

ZONING DISTRICTS													
Minimum Setbacks	AG	R-1	R-5	RU	R-SD	R-SDM	R-MHP	C-1	C-2	C-3	I-1	I-2	OP
Front/street side	50'	50'	50'	35'	35'	35'	15'	35'	25'	25'	35'	50'	N/A
Side	25'	15'	15'	15'	15'	15'	10'	25'	25'	25'	30'	40'	N/A
Rear	15'	15'	15'	15'	15'	15'	10'	25'	25'	25'	40'	50'	N/A

c. **Setbacks from Public Easements**

No accessory structure, other than a fence or wall, may be located within any recorded public easement or over any known public utility.

d. **Height**

Accessory structures shall not exceed the maximum allowed height of the underlying zoning district. This provision shall not apply to farm buildings/structures with a minimum of 5 acres.

e. **Building Coverage**

Each detached accessory structure may not cover more of the lot than does the principal building as established by its footprint size in square feet taken from an aerial overhead or bird's eye view. This provision shall not apply to farm buildings/structures with a minimum of 5 acres. Parcels with homes that have a footprint less than 1500 square feet are allowed accessory buildings with a maximum of 1500 square feet.

f. **Prohibited Accessory Uses**

- i. The use of recreational vehicles, motorized homes, mobile homes, or any accessory buildings as principle dwelling units shall be prohibited except during periods of construction of a principal dwelling unit on the same property. This use is limited to one year. A building permit for a single family residence and a prohibited use permit shall be issued and all appropriate fees paid before this use is authorized. In addition, approval from the Clay County Public Health Center shall be required to ensure all wastewater is handled appropriately. This use may be extended for only six (6) months by the Planning & Zoning Manager, upon the owner showing good cause and payment of additional fees by the applicant
- ii. The use of an accessory building for commercial, service, or industrial purposes shall be prohibited except in zoning districts in which such activities are allowed uses or in conformance with the home occupation standards of Sec. 151-6.3 (C).

C. Home Occupations

Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this subsection are intended to permit residents to engage in home occupations, while ensuring that home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an accessory use) remain subordinate to the principal residential use of the property and that the viability of the residential use is maintained.

A permit must be obtained from the Planning and Zoning Director in order to establish a home occupation on an AG, R-1, R-5, RU, R-SD or R-SDM districts.

1. **Where Allowed**

Home occupations that comply with the regulations of this subsection shall be allowed as an accessory use to any allowed residential or agricultural principal use.

2. **Allowed Uses**

The home occupation regulations of this subsection establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of

this subsection will be allowed as home occupations unless they are specifically prohibited.

3. **Prohibited Uses**

The following uses by the nature of their investment or operation have a pronounced tendency to rapidly increase beyond the limits permitted for home occupations once started and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations.

a. **Animal Care or Boarding**

Animal care or boarding facilities (including animal hospitals, kennels, stables and all other types of animal boarding and care facilities) are not allowed as home occupations.

b. **Antique Shops**

c. **Auto/Equipment Repair, Rental or Sales**

Any type of repair, rental, sales or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited as a home occupation in all districts

d. **Clinics or Hospitals**

e. **Clubs or Lodges**

f. **Dancing or Choreography Schools**

Dancing or Choreography Schools training in excess of six (6) students is not allowed as a home occupation.

g. **Employee Dispatch Centers**

Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations

h. **Funeral Homes or Mortuaries**

Funeral homes and funeral service activities are not allowed as home occupations.

i. **Gift Shops**

j. **Medical Offices or Clinics**

Medical offices and medical clinics are not allowed as home occupations. This includes doctors' offices, dentists' offices, psychologist's offices, hospitals and all other medical care facilities. The prohibition shall not be interpreted as preventing medical practitioners from seeing patients in their home on an emergency basis.

k. **Nursery Schools**

Nursery Schools or Preschools educating in excess of six (6) students is not allowed as a home occupation.

l. **Painting**

The painting of vehicles, trailers, boats, fencing, or other items not directly related to the onsite residential use is not allowed as a home occupation.

m. **Restaurants**

Restaurants, food service establishments, and Bed and Breakfasts are not allowed as home occupations.

n. **Stables or Kennels**

4. **Employees**

No home occupation shall have nonresident employees. For the purpose of this provision, the term “nonresident employee” includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
5. **Resident Operator**

The operator of a home occupation shall be a full-time resident of the dwelling unit.
6. **Customers**

Customers may visit the site only during the hours of 8 a.m. to 8 p.m. No more than 6 customers or clients may visit the site of a home occupation in any single day. This provision shall not apply to rentals of residential rooms or properties.
7. **Floor Area**

No more than 25 percent of the total floor area of the dwelling unit may be used to house a home occupation. Up to 1,000 square feet of an accessory structure, such as a garage, may be used for a home occupation. These figures represent storage of materials, inventory and finished products. This provision shall not apply to rentals of residential rooms or properties.
8. **Signs**

Home occupations shall be limited to nameplate signs, not exceeding 2 square feet in area, on each side.
9. **Outdoor Activities**

All activities and storage areas associated with home occupations must be conducted within completely enclosed structures.
10. **Exterior Appearance**

There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.
11. **Operational Impacts**

No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation. Hazardous substances shall follow the Environmental Protection Agency (EPA) regulations in the Code of Federal Regulations (40 CFR) defining four (4) hazardous waste characteristic properties: ignitability, corrosivity, reactivity, or toxicity (see 40 CFR 261.21-261.24). Hazardous substances may also adhere to the common household hazardous waste products list produced by the Mid-America Regional Council of Governments (MARC).
12. **Trucks**

No truck or van with a payload rating of more than the manufacturers rating of 1½ ton may be parked at the site of a home occupation.
13. **Deliveries**

Deliveries or pick-ups of supplies or products associated with home occupations are allowed only between 8 a.m. and 8 p.m.
14. **Retail Sales**

Retail sales of goods shall be prohibited except when conducted entirely as an accessory activity to any services provided on the site (e.g., hair care products sold to hair style customers).

15. Number

No more than one home occupation permit may be conducted on a single site.

16. Home Care Services

Notwithstanding any other provision of this section, home care services shall be considered a home occupation, subject to state and federal requirements.

17. Workmen's Compensation

Pursuant to RSMo 287, each applicant for an occupational or business license must produce a Certificate of Insurance for Workmen's Compensation, if required, to cover the applicant's liability under RSMo 287.

18. Violations

Any violation to this section of code substantiated by the Planning & Zoning Manager shall deem the home occupation invalid and the use shall cease immediately. Any continued violation shall be subject to *Sections 151-14.3 Remedies and Enforcement Powers and 151-14.4 Enforcement Procedures* of the Land Development Code.