

September 6, 2011

Council Meeting

17191
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[rb]

Sponsor: Phillips

Proposed No.: 2011-0328

RL MOVED

PASSED: 9-0

- 1 **AMENDMENT TO PROPOSED SUBSTITUTE ORDINANCE 2011-0328,**
- 2 **VERSION 2**
- 3 On page 167, line 3189, after "as provided in subsection" delete "E." and insert "~~(E.)~~
- 4 D."
- 5 **EFFECT:** Technical amendment to correct cross-reference in existing code.

September 20¹⁹, 2011 Council Meeting

Sponsor: Lambert

Proposed No.: 2011-0328

rb
REMOVED
PASSED: 8-0
PUR EXCUSED

1 AMENDMENT TO PROPOSED ORDINANCE 2010-0328, VERSION 2

2 Beginning on pages 41, delete all language on lines 811 through 815.

3 Renumber the remaining sections consecutively and correct any internal references accordingly.

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5 On page 54, on the recreational/cultural land use table (K.C.C. 21A.08.040.A), delete all
6 language on the row entitled "Passive recreation storage"

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8 On page 66, delete all language on lines 1270 and 1271.

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EFFECT: Deletes executive-proposed text related to passive recreation storage. The executive supports this amendment to allow for additional discussion of this issue and potential re-consideration at a future date.

September 6, 2011 Council Meeting

Sponsor: Lambert

Rb (vers3)

Proposed No.: 2011-0328

RL MOVED PASSED: 9-0

1 AMENDMENT TO PROPOSED SUBSTITUTE ORDINANCE 2010-0328,

2 VERSION 2

3 On pages 159 through 166, delete all language on lines 2999 through 3150, and insert:

4 SECTION 48. Ordinance 10870, Section 536, as amended, and K.C.C.

5 21A.30.080 are each hereby amended to read as follows:

6 In the R, ~~((and))~~ UR, NB, CB and RB zones, residents of a dwelling unit may

7 conduct one or more home occupations as accessory activities, only if:

8 A. The total floor area of the dwelling unit devoted to all home occupations shall
9 not exceed twenty percent of the dwelling unit.

10 B. Areas within garages and storage buildings shall not be considered part of the
11 dwelling unit and may be used for activities associated with the home occupation;

12 ~~((B.))~~ C. All the activities of the home occupation or occupations shall be
13 conducted indoors, except for those related to growing or storing of plants used by the
14 home occupation or occupations;

15 ~~((C.))~~ D. A home occupation or occupations is not limited in the number of
16 employees that remain off-site. No more than one nonresident employee shall be
17 permitted to work on-site for the home occupation or occupations;

18 ~~((D-))~~ E. The following ((activities are prohibited)) uses, by the nature of their
19 operation or investment, tend to increase beyond the limits permitted for home
20 occupations. Therefore, the following shall not be permitted as home occupations:

- 21 1. Automobile, truck and heavy equipment repair;
- 22 2. Autobody work or painting;
- 23 3. Parking and storage of heavy equipment; ~~((and))~~
- 24 4. Storage of building materials for use on other properties;
- 25 5. Hotels, motels or organizational lodging;
- 26 6. Dry cleaning;
- 27 7. Towing services;
- 28 8. Trucking, storage or self service, except for parking or storage of one
29 commercial vehicle used in home occupation; and
- 30 9. Veterinary clinic;

31 ~~((E-))~~ F. In addition to required parking for the dwelling unit, on-site parking is
32 provided as follows:

- 33 1. One stall for each nonresident employed by the home occupations; and
- 34 2. One stall for patrons when services are rendered on-site;

35 ~~((F-))~~ G. Sales are limited to:

- 36 1. Mail order sales;
- 37 2. Telephone, Internet or other electronic commerce sales with off-site delivery;

38 and

- 39 3. Items accessory to a service provided to patrons who receive services on the
- 40 premises;

41 ~~((G.))~~ H. On-site services to patrons are arranged by appointment;

42 ~~((H.))~~ I. The home occupation or occupations use or store a vehicle for pickup of

43 materials used by the home occupation or occupations or the distribution of products

44 from the site, only if:

45 1. No more than one such a vehicle is allowed; and

46 2. The vehicle is not stored within any required setback areas of the lot or on

47 adjacent streets; and

48 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of

49 one ton;

50 ~~((I.))~~ J. The home occupation or occupations do not ~~((use electrical or mechanical~~

51 ~~equipment that results in))~~:

52 1. ~~((A))~~ Use electrical or mechanical equipment that results in a change to the

53 occupancy type of the structure or structures used for the home occupation or

54 occupations; or

55 2. ~~((V))~~ Cause visual or audible interference in radio or television receivers, or

56 electronic equipment located off-premises~~((;))~~ ~~or~~ ~~((3. F))~~ fluctuations in line voltage off-

57 premises;

58 K. There shall be no exterior evidence of a home occupation, other than growing

59 or storing of plants under subsection C. of this section or a permitted sign, that would

60 cause the premises to differ from its residential character. Exterior evidence includes, but

61 is not limited to, lighting, the generation or emission of noise, fumes or vibrations as

62 determined by using normal senses from any lot line or on average increase vehicular

63 traffic by more than four additional vehicles at any given time;

64 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
65 p.m. on weekdays, and 9:00 a.m. to 5 p.m. on weekends; and

66 ~~((F-))~~ M. Uses not allowed as home occupations may be allowed as a home
67 industry under K.C.C. ~~((chapter))~~ 21A.30.090.

68 SECTION 49. Ordinance 15606, Section 20, as amended, and K.C.C.
69 21A.30.085 are each hereby amended to read as follows:

70 In the A, F and RA zones, residents of a dwelling unit may conduct one or more
71 home occupations as accessory activities, under the following provisions:

72 A. The total floor area of the dwelling unit devoted to all home occupations shall
73 not exceed twenty percent of the dwelling unit.

74 B. Areas within garages and storage buildings shall not be considered part of the
75 dwelling unit and may be used for activities associated with the home occupation;

76 ~~((B-))~~ C. Total outdoor area of all home occupations shall be permitted as
77 follows:

78 1. For any lot less than one acre: Four hundred forty square feet; and

79 2. For lots one acre or greater: One percent of the area of the lot, up to a
80 maximum of five thousand square feet.

81 ~~((C-))~~ D. Outdoor storage areas and parking areas related to home occupations
82 shall be:

83 1. No less than twenty-five feet from any property line; and

84 2. Screened along the portions of such areas that can be seen from an adjacent
85 parcel or roadway by the:

86 a. planting of Type II landscape buffering; or

87 b. use of existing vegetation which meets or can be augmented with additional
88 plantings to meet the intent of Type II landscaping.

89 ~~((D.))~~ E. A home occupation or occupations is not limited in the number of
90 employees that remain off-site. Regardless of the number of home occupations, the
91 number of nonresident employees is limited to no more than three who work on-site at
92 the same time and no more than three who report to the site but primarily provide
93 services off-site.

94 ~~((E.))~~ F. In addition to required parking for the dwelling unit, on-site parking is
95 provided as follows:

- 96 1. One stall for each nonresident employed on-site; and
- 97 2. One stall for patrons when services are rendered on-site;

98 ~~((F.))~~ G. Sales are limited to:

- 99 1. Mail order sales;
- 100 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 101 3. Items accessory to a service provided to patrons who receive services on the
102 premises;
- 103 4. Items grown, produced or fabricated on-site; and
- 104 5. On sites five acres or larger, items that support agriculture, equestrian or
105 forestry uses except for the following:

106 a. motor vehicles and parts (North American Industrial Classification System
107 ("NAICS" Code 441));

108 b. electronics and appliances (NAICS Code 443); and

109 c. building material and garden equipments and supplies (NAICS Code 444);

110 ~~((G-))~~ H. The home occupation or occupations do not ~~((use electrical or~~
111 ~~mechanical equipment that results in))~~:

112 1. ~~((A))~~ Use electrical or mechanical equipment that results in a change to the
113 occupancy type of the structure or structures used for the home occupation or
114 occupations;

115 2. ~~((V))~~ Cause visual or audible interference in radio or television receivers, or
116 electronic equipment located off-premises((;)) or ~~((3- F))~~ fluctuations in line voltage off-
117 premises; or

118 3. Increase average vehicular traffic by more than four additional vehicles at any
119 given time;

120 ~~((H-))~~ I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m.
121 to 7:00
122 p.m. on weekdays, and 9:00 a.m. to 5 p.m. on weekends;

123 J. The following uses, by the nature of their operation or investment, tend to
124 increase beyond the limits permitted for home occupations. Therefore, the following
125 shall not be permitted as home occupations:

126 1. Hotels, motels or organizational lodging;

127 2. Dry cleaning; and

128 3. Towing services;

129 K. Uses not allowed as home occupation may be allowed as a home industry
130 under K.C.C. chapter 21A.30; and

131 ~~((H-))~~ L. The home occupation or occupations may use or store vehicles, as
132 follows:

- 133 1. The total number of vehicles for all home occupations shall be:
134 a. for any lot five acres or less: two;
135 b. for lots greater than five acres: three; and
136 c. for lots greater than ten acres: four;
137 2. The vehicles are not stored within any required setback areas of the lot or on
138 adjacent streets; and
139 3. The parking area for the vehicles shall not be considered part of the outdoor
140 storage area provided for in subsection C. of this section."

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142 **EFFECT: For home occupations and home industries:**

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144 1. **Deletes the following uses from the executive-proposed list of prohibited uses:**

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146 **Home occupations in the R, UR, NB, CB, and RB zones**

- 147 • **Beauty salons and barber shops with more than two chairs**
148 • **Churches**
149 • **Equipment rental business**
150 • **Kennel**
151 • **Large item repair, including stoves, refrigerators/freezers, washers/dryers,**
152 **etc**
153 • **Private clubs**
154 • **Eating and drinking places**

155
156 **Home occupations in the A, F and RA zones**

- 157 • **Churches**
158 • **Equipment rental business**
159 • **Kennel**
160 • **Private clubs**
161 • **Eating and drinking places**
162 • **Trucking, storage or self service, except for parking or storage of vehicles**
163 **used in home occupation**

- 164
165 2. **The proposed number of visiting cars to a home occupation is increased from 2**
166 **to 4 vehicles, and**
167 3. **The proposed operating hours or both are reduced to 9:00 a.m. to 5 p.m. on**
168 **weekends, versus 8 :00 a.m. to 7:00 p.m. on weekdays**