ARTICLE III. – HOME OCCUPATIONS

Sec. 65-75 – General Provisions.

A. *Purpose.* The City recognizes the need to balance its residents' autonomy to use their homes for work with the expectations of neighboring residents that the City will protect the property values in and maintain the integrity of the residential districts in which they live and have invested. These regulations allow and regulate in equitable fashion the customarily accepted non-residential types of activity carried on in the residential districts of the City. As such, for Home-Based Businesses and Home-Based Work undertaken on any lot zoned or used for dwelling purposes located in R-1, R-2, R-3, R-4, and MH-1 districts, the following requirements are enacted to protect the public health and safety, (which include all regulations related to fire and building codes, health and sanitation, transportation, parking, or traffic control, solid or hazardous waste, pollution, lighting control and noise control); control overcrowding; preserve the residential character of and property values in residential districts; ensure that the business activity is compliant with city, state, and federal law; and confirm that the business is paying applicable taxes.

B. *Definitions:*

1. DWELLING. Any building or portion thereof which is designed and used exclusively for residential purposes.

2. 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.

3. HOME-BASED BUSINESS. Any business operated in a dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the dwelling.

4. HOME-BASED WORK. Any lawful occupation performed by a resident within a dwelling or accessory structure, which is clearly incidental and secondary to the use of the dwelling and does not change the residential character of the dwelling or adversely affect the character of the surrounding neighborhood.

5. HOME OCCUPATION. A No Impact Home-Based Business.

6. 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 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 parking requirements for residential districts;

(v) Occur inside the dwelling or in the yard of the dwelling;

(vi) Are not visible from the street; and

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

7. NONCOMPLIANT HOME-BASED BUSINESS. Any Home-Based Business or Home-Based Work that is not a No Impact Home-Based Business.
8. RESIDENT. Any person who occupies a dwelling for living and sleeping purposes permanently in the city of Jackson. 65-2
9. RESIDENTIAL PURPOSES. Use as a dwelling for living and sleeping.
10. RESIDENTIAL DISTRICTS. Districts zoned R-1, R-2, R-3 and R-4.

C. *Regulations to Safeguard the Residential Character of the Dwelling and 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 on a lot used for dwelling purposes, provided the Home Occupation:

1. Is (a) clearly incidental and secondary to the primary residential use of the dwelling or lot; 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 dwelling by altering or modifying the exterior of the dwelling so as to indicate the presence of a home-based business or home-based work, including signage not in compliance with the City's regulations on signs; 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 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; and

6. Has no storage of hazardous materials, toxic substances, or hazardous wastes of a nature or extent than normally used for purely domestic or household purpose; and

7. 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 or any fee, but within sixty (60) days of establishing a Home Occupation the resident shall 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 dwelling. 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 Code Section 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. Failure to provide the above information to the City is an ordinance violation. 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 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.

F. Any person violating any provision of this Section, including operating or permitting to be operated a Noncompliant Home-Based Business, shall be guilty of an offense and shall be fined not more than five hundred dollars ($500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.