

CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 150

WHEREAS the governing body of the City of Westwood Hills, Kansas has determined that in order to maintain the character and integrity of the residential areas of the City of Westwood Hills, it is important and necessary to regulate the home occupations that are conducted from time to time by persons residing within the City of Westwood Hills.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS AS FOLLOWS:

SECTION I. The Code of the City of Westwood Hills is hereby amended by adding Article 6, Chapter VI of said Code which reads as follows:

ARTICLE 6. HOME OCCUPATIONS

6-601 DEFINITIONS. A home occupation is an accessory use of the occupants of a dwelling unit, an activity customarily carried on in a dwelling unit and one that is clearly incidental and secondary to the use of the dwelling for residential purposes.

6-602 PERMITTED CONDITIONS. Home occupations are permitted as an accessory use of a dwelling only when there is compliance with all of the following conditions:

- (a) Home occupations shall be carried on only by members of the immediate family residing in the dwelling unit;
- (b) No external alterations, additions or changes to the structure shall be permitted in order to accomodate or facilitate a home occupation in a manner that causes the structure to lose its residential character or detracts from the residential character of the neighborhood;
- (c) The home occupation shall be conducted entirely within the main dwelling structure and no such home occupation shall be conducted in an accessory building, garage or structure whether attached or detached;
- (d) The floor area devoted to a home occupation shall not be more than 33 1/3% of the ground area of the principal structure or 400 square feet, whichever is less.
- (e) No repetitive servicing by trucks for supplies and material shall be required;
- (f) There shall be no storage in the dwelling or anywhere upon the premises or property of any toxic materials or toxic chemicals for resale or use in the home occupation;
- (g) The entrance to the space devoted to a home occupation shall be from within the dwelling;
- (h) No commercial exchange of tangible goods or other items constituting a sale between the person or persons conducting the home occupation and the members of the general public shall be permitted on the premises of the home occupation;

- (i) No sign or signs shall be permitted and there shall not be displayed or created outside the building or displayed by means of windows or openings in the structure, any external evidence of the operation of the home occupation;
- (j) No home occupation shall be permitted which generates results in or contributes to traffic (vehicular and pedestrian), parking, sewage or water use in excess of what is usual and normal in the residential neighborhood;
- (k) No home occupation shall be permitted which creates or has the potential to create a hazard or danger to the health, care, safety or welfare of any person or property including any person at, in or occupying the dwelling or any property real or personal at the dwelling;
- (l) No home occupation shall be permitted which results in or contributes to electrical disturbance or interference of any sorts;
- (m) No home occupation shall be permitted which is may be or has the potential to become a nuisance, public or private;
- (n) No home occupation shall be permitted if such occupation is subject to any other laws of the City, the laws of Johnson County, the State of Kansas or the United States which requires persons conducting an occupation first to obtain approval from such governmental authorities before commencing such occupation and maintaining approval while the occupation is conducted and such approval has not been obtained or maintained or;
- (o) No home occupation shall be permitted which may be unlawful under the laws of this City, the laws of Johnson County, the State of Kansas or the United States or any other rules or regulations of the city, county, state or United States.

6-603 PERMITTED OCCUPATIONS. The following are permitted home occupations as intended by this Article, provided they do not violate any of the provisions of Section 6-602

- (1) Dressmaker, seamstress, tailor;
- (2) Teacher - tutor with no more than three (3) students taught at any one time;
- (3) Artist;
- (4) Author; .
- (5) The emergency or occasional treatment only of patients by a physician, dentist, licensed drugless physician, osteopath, psychologist, psychiatrist or chiropractor;
- (6) Emergency or occasional interview only of clients by lawyers, engineers, accountants, architects, real estate agents and insurance agents;
- (7) Babysitting no more than three (3) children at any one time;
- (8) Typist, telephone answering service; and
- (9) Minister.

6-604 PROHIBITED OCCUPATIONS. The following are prohibited as home occupations:

- (A) Dance studios;
- (B) Veterinary clinics, animal hospitals, stables, kennels;
- (C) Funeral homes, mortuaries;
- (D) Nursery schools;
- (E) Private clubs;
- (F) Appliance or equipment repair shops;
- (G) Tourist homes;
- (H) Boarding house;
- (I) Dry cleaning; and
- (J) Furniture sales and repair

6-605 CONDITIONAL USES. Any home occupation which is neither specifically permitted by Section 6-603 or specifically prohibited by Section 6-604 shall be considered a conditional use and shall be granted or denied by the governing body of this City upon consideration of those standards contained within Section 6-602.

6-606 LICENSE REQUIRED. No person(s) shall engage in a home occupation as defined and described in Sections 6-601, 6-602, and 6-603 of this article within the corporate limits of this city without obtaining a license therefore. Any applicant for a license under this article shall file with the City Clerk a sworn application on a form furnished by the City Clerk which shall include the following information:

- (a) name, address, and age, if the applicant is under eighteen (18) years of age;
- (b) names and dates of birth of the applicant's immediate family residing in applicant's dwelling;
- (c) names, dates of birth of the proposed participants in the home occupation for which the license is sought;
- (d) a brief description of the activity to be conducted for which the home occupation is sought; and
- (e) if a family vehicle is to be used in the activity, a brief description of the vehicle.

6-607 ISSUANCE OF LICENSE. Upon receipt of an application for a home occupation license, the City Clerk may, without further consideration, issue a license only if the home occupation for which the license is sought is a home occupation permitted under Section 6-603 of this article, however, the City Clerk shall submit all other applications for examination and consideration by the governing body of the City at a regularly scheduled meeting. Any application submitted later than ten days prior to a regularly scheduled meeting of the governing body of the City shall be considered at the next following regularly scheduled meeting. Any license issued pursuant to the provisions of Article 6 of this Chapter shall be issued only if the home occupation is permitted under Section 6-603 of Article 6 or if the governing body of the City has approved the license after considering the effect of the activity on the residents of the City and the property adjoining the applicant's dwelling, the effect of the activity upon the

safety of the neighborhood and the residential character of the area and the compliance with criteria set forth in Section 6-602 of this article.

6-608 LICENSE FEE; NON-TRANSFERABLE. The fee for the license required pursuant to this Article shall be in the amount of \$5.00 for each annual period the occupation is conducted. Every person commencing a home occupation shall secure a license covering the period from the date which the home occupation is to be started until the next succeeding November 30. The fee for this initial period shall be determined by dividing the annual fee by 12 and multiplying by the number of months or fraction thereof remaining until the next November 30. No refunds for home occupations ceasing during the year shall be made. There shall be no transfers of licenses from one person to another. The City Clerk shall keep a permanent record of all such licenses issued and such record shall be open for view by the public during regular City business hours.

6-609 GARAGE SALES. The conducting of not more than two (2) garage or yard sales during any one calendar from the same residential location shall not be deemed to be a home occupation subject to this Article.

6-610 PENALTY. Anyone violating the provisions of this Article shall, upon conviction thereof, be fined in an amount not to exceed \$499.00 per violation. A violation shall occur each day a person is found to have violated the provisions of this Article.

Passed by the governing body this 6th day of February, 1989.

Approved and signed by the Mayor this _____ day of _____, 1989.

AL TIKWART, JR., MAYOR

Attest:

Patti J. Fuhrman

Approved as to Form:

Ronald S. Reuter, City Attorney

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Approved and signed by the Mayor this _____ day of _____, 1989.

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First Published in Johnson County Sun, Friday, February 24, 1989.

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TRANSFERABLE. The fee for the license required pursuant to this Article shall be in the amount of \$5.00 for each annual period the occupation is conducted. Every person commencing a home occupation shall secure a license covering the period from the date which the home occupation is to be started until the next succeeding November 30. The fee for this initial period shall be determined by dividing the annual fee by 12 and multiplying by the number of months or fraction thereof remaining until the next November 30. No refunds for home occupations ceasing during the year shall be made. There shall be no transfers of licenses from one person to another. The City Clerk shall keep a permanent record of all such licenses issued and such record shall be open for view by the public during regular City business hours.

6-609 GARAGE SALES. The conducting of not more than two (2) garage or yard sales during any one calendar year from the same residential location shall not be deemed to be a home occupation subject to this Article.

6-610 PENALTY. Anyone violating the provisions of this Article shall, upon conviction thereof, be fined in an amount not to exceed \$499.00 per violation. A violation shall occur each day a person is found to have violated the provisions of this Article.

Passed by the governing body this 6th day of February, 1989.

Approved and signed by the Mayor this 6th day of February, 1989.

(s) ALTIKWART, JR.,

Mayor

by Patti Fuhrman

Attest:

(s) Patti J. Fuhrman

Approved as to Form:

(s) Ronald S. Reuter,

City Attorney

by Patti Fuhrman

(5368 1F)

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martens being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 24th day of, February 1989, with subsequent publications being made on the following dates:

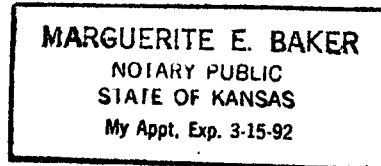
_____, 19____, _____, 19____

_____, 19____, _____, 19____

Deanna Martens

Subscribe and sworn to before me this 24th day of February 1989

Marguerite E. Baker
NOTARY PUBLIC



My Commission expires: 3-15-92
Printer's Fee \$ 191.30
Additional copies \$ _____