

## 20-537 HOME OCCUPATIONS

### (1) Purpose

[Home Occupations](#) are activities accessory to uses in the [Household Living](#) category. Special regulations apply to such activities to ensure that [Home Occupations](#) will not be a detriment to the character and livability of the surrounding neighborhood. The regulations are intended to ensure that the [Home Occupation](#) remains subordinate to the residential use, and that the residential viability of the [Dwelling](#) is maintained. The regulations recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood.

### (2) Applicability

Uses are allowed as [Home Occupations](#) only if they comply with all of the requirements of this section.

### (3) Exemptions

#### (i) Day Care Homes

Day Care homes are not regulated as a [Home Occupation](#) and are exempt from the [Home Occupation](#) regulations of this section.

#### (ii) Bed and Breakfast and Bed and Breakfast Inns

[Bed and Breakfasts](#) and [Bed and Breakfast Inns](#) are not regulated as [Home Occupations](#) and are exempt from the regulations of this section.

### (4) Description of Type A and Type B Home Occupations

There are two types of [Home Occupations](#): Type A [Home Occupations](#) and Type B [Home Occupations](#).

#### (i) Type A

A Type A [Home Occupation](#) is one where residents use their home as a place of work, with no employees or customers/clients coming to the site. Examples include artists, crafts people, writers, and consultants.

#### (ii) Type B

A Type B [Home Occupation](#) is one where an employee and/or customers/clients come to the site. Examples are counseling, tutoring, and hair cutting/styling.

### (5) Use-Related Regulations

#### (i) Allowed Uses

The intent of the regulations of this section is to establish performance standards for all [Home Occupations](#) rather than to limit uses and activities to a specific list. [Home Occupations](#) that comply with the performance standards of this section are allowed by-right unless otherwise expressly stated.

#### (ii) Prohibited Uses

- a. Any type of repair 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 vehicles and their parts is prohibited.
- b. [Home Occupations](#) may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
- c. [Funeral and Interment Services](#) are not allowed as [Home Occupations](#).
- d. [Animal Services](#) are not allowed as [Home Occupations](#).

- e. Restaurants are not allowed as [Home Occupations](#); catering for off premise consumption is not prohibited.
- f. A Type B [Home Occupation](#) is prohibited on a [Lot](#) where an [Accessory Dwelling Unit](#) exists.
- g. More than two garage sales within a calendar year is a prohibited use.

## **(6) Site-Related Standards**

### **(i) Signs**

One non-animated, non-illuminated, accessory identification sign of no more than 2 square feet in area shall be permitted. The allowed sign shall be placed flat against a wall or door, displayed in a window, or within ten feet (10') of the [Building](#) entrance.

### **(ii) Outdoor Activities**

- a. All activities shall be in completely enclosed [Structures](#).
- b. [Exterior Storage](#) or display of goods or equipment is prohibited.

### **(iii) Appearance**

The [Dwelling](#) and site shall remain residential in appearance and characteristics. Internal or external changes that will make the [Dwelling](#) appear less residential in character or function are prohibited. Examples of such prohibited alterations include construction of [Parking Lots](#), paving of required Setbacks, or the addition of commercial-like exterior lighting.

## **(7) Impact-Related Standards**

### **(i) Hazardous Substances**

Hazardous substances are prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Sec. 171.8.

### **(ii) Noise**

The maximum noise level associated with a [Home Occupation](#) shall not violate the provisions of the City's noise ordinance.

### **(iii) Trucks and Vehicles**

No more than one vehicle advertising or displaying the name of the [Home Occupation](#) may be parked at the site. The maximum size of a vehicle that may be parked in association with a [Home Occupation](#) is a [Light Truck](#).

### **(iv) Deliveries**

Truck deliveries or pick-ups of supplies or products, associated with business activities, are allowed at the [Home Occupation](#) only from 7 a.m. to 9 p.m. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods.

## **(8) Additional Type B [Home Occupation](#) Regulations**

The following are additional regulations that apply to Type B [Home Occupations](#). Waivers or variances from this section of the regulations are prohibited.

### **(i) Hours**

Customers or clients may visit the site only during the hours of 7 a.m. to 7 p.m.

### **(ii) Nonresident Employees**

One nonresident employee is allowed with a Type B [Home Occupation](#). For the purpose of this section, 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 regularly visits the site as part of the Home Occupation.

**(iii) Customers/Clients**

Only 10 customers or clients may visit the site in a day.

**(iv) Retail Sales**

Retail sales of goods shall be entirely accessory to any services provided on the site (such as hair care products sold to hair cutting clients).

**(v) Number**

No more than one Type B Home Occupation is permitted per Dwelling Unit.

**(9) Type B Home Occupation Permit**

**(i) Purpose**

Permits for Type B Home Occupations shall be obtained, prior to their establishment, from the Planning Director. The permit requirements are intended to ensure:

- a. that the applicant is aware of the provisions of this Development Code governing Home Occupations;
- b. that the City has all information necessary to evaluate whether the proposal initially meets, and continues to meet, Development Code regulations; and
- c. that the distribution and location of Type B Home Occupations is known.

**(ii) Procedure and Renewal Process**

Type B Home Occupations are required to register with the Planning Director prior to their establishment. At the time of registration, the applicant shall provide an affidavit pledging compliance with the standards, conditions and the documentation that the proposal is a Type B Home Occupation. A Home Occupation permit for Type B Home Occupations will be issued by the Planning Director for a 2-year period. It is the responsibility of the applicant to obtain the permit every 2 years. The permit is tied to the applicant and to the Lot occupied by the Type B Home Occupation. Permits are not transferable to other sites or to other operators. The applicant shall also demonstrate at the time of registration compliance with the following neighborhood notice requirements.

**(iii) Neighborhood Notice**

- a. The purpose of this requirement is to notify the Registered Neighborhood Association and nearby Landowners of the establishment of a Type B Home Occupation, the type of activities that will occur, and the regulations under which the use shall operate.
- b. The applicant shall prepare a notice that describes the standards set forth in this section, the type of business activities to take place at the site, the hours of operation, and either the existence of a nonresident employee or the expected number of customers/clients on a daily basis.
- c. The applicant shall send notice to all Registered Neighborhood Associations whose boundaries include the site and to all Owner of property within 200 feet of the subject site. At the time of application submittal, the applicant shall submit to the Planning Director a list of the Owner and addresses notified, a copy of the notice that was sent, and a signed Statement verifying that notice requirements have been met. It is the responsibility of the applicant to gather the information to fulfill this requirement.

d. The notice shall provide information on the proposed [Home Occupation](#) and at least the following additional information:

***Notice of Proposed [Home Occupation](#)***

*This letter is being sent to [Landowners](#), or a Registered Neighborhood Association, near the site of a proposed [Home Occupation](#). It is being sent for the purpose of informing the [Landowner](#) and other interested parties about the proposed homebased business. This letter does not grant the recipient and/or [Landowner](#) any legal rights to challenge the proposed development, instead, it is being provided solely to inform nearby [Landowners](#) of the proposed plans of one of your neighbors. For further information, contact the applicant's designated representative at (xxx) xxx-xxxx or the Lawrence-Douglas County Planning Department at (785) 832-XXXX.*

**(iv) Revocation**

A Type B [Home Occupation](#) permit may be revoked for failure to comply with the regulations of this section, through the procedures identified in Section 20-1605(e). When a Type B [Home Occupation](#) permit has been revoked, a new Type B [Home Occupation](#) permit will not be issued to the applicant or other persons residing with the applicant for 2 years.