



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2022-271
File Name	Unified Development Ordinance Amendment (UDO) – Home Occupation
Applicant	City of Lee's Summit
Property Address	N/A
Planning Commission Date Heard by	September 22, 2022 Planning Commission and City Council
Analyst	Joshua Johnson, AICP, Assistant Director of Plan Services
Checked By	Hector Soto, Jr., AICP, Senior Planner

Public Notification

Pre-application held: N/A
CEDC Meeting conducted: August 10, 2022
Newspaper notification published on: September 3, 2022

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Attachments

UDO Amendment
State Statute

1. Project Data and Facts

Project Data	
Applicant/Status	City of Lee’s Summit / Administrator
Applicant’s Representative	Joshua Johnson
Location of Property	Citywide
Procedure	The Planning Commission makes a recommendation to City Council on the application. The City Council takes final action in the form of an ordinance.

Description of Applicant’s Request
This amendment makes changes associated with changes to State statutes.

2. Project Proposal

Staff is proposing an amendment that mirrors recent changes to State statutes for home occupations.

3. Unified Development Ordinance (UDO)

Section	Description
Article 6	Use Standards
Article 15	Rules of Interpretation and Definitions

4. Comprehensive Plan

Focus Areas	Goals, Objectives & Policies
Strong Neighborhoods and Housing Choice	Goal - Maintain thriving, quality neighborhoods that connect a diversity of residents throughout the community.
Resilient Economy	Goal- Build an adaptable framework for continued growth in a changing environment. Objective – Diversity Lee’s Summit’s Economy

5. Analysis

Background and History

In August of 2022, the state of Missouri approved Bill 1662 that put limitations on political subdivisions (cities) to regulate home based businesses. The bill is attached to the staff report. Cities may still collect taxes and require business licenses. The most important aspect of the bill is the definition of a “no-impact home based business” as shown below.

1. The total number of employees and clients onsite at one time does not exceed the occupancy limit for the residential dwelling; and
2. The activities of the business:
 - a. Are limited to the sale of lawful goods and services;
 - b. May involve having more than one client on the property at one time;
 - c. Do not cause a substantial increase in traffic through the residential area;
 - d. Do not violate any parking regulations established by the political subdivision;
 - e. Occur inside the residential dwelling or in the yard of the residential dwelling;
 - f. Are not visible from the street; and
 - g. Do not violate any narrowly tailored regulation established under subsection 4 this section [of the bill].

This definition allows far more uses than current City regulations. Staff has prepared a UDO amendment that considers the State bill. The amendment touches four parts of the UDO and is attached to the staff report. Staff’s approach is to require business owners to sign a statement that they meet the State definition of a no-impact home based business when applying for a business license.

Comprehensive Plan

The Ignite Comprehensive Plan conceptually advocates for diversifying the economy. Expanding the allowed home occupations could help accomplish that objective. The negative aspect of more intense home occupations is that neighborhoods could suffer adverse impacts like increased traffic noise or odors. This contradicts the Strong Neighborhoods and Housing Choice Goal to Maintain thriving, quality neighborhoods that connect a diversity of residents throughout the community. The new State statutes are preemptive and will need to be evaluated over the next few years. City staff will have to monitor home occupation complaints through our Neighbor Services staff.

UDO Changes

The existing Home Occupation standards operate through a series of allowed and prohibited uses. The State law negates the prohibited uses section of our existing code. Staff has deleted that section in the proposed amendments. The no-impact standards are included in our allowed home occupation regulations as well. Our definition of a “Home Occupation” has been altered to line up with the no-impact definition as well. Our rationale for not changing the entire set of standards to the exact State statute is that we want to have flexibility if it changes.