

**RESOLUTION 2020-09**

A resolution of the Leavenworth County Kansas Board of County Commission, to amend the following articles of the 2006 Zoning and Subdivision Regulations:

Article 3, Section 2. Definitions - "Home Occupation" (Attachment A)

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment of the Leavenworth County Zoning and Subdivision Regulations the 12<sup>th</sup> day of February, 2020; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and

WHEREAS, the Board of County Commission considered, in session on 4<sup>th</sup> day of March, 2020, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 4<sup>th</sup> day of March, 2020 and incorporated herein by reference;

That the amendments listed herein be approved:

Adopted this 4<sup>th</sup> day of March, 2020  
Board of County Commission  
Leavenworth, County, Kansas

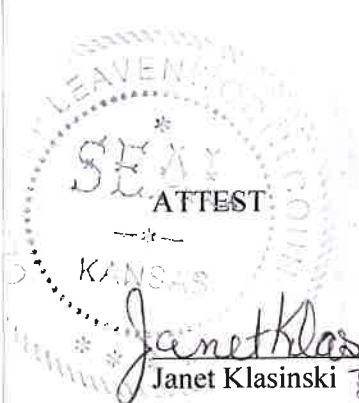
  
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Doug Smith, Chairman

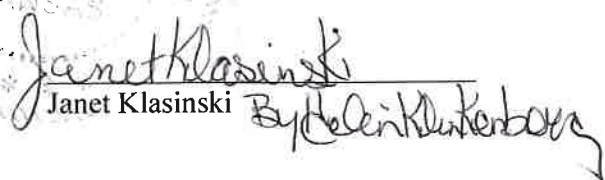
*absent*  
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Jeff Culbertson, Member

  
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Vicky Kaaz, Member

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Chad Schimke, Member

  
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Mike Stieben, Member



Janet Klasinski  


# Attachment A

## Definition: Home Occupation

Home occupations shall be permitted accessory uses in Rural Residential Zoning and shall be subject to the following:

### A. Restrictions and Limitations:

1. The home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as such person's private residence.
2. No display or storage of equipment or material outside of a building or structure shall be permitted.
3. No alteration of the exterior of the principal residential building shall be made that removes the character of that building as a residence. There shall not be visible evidence of the business from the street or surrounding properties. The appearance of the building as a dwelling or residence shall not be altered to the extent it would appear to be a commercial or business operation. Alterations of building material, size, or color; light fixtures or intensity; parking area; or any other exterior change shall not cause the structure to lose its residential character nor shall it detract from the rural or residential character of the area.
4. Only one (1) non-illuminated ground or wall sign, not more than 16 square feet in sign area, may be used to identify the home occupation.
5. Employees or other assistants shall be limited to immediate members of the family residing on the premises and two (2) other people.
6. No equipment or machine may be used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
7. Parking generated by the conduct of a home occupation shall be provided off-street in an area other than the required front yard except that existing driveways may be used.
8. Vehicular or parking demand shall not exceed twelve (12) two-way vehicular or parking of greater than four (4) customer vehicles at any one time during any 24-hour period.
9. The commercial exchange of tangible goods or items constituting a sale between the proprietor of a home occupation and members of the general public shall not be permitted on the premises of a home occupation except on an incidental, occasional and infrequent basis. Members of the general public shall not include persons in the home by prior individualized invitation.
10. A home occupation may attract patrons, students, or any business-related individuals only between the hours of 6 A.M. and 7 P.M. A home occupation shall not generate more than twelve (12) business related visitations per day which shall constitute twelve (12) arrivals and twelve (12) departures by vehicle. These standards shall not be construed so as to prohibit occasional group gatherings, recitals, or demonstrations. However, such gatherings shall not occur more frequently than once per month and must be held within the visitation hours specified above in this paragraph.
11. The keeping of stock and trade on premises shall be permitted so long as the majority of commerce is done via mail service.

12. Home occupation shall comply with all local, state, and federal rules and regulations that may be applicable.

B. Particular Home Occupations Permitted: Permitted home occupations may include, but are not limited to, the following list of occupations, provided, however, that each home occupation is subject to the home occupation restrictions and limitations within these regulations:

1. Teaching or instruction provided not more than three (3) students are taught at any one time and not more than twelve (12) students per day.
2. Preschools or day-care centers for not more than twelve (12) children or adults per day, when properly approved by the Kansas Department of Health and the Environment or other such agencies as may be required by law.
3. Professional office for accountants, architects, bookkeepers, engineers, lawyers, and similar professions.
4. Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
5. Home crafts and hobbies such as model making, rug weaving, and the like articles produced or constructed as a hobby activity shall not be sold on the premises except on an occasional and infrequent basis.
6. Tailoring, alterations, and seamstresses.
7. Beauty shops.
8. Medical offices such as physicians, dentists, chiropractors' offices.
9. Repair of items such as small appliances; personal electronic devices such as radios, televisions, stereos, personal computers or calculators provided that the use fully conforms with the performance requirements for home occupations.

C. Particular Home Occupations Prohibited:

1. Retail sales and services such as antiques, second-hand merchandise, groceries, and the like. However, this prohibition shall not apply to garage sales, tag sales, or similar occasional, temporary sales which may otherwise be permitted by County regulations and Temporary Special Use Permit regulations
2. Equipment rental.
3. Automobile and other motor vehicle repair services.
4. Tourist homes including bed and breakfast facilities.

D. Home Occupations shall require a permit from the Leavenworth County Planning and Zoning Department.

1. Permit fee shall be subject to the fee schedule as determined by the Board of County Commissioners
2. Permits shall remain valid unless the conditions of the home occupation permit as set forth in these regulations have not been met.