

**AN ORDINANCE OF THE CITY OF WARSON WOODS,
MISSOURI, AMENDING VARIOUS SECTIONS OF THE
MUNICIPAL CODE AS THEY RELATE TO THE
REGULATION OF HOME BASED OCCUPATIONS**

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

WHEREAS, the Planning and Zoning Commission held a public hearing to consider amending the Municipal Code of the City of Warson Woods regarding the regulation of home occupations in the City; and

WHEREAS, at such public hearing, residents and interested persons had the opportunity to be heard regarding such amendments; 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 WARSON WOODS, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 415.020 of the Municipal Code of the City of Warson Woods, Missouri, 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

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 for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood

SECTION 2. That Subparagraph (a) of Subsection (3) of Section 415.010 of the Municipal Code of the City of Warson Woods, Missouri, be and is hereby amended by deleting Subparagraph (a) of Subsection (3) of Section 415.010 in its entirety, and enacting, in lieu thereof, a new Subparagraph (a) of Subsection (3) of Section 415.010, to read as follows:

Section 415.010 Use Regulations – “A” and “B” Residence Districts

...

3. Accessory Uses. In addition to the principal uses above, the following accessory uses shall also be permitted.

a. Home occupations, provided that:

- (1) Home occupations may only be performed by the owner or a tenant of the dwelling within which the home occupation is being performed;
- (2) The total number of employees and clients onsite at one time in a dwelling may not exceed the occupancy limit for the dwelling;
- (3) The use of a dwelling for a home occupation shall not cause a substantial increase in traffic in the area of the dwelling;
- (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 dwelling 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 or vibrations;
- (6) Such home occupation shall be conducted entirely within the dwelling;
- (7) 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;
- (8) 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;
- (9) 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 or which creates noise not normally associated with residential uses shall be prohibited;
- (10) A minimum of two (2) off-street parking spaces shall be provided on the premises for said home occupation;
- (11) No commercial vehicles shall be displayed or stored outside of a structure on the property;
- (12) 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 dwelling and the home occupation exceeds the average for dwellings in the neighborhood;
- (13) Within 15 days of commencement of the performance of any home occupation, the owner or tenant of the dwelling performing such home occupation shall file with the City a

- statement of “no tax due” issued pursuant to Section 144.083, RSMo., as amended; and
- (14) The business activity performed by the owner or tenant of the dwelling shall be compliant with all State and Federal laws and ordinances of the City.

SECTION 3. That Subsection (C) of Section 415.050 of the Municipal Code of the City of Warson Woods, Missouri, be and hereby is amended by deleting Subsection (C) of Section 415.050 in its entirety.

SECTION 4. That Section 605.010 of the Municipal Code of the City of Warson Woods, Missouri, be and is hereby amended by deleting the definition of “Home Occupation” in its entirety.

SECTION 5. That Subsection (C) of Section 605.020 of the Municipal Code of the City of Warson Woods, Missouri, be and hereby is amended by deleting Subsection (C) of Section 415.050 in its entirety.

SECTION 6. Savings Clause: Except as expressly set forth herein, nothing contained in this Ordinance 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.

SECTION 7. 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 8. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

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THIS BILL PASSED AFTER HAVING BEEN READ IN FULL TWO TIMES PRIOR TO
PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS,
MISSOURI, THIS _____ DAY OF _____, 2023.

Sean Fitzgerald, Mayor

ATTEST:

Kathy Mahany, City Clerk

APPROVED AS TO FORM:

Drew Weber, City Attorney