

Douglas County, Kansas



Home Occupations Business Regulations

Douglas County Zoning & Codes Office
3755 E 25th Street
Lawrence, Kansas 66046
(785)-331-1343
www.douglascountyks.org

Lawrence/Douglas County Planning Dept.
6th and Massachusetts Street
Lawrence, Kansas 66044
(785)-832-3150
www.lawrenceks.org/pds/

This is an annual registration and permit process. After the initial registration and issuance of a use permit, the renewal of the registration and of the use permit may be either by mail or in person. The business owner consents to access the premises, at reasonable times, by appropriate officials of Douglas County for the purpose of evaluating. **It is the responsibility of the Rural Home Occupation business owner to annually renew the use permit.** Please see Type 1 for renewal/payment schedule.

12-319-6.01 RURAL HOME OCCUPATIONS [Type I]

a. Purpose

To permit the establishment of certain incidental and accessory home occupation uses that can be conducted wholly within the dwelling unit and that are ancillary to the primary residential use of the property. Rural home occupations are uses that are incidental and accessory to the primary residential use, and as such, are activities that are compatible with residential or farm activities.

b. Development Standards for Operation of a Rural Home Occupation

Rural Home Occupations shall be subject to the following standards:

- 1) A Rural Home Occupation shall not occupy more than 50% of the gross square footage of the principal dwelling unit;
- 2) No equipment shall be used that creates noise, vibration, electrical interference, smoke or particulate matter emission that is perceptible beyond the property lines of the subject parcel;
- 3) There shall be no visible evidence of the conduct of a Rural Home Occupation, other than a permitted sign. All equipment, materials, goods, and vehicles shall be stored indoors or otherwise completely screened from view of adjacent parcels and rights-of-way;
- 4) A maximum of two Nonresident Employees (as defined in section 12-303-1.65) shall be allowed with a Rural Home Occupation.
- 5) No inventory of products shall be displayed or sold on the premises other than what has been produced on the premises;
- 6) The home occupation activity shall be conducted wholly within the dwelling unit;
- 7) A maximum of one sign shall be permitted with a Rural Home Occupation. Signs shall be restricted to a maximum of two square feet in area, and shall not be illuminated. Signs shall be mounted flat against the main face of the dwelling or at the driveway entrance to the premises where the home occupation is conducted. If placed at the driveway entrance, the sign shall not be located on the road right-of-way;
- 8) Rural Home Occupation signs shall contain no commercial message other than the name of the business and its hours of operation. For purposes of this provision, "commercial message" means any wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

c. Permitted Uses

The following uses shall be allowed as Rural Home Occupations, provided they comply with all other applicable standards of this Section. No uses other than those expressly permitted in this paragraph shall be allowed as Rural Home Occupations:

- 1) Artists, authors or composers, dancers, music teachers, and other similar artists, including the instruction thereof; provided that instruction shall be limited to not more than six pupils at any one time;
- 2) Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, and other similar uses, as determined by the Zoning Administrator;
- 3) Office facilities for ministers, rabbis, and priests;
- 4) Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions, as determined by the Zoning Administrator;
- 5) Office facilities for salespersons, sales representatives, and manufacturer's representatives, when no retailing or wholesaling is made or transacted on the premises;
- 6) Office facilities for service-type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors, and photographers; and
- 7) Personal services, such as dressmakers, seamstresses, tailors, barbershops, and beauty shops.
- 8) Other uses with operational characteristics and impacts similar to those listed above, as determined by the Planning Director. In making such determinations, the Planning Director shall consult with the County Zoning Administrator, and shall consider if the similar use meets the purpose of a Rural Home Occupation as stated in section 12-319-6.01-a.

d. Prohibited Uses

The following uses are expressly prohibited as Rural Home Occupations. This list of prohibited uses is not intended as an exhaustive list. Other uses will be prohibited based on their inability to comply with all applicable standards of this section.

- 1) Auto and other vehicle repair;
- 2) Funeral homes;
- 3) Medical or dental clinics or hospitals;
- 4) Renting of trailers, cars, or other equipment;
- 5) Restaurants;
- 6) Tourist homes;
- 7) Contractor's equipment and material storage;
- 8) Any use first allowed, by right or by conditional use permit, in the Industrial Districts.

e. Off-street Parking Requirements

No off-street parking spaces shall be provided exclusively for a Rural Home Occupation. Parking spaces required for the primary residential use will need to serve the needs of the Rural Home Occupation.

f. Application and Approval Process

Rural Home Occupations must be registered with the County Zoning Administrator. The approval process is an administrative procedure. The application form is available from the County Zoning and Codes Office. Upon receipt by the Zoning and Codes office of a completed application form, the listed use will be verified as a permitted Rural Home Occupation use listed in 12-319-6.01-a. A use permit will be issued for a use if it is a permitted use. The Rural Home Occupation use permit is valid for a period of twelve months from the date of issuance.

To renew the permit, a renewal application form must be filed at the County Zoning and Codes Office. Renewal of a use permit for the same use can be requested either by mail or in person. It is the responsibility of the Rural Home Occupation business owner to renew annually the use permit. The fees charged for the initial permit and for the renewal permit are based on a separate Fees & ENFORCEMENT POLICY resolution adopted by the County Commission.

12-319-6.02 RURAL HOME BUSINESS OCCUPATIONS [Type II]

a. Purpose

To permit the establishment of certain incidental and accessory home business occupations that can be conducted within the dwelling unit, or within an accessory building, that is ancillary to the primary residential use of the property. Such occupations are service-oriented or involve production of materials for sales off premises. Rural Home Business Occupations are uses that are incidental and accessory to the primary residential use, and as such, are activities that are compatible with residential or farm activities. These uses are permitted only in the A (Agricultural) district.

b. Development Standards for Operation of Rural Home Business Occupation Rural Home Business Occupations shall be subject to the following standards:

- 1) A maximum of four Nonresident Employees (as defined in subsection 12-303-1.65) shall be allowed with a Rural Home Business Occupation;
- 2) The home business activity shall be conducted with the dwelling unit or within an accessory building that is no greater than 3,600 square feet in gross area. An accessory structure in use by a rural home business occupation on August 16, 2000, for a use permitted in section 12-319-6.02-c. is not subject to the maximum size limitation of 3,600 square foot. The use or use area existing on August 16, 2000 cannot be enlarged or expanded under the Rural Home Business Occupation regulations;
- 3) The majority of work related to agricultural implement repair or grading and earthwork activities must be conducted off premises;
- 4) No equipment shall be used that creates noise, vibration, electrical interference, smoke or particulate matter emission from a dwelling or accessory structure that is perceptible beyond the property lines of the subject parcel;
- 5) All equipment, materials, and vehicles shall be stored indoors or otherwise completely screened from view of adjacent parcels and rights-of-way;
- 6) No inventory of products shall be displayed or sold on the premises other than

- what has been produced on the premises;
- 7) A minimum site area of five acres is required for all home business occupations established after August 16, 2000.
 - 8) The site must have direct access to a section line road or highway;
 - 9) A maximum of one sign shall be permitted with a Rural Home Business Occupation. Signs shall be restricted to a maximum of four square feet in area, and shall not be illuminated. Signs shall be mounted flat against the main face of the dwelling or accessory building or at the driveway entrance to the premises where the home business occupation is conducted. If placed at the driveway entrance, the sign shall not be located on the road right-of-way;
 - 10) Rural Home Occupation signs shall contain no commercial message other than the name of the business and its hours of operation. For purposes of this provision, "commercial message" means any wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business product, service, or other commercial activity;
 - 11) Outdoor storage buildings, and off-street parking spaces established after August 16, 2000, shall be located at least 50 feet from all property lines and public rights-of-way, or screened by landscaping or buildings so as not to be visible from off-site.

c. Permitted Uses

The following uses shall be allowed as Rural Home Business Occupations, provided they comply with all other applicable standards of this Section. Rural Home Business Occupations shall be allowed only in the A (Agricultural) district. No uses other than those expressly permitted in this paragraph shall be allowed as Rural Home Business Occupations:

- 1) Uses permitted in section 12-319-6.01 that do not meet development standards outlined in 12-319-6.01, but do meet the standards outlined within this Section;
- 2) Assembly, distribution, maintenance, and repair of dairy and agricultural implements and equipment;
- 3) Assembly of mechanical devices and components conducted entirely within an enclosed structure with no outdoor storage of parts or equipment.
- 4) Automobile painting, upholstering, rebuilding, renovation, reconditioning, body and fender works, and overhaul work conducted entirely inside an enclosed structure without any outdoor storage of vehicles, parts, or equipment;
- 5) Welding and machine shops, if totally enclosed in a building structure without any outdoor storage of vehicles, parts, or equipment; and
- 6) Contractor's equipment and material storage, if totally enclosed in a building structure without any outdoor storage of vehicles, parts, or equipment.

d. Prohibited Uses

The following uses are expressly prohibited as Rural Home Business Occupations. This list of prohibited uses is not intended as an exhaustive list. Other uses will be prohibited based on their inability to comply with all applicable standards of this Section.

- 1) Auto and other vehicles repair (except as noted above);
- 2) Funeral homes;
- 3) Medical or dental clinics or hospitals;
- 4) Renting of trailers, cars, or other equipment;
- 5) Restaurants;

- 6) Tourist homes;
 - 7) Exterior storage of Contractor's equipment and material;
 - 8) Any use first allowed, by right or by conditional use permit, in the Industrial Districts.
- e. Off-street Parking Requirements**
 A minimum of one parking space shall be provided, based on the maximum number of employees present at any one time, for each non-resident employee. All parking spaces shall be located a minimum of 50 feet from property lines and public rights-of-way, and shall be screened by landscaping, a fence, or buildings so it is not visible from the public rights-of-way or from adjacent residences.
- f. Registration & Approval Process**
 Rural Home Business Occupations must be registered with the County Zoning Administrator. A use permit will be issued for the Home Business Occupation upon verification that the applied for use is a permitted use per 12-319-6.02.c.

The registration and approval process is an administrative procedure. To establish the Rural Home Business Occupation, a registration application available from the County Zoning and Codes Office must be filled out and submitted to the County Zoning Administrator. Upon submittal of a completed application, the Zoning and Codes Office needs to verify the requested use is permitted for the requested home business occupation. The use permit is valid for twelve months.

This is an annual registration and permit process. After initial registration and issuance of a use permit, the renewal of the registration and of the use permit may be either by mail or in person. Fees for the initial registration and use permit and for renewal of the registration and use permit are based on a separately adopted FEES & ENFORCEMENT POLICY Resolution by the County Commission.

The use permit issued is for the registered use and for the current owner of the real estate at the described location on the use permit. The use permit is non-transferable. If a business owner does not currently own the real estate on which the Rural Home Business Occupation is conducted, an affidavit of equitable interest or a copy of a lease evidencing a leasehold interest can be submitted as a substitute for fee simple ownership of the real estate.

12-319-6.04. APPEALS OF ADMINISTRATIVE DECISIONS CONCERNING HOME OCCUPATIONS

- a. Purpose**
 To provide for aggrieved business owners an opportunity to appeal determinations made by the Douglas County Zoning and Codes Department.
- b. Appeals From Decisions of Douglas County Zoning and Codes Department**
 Any person owning a home business that is dissatisfied with the final determination of the Douglas County Zoning and Codes Department as it relates to the applicability of

sections 12-319-6.01, 12-319-6.02, or 12-319-6.03 to such person's home business, may appeal such determination to the Douglas County Commission. The provisions in sections 12-319-6.01, 12-319-6.02 and 12-319-6.03 are not provisions that can be appealed to the County Board of Zoning Appeals.

c. [Appointment of County Commissioner to Act for County Commission](#)

The Douglas County Commission may, from time to time, appoint a hearing officer to hear and decide appeals made pursuant to Paragraph B. In the event that there is a single Commissioner so appointed, the decision of that Commissioner shall be deemed to have been made by the entire Douglas County Commission and the aggrieved person shall have no right to appeal to the entire Commission.

d. Appeals From Douglas County Commission

Any person who is dissatisfied with the decision of the Douglas County Commission may appeal such decision to the district court, as provided by law.

e. Final Determination of Appeal Not Prerequisite To Enforcement

A final determination of the Douglas County Commission shall not be a prerequisite to the commencement of any enforcement action against any person allegedly violating the Zoning Regulations.