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ORDINANCE 1060

AN ORDINANCE AMENDING THE CITY OF EUDORA MUNICIPAL CODE OF ORDINANCES CHAPTER 16, ZONING REGULATIONS TO UPDATE HOME OCCUPATION REQUIREMENTS.

WHEREAS, the City of Eudora has adopted a zoning code as set forth in Chapter 16, Zoning Regulations, of the City’s Municipal Code to, among other purposes, effectuate the City’s comprehensive plan and to regulate individual property use by establishing use districts, building site requirements, and setback, density, parking and height regulations; and

WHEREAS, the City has established zoning classifications within the City, which contain specific conditions on home occupations requirements in each zoning district; and

WHEREAS, the Eudora Planning & Zoning Commission voted 6-0 at its December 7, 2017 meeting to recommend special conditions for home occupation regulations within the City.

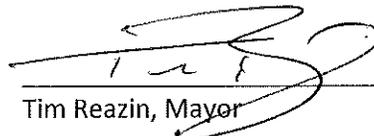
NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Eudora, as follows:

SECTION ONE: That Chapter 16, Zoning Regulations, is hereby amended by the addition of new text and modification of existing text as set forth in Exhibit “A,” attached hereto and incorporated herein by reference.

SECTION TWO: That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

PASSED AND APPROVED by the City Commission of the City of Eudora, this 23rd day of January, 2017.




Tim Reazin, Mayor

ATTEST:

Pamela Schmeck, City Clerk

EXHIBIT A

TEXT AMENDMENT

SECTION 7. SPECIAL CONDITIONS

16-701 Special Conditions. General Purposes, Various uses as listed below have characteristics which require special conditions to allow such uses to be compatible with the surrounding land uses. This section must be used in coordination with Section 3, which defines the zoning district in which each use is allowed.

- (5) Home Occupations. Home occupations in those districts where permitted are subject to all of the following conditions:
- a) In any dwelling unit, the home occupation shall be incidental and subordinate to the principal residential use of the premises and all home occupations collectively shall not occupy more than 20% of the gross floor area of one floor of the dwelling unit, but these limitations shall not apply to foster family care.
 - b) A home occupation shall not require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings.
 - c) Vehicular traffic generated by the home occupation shall not be abnormal for local residential traffic volumes.
 - d) No equipment shall be utilized that creates a nuisance due to noise, odor, emissions or electrical interference.
 - e) Power shall be limited to electric motors with a total limitation of three horsepower per dwelling unit.
 - f) The home occupation shall be conducted within the principal structure by resident occupants of the dwelling unit in which the occupation is conducted and shall have not more than one non-resident employee in the dwelling unit.
 - g) Visitations, deliveries and vehicle trips associated with the home occupations are not permitted between the hours of 9:00 p.m. and 6:00 a.m.
 - h) All materials or equipment used in the home occupation shall be stored within an enclosed structure.
 - i) No sign shall be permitted except as allowed by Section 12 of these regulations or unless required by State Statute. If required by State Statute, shall not exceed two feet in any one direction, shall not be illuminated and shall not be placed closer to the front property line than one-half the distance of the front yard.
 - j) Parking generated by the home occupation shall not be permitted in the required front yard except that the existing driveways may be used.
 - k) There shall be no sales to customers on the premises except sales of goods incidental to the occupation or profession.
 - l) Other than the following specific uses, all other uses shall be subject to the Use Permitted Upon Review process:
 - a. Artists, sculptors, composers, and writers.
 - b. Custom dressmaking, tailoring or sewing of fabrics.
 - c. Office facilities for ministers, rabbis, priests, etc.

- d. Office facilities for architects, engineers, lawyers, planners, doctors, dentists, chiropractors, and members of similar professions.
- e. Office facilities for salespersons, sales representatives, and manufacturers' representatives, when no retailing or wholesaling is made or transacted on the premises except through electronic means.
- f. Office facilities for service-type businesses such as insurance agents, brokers, decorators, painters, business consultants, and tax advisors.
- g. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc.
- h. Photographic studios, including camera repair.
- i. Beauty or barber shops having one chair, stand or station.
- j. Pet grooming, but not including veterinary services or boarding.
- k. Dental laboratories.
- l. Mail-order, internet, and phone sales.
- m. Tutors to not more than two people at a time.
- n. Giving academic, dance, music and similar types of lessons to not more than two people at a time.
- o. Home electronics and small appliance repair service.
- p. Day care homes and day care nurseries subject to laws and regulations established by the Kansas Department of Health and Environment. The applicant(s) shall furnish proof of state licensing to the city.
- q. Informal and occasional study groups such as literary and religious discussion activities in a home.
- r. The letting for hire by a resident owner of rooming units for residential use for a total of not more than two persons.
- s. Uses determined by the Code Administrator to be similar in character to those listed above, however, none of the following uses shall be deemed to be similar in character and shall be subject to the Uses Permitted Upon Review process:
 - i. Animal care.
 - ii. Auto and other vehicle repair.
 - iii. Bed and breakfast inn.
 - iv. Contractor's storage.
 - v. Funeral homes.
 - vi. Kennels and stables when carried on as a business activity.
 - vii. Medical services other than those listed above.
 - viii. Renting of trailers, vehicles or other equipment.
 - ix. Restaurants.
 - x. Tattooing and body piercing facilities.