; and
6. Does not adversely affect the character of the surrounding neighborhood by allowing or causing, for example: commercial or delivery vehicles used in connection with the home occupation are parked at or stored on the dwelling or visit the premises with a frequency of more than one (1) visit per day; a steady or concentrated visitation of clients to the dwelling; a substantial increase in traffic or on-street parking through the residential area; storage or the use of equipment that produces negative effects outside the home or accessory structure; or similar adverse impacts.

D. Home Occupations do not require a license nor any fee, but within sixty (60) days of establishing a Home Occupation the resident is asked to supply the City with (1) a copy of their business’s Missouri Tax I.D. number and, for Home Occupations selling goods at retail, a Statement of No Tax Due in accordance Missouri Statutes (Section 144.083.2 and 144.083.4 RSMo), and (2) a written description of the Home Occupation, the percentage of the dwelling to be occupied by the Home Occupation, and the number of employees to be working at the Home Occupation who are not residents of the home. At the same time, to help ensure the proposed home occupation complies with the requirements of this Subsection, the City shall supply the resident with a copy of this Subsection or a summary of its requirements. Upon receipt of the written description, the City shall verify for the resident that the Home Occupation complies with the foregoing requirements. Any change in the amount of floor area occupied by the home occupation as detailed in the original description, number of employees, or the type of home occupation should be followed by a submission of a revised description and review and approval in accordance with this Section to assist the resident in continued compliance.

E. Nothing in this Section 400.270 shall be deemed to:

1. Prohibit mail order or telephone sales for Home Occupations;
2. Prohibit service by appointment within the home or accessory structure;
3. Prohibit or require structural modifications to the home or accessory structure;
4. Restrict the hours of operation for Home Occupations;
5. Restrict storage or the use of equipment that does not produce effects outside the home or accessory structure; or
6. Restrict or prohibit a particular occupation that is legal under the laws of the City, State, and United States.

Section 3. Chapter 400 of the Twin Oaks Municipal Code, the Zoning Regulations, Section 400.130 (Use Regulations), is hereby amended by repealing subsection A.6 (Home Occupations) and replacing it with a new subsection A.6, to read as follows:

6. Home Occupations pursuant to Section 400.270.

Section 4. Chapter 400 of the Twin Oaks Municipal Code, the Zoning Regulations, Section 400.190 (Use Regulations), is hereby amended by repealing subsection A.6 (Home Occupations) and replacing it with a new subsection A.6, to read as follows:

6. Home Occupations pursuant to Section 400.270.

Section 4. The recitals contained in the *Whereas* clauses are expressly incorporated in and made a part of this Ordinance.

Section 5. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 17th DAY OF AUGUST 2022.



Russ Fortune, Mayor

Attest:



Frank Johnson, City Clerk/Administrator