

BILL NO. 26-13368 INTRODUCED BY SULLENTRUP

ORDINANCE NO. 26-14350

AN ORDINANCE AMENDING SECTIONS 400.045 AND
400.155 OF THE CODE OF THE CITY OF WASHINGTON,
MISSOURI

BE IT ORDAINED by the Council of the City of Washington, Missouri, as
follows:

SECTION 2: In Chapter 400.045 the definition for “HOME OCCUPATION” is
struck and replaced by the following:

HOME BASED BUSINESS –

An occupation operated within a dwelling or accessory building by occupants of the dwelling and not exceeding the occupancy limit of said 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 the neighboring residents to enjoy the peaceful occupancy of their homes.

SECTION 1: Section 400.155 of the Code of the City of Washington, Missouri is hereby renamed “Home Based Businesses and Group Homes” and amended to read as follows:

A. Home Based Businesses. Purpose. It is the intent of this Section to recognize and permit home based businesses as allowed by state law and to regulate such businesses to mitigate the adverse impacts that such may pose to neighboring residential property. In this regard, home based businesses shall be regulated in order to ensure compatibility with other uses permitted in the residential district and to protect residential neighborhoods from potential adverse impacts, such as excessive noise, traffic, nuisances, etc., associated with home based businesses.

1. Compliance With All Applicable Laws And Regulations Required. The property where a home based business is located shall be maintained in compliance with all applicable building, housing and property maintenance codes and other applicable laws to such property. No home based business shall create any condition which creates a nuisance or is in violation of applicable law and regulation. Any home based business shall be operated in compliance with applicable laws and regulations.

2. Registration Required. Any owner of residential property operating a home based business that does not meet the qualifications of a "no-impact, home-based business" as defined in Section 71.990 RSMo., shall register such business with the City of Washington. Such registration shall contain, at a minimum: (i) the name and nature of the business; (ii) the name of the resident responsible for the operation of such business; (iii) the number of residents of the property and the number of employees or customers which may be present at the site at any given time (which total number shall not exceed the maximum occupancy of the structure); (iv) the on-site (off-street) parking available for employees or customers; and (v) a description of the goods or services to be sold; (vi) a description of any special equipment which is necessary to be used in the operation of such business; and (vii) the property owner's consent if the property is rental property and the tenant proposes to operate a home based business at the location.

3. Home Based Business Requirements.

- a. Any home based business where clients, customers, or employees who reside outside of the home are on premises shall have a valid occupancy permit.
- b. A home based business shall be limited to the sale of lawful good and services. For the purposes of this Section, "goods" shall be defined as any merchandise, equipment, products, supplies, or materials.
- c. Home based businesses shall be operated entirely within an enclosed structure, rear yard, or side yard, with use of the dwelling for a home based business being clearly incidental and subordinate to the use for residential purposes.
- d. No alteration of the exterior of the principal residential building shall be made which changes the character thereof as a dwelling. There shall be no visible evidence of the home based business except that the owner may provide a home based business sign which is in conformance with the sign standards of the City of Washington.
- e. Outdoor storage of materials or equipment used in the home based business shall be not be visible from the street or produce any effects outside the residential dwelling or residential structure.
- f. Any premises on which a home based business is conducted shall at all times conform to all City ordinances.
- g. No equipment shall be utilized that creates a nuisance due to odor, vibration, noise, smoke, electrical, lighting, magnetic or telecommunication interference or fluctuations in line voltage beyond the property line of the lot upon which the home based business is

conducted.

- h. No home based business shall cause an increase in the use or consumption of any one
- i. (1) or more utilities or public services such as water, sewer, trash collection, electric, police, fire or ambulance service so that the combined use for the dwellings and home based business unreasonably exceeds the average for similarly sized dwellings in the neighborhood.
- j. Parking generated by the conduct of a home based business shall be provided on the property and off-street on an approved surface. The residential property must have sufficient on-site (off-street) parking available for all residents of the structure and all employees and customers for the home based business. Use of the streets for parking shall constitute a nuisance.
- k. The home based business shall adequately stagger the presence of third parties at the property so as to minimize traffic impacts in the neighborhood. The home based business shall not cause a substantial increase in traffic through the residential area.
- l. A home based business shall be ran only by an individual occupying the dwelling. Any forms or certifications related to a home based business shall not be transferable and shall terminate upon sale or transfer of the property to a new occupant.
- m. The aggregate of the total number of residents residing in the structure and the number of employees or customers for the home based business shall not exceed the maximum occupancy limit for the structure.
- n. The home based business shall provide any necessary forms or certifications to ensure no-impact, as permitted by Section 71.990, RSMo.
- o. No home based business shall cause an increase in home deliveries which unreasonably exceeds the average for dwellings in the neighborhood.
- p. Any individual operating a home based business for the retail sale or retail storage of firearms, weapons, potentially lethal items or hazardous materials shall notify the City on applicable forms or certifications. 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 any applicable forms or certificates to the City. The City of Washington may request proof of compliance at any time.

- q. If a home based business is found to be in violation of any of the provisions of the Section, any applicable State laws, or is conducted in such a manner as to constitute a nuisance, the home based business shall correct the violations or cease operations until such time as the violations have been corrected.
- B. Group Homes. Group homes for the disabled meeting the definitions of "group homes" and "disabled persons" as set forth in Article II of this Chapter respectively are permitted uses in any residential district established under the provisions of Article III of this Chapter but are subject to the requirements as outlined below:
1. No group home may be established on any lot which is adjacent to any portion of the lot line of any existing group home, whether such existing group home is located within or outside the City.
 2. No group home which is owned or operated in whole or in part by an "affiliated person or entity" (as that phrase is defined in Article II of this Chapter) that owns or operates, in whole or in part, an existing group home may be located on the same or opposite side of the street upon which such an existing affiliated group home has any frontage within the same block as the existing affiliated group home, whether such existing affiliated group home is located within or outside the City.
 3. Off-Street Parking.
 - a. Each group home shall provide sufficient off-street parking in conformity with the parking standards set forth in Article VI of this Chapter to accommodate the needs of the house parents, residents and visitors to the premises. The Zoning Administrator shall establish the required number of parking spaces for each group home based upon:
 - The number of house parents or guardians to reside in the home;
 - The reasonable needs and circumstances of the persons intended to reside in the home; and
 - The reasonably anticipated frequency and duration of visitors to the home.
 - b. Any person aggrieved by a decision by the Zoning Administrator as to the number or necessity of parking spaces may appeal that decision to the Washington Board of Adjustment pursuant to Article XIII of this Chapter.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval.

Passed: 08-17-26

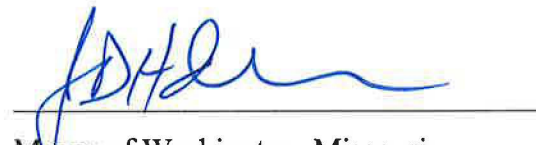
ATTEST: Sheri Kiekamp



President of City Council

Approved: 08-17-26

ATTEST: Sheri Kiekamp



Mayor of Washington, Missouri