

CHAPTER 19.34 - ACCESSORY USES

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19.34.005 Accessory Uses – General

- A. Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property or the users thereof or generate vehicular traffic which exceeds the normal traffic in the neighborhood and shall be on the premises of the principal building or use.
- B. The following uses set forth in Sections 19.34.020 – 19.34.060 shall be permitted as accessory to main uses permitted in this title.

19.34.010 Home Occupations as Accessory Uses; When Permitted in Districts R-1a, R-1b, R-2, R-3, RP-1, & RP-2, RP-3 and RP-4.

- A. Purpose and Intent. It is the purpose and intent of this section to:
 1. Maintain neighborhood integrity and preserve the residential character of neighborhoods by encouraging compatible land uses;
 2. Provide residents of the City with an option to utilize their residences as places to enhance or fulfill personal economic goals as long as the choice of home occupations does not infringe on the residential rights of neighbors;
 3. Establish criteria for establishing home occupations in dwelling units within residential districts;
 4. Assure that public and private services such as street, sewer, water or electrical systems are not burdened by home occupations to the extent that usage exceeds that which is normally associated with the residence;

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- B. Standards for determining whether a home occupation will be permitted. Home occupations are permitted as an accessory use to a residence only when all of the following performance standards are met:
1. Area of Use. Home occupations shall be entirely contained within the interior of a residence and shall not be located in garages or accessory structures on the site. No visible evidence of the home occupation shall be apparent from the street or surrounding area. A home occupation shall use no more than 20% of the total dwelling unit floor area, which does not include the floor area of the garage. Those home occupations which require occasional meetings using more than 20% of the floor space may be permitted, providing such meetings do not occur more frequently than once per month;
 2. Authorized Participants in the Home Occupation. The home occupation shall be conducted by family members residing on the premises with no assistance from other individuals or groups. The home occupation shall have no other employees, independent contractors, or any other entity working on or dispatched from the premises;
 3. Exterior Alterations of Residence; Storage of Equipment; Vehicles Used in Business:
 - a. No home occupation shall require external alterations of the residence and its surrounding property or other visible evidence of the conduct of such home occupation, except for visitations, which are in compliance with the terms of 19.34.10. B. 8 and other provisions of the P.V. Municipal Code.
 - b. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible from the outside of the residence in which the home occupation is conducted.
 4. Advertising. The home occupation shall not involve the use of advertising signs on the premises which call attention to the fact that the home is being used for business purposes;
 5. Sales, Repairs, Leasing:
 - a. The commercial exchange of tangible goods or other items constituting a sale between the proprietor of a home occupation and a member of the general public shall not be permitted on the premises of a home occupation. Members of the general public shall not include persons in the home by prior individualized invitation. Visitations by such person must be in accordance with the limitations set out in 19.34.010. B. 8.
 - b. Visitations generated to or from a home occupation by customers with items to be, or which have been repaired, must be in accordance with the limitations set out in 19.34.010.B. 8.
 - c. Exchange of items in a lease agreement between the proprietor of a home occupation or an authorized participant shall not occur on the premises of a home occupation.
 6. Traffic and Parking. If parking, deliveries or visitations for a home occupation occur in a manner or frequency causing disturbance to the normal traffic flow for the neighborhood the occupation shall be discontinued at that location;
 7. Regulation of Nuisances. A home occupation shall not create excessive noise, dust or dirt, heat, smoke, odors, vibration and glare or bright lighting, which would be over and above that created by a single family residential dwelling. The production, dumping or storage of combustible or toxic substances shall not be permitted on the premises of the home occupation, except for the incidental

storage of items such as paint, paper, and other household goods, which might, under certain circumstances, be toxic or combustible. Additionally, a home occupation shall not create interference or fluctuations of radio or television transmission;

8. Visitations. A home occupation may attract patrons, students or any business-related individuals only between the hours of 7:00 a.m. and 9:00 p.m., weekdays. The home occupation shall generate no more than one (1) visitation at any given time, except in those instances where a home occupation consists of teaching, instructing or tutoring, in which event, no more than three (3) students shall be taught at one time and there will be no more than ten visitations (ten (10) arrivals and ten (10) departures) per day. All other home occupations shall also not generate more than ten (10) business-related visitations per day, which shall constitute ten (10) arrivals and ten (10) departures. These standards shall not be construed so as to prohibit occasional group gatherings, recitals, or demonstrations. However, such gathering shall not occur more frequently than once per month and must be held within the visitation hours specified in this chapter;
9. Compliance with Federal, State and Local Laws. Home occupations shall comply with all other local, state, and federal laws and regulations. The requirements for, and licensing of a home occupation under this section shall not be construed as an exemption from such regulations.

C. Home Occupations As Accessory Uses

All home occupations shall be licensed by the City of Prairie Village. Procedures for granting and suspension of licenses shall be governed by the administrative regulations of the City. Licensing applications may be obtained from the City Clerk. Appeals from denials or suspensions of licenses for home occupations shall be governed by Section 19.54.025 of the Zoning Ordinance. (Ord. 2208, Sec. III, 2009)

19.34.015 Family Day Care Home as Accessory Use; When Permitted in Districts R-1, R-2, RP-1 and RP-2.

A. Family Day Care Home Requirements

1. A “Family Day Care Home” is an acceptable accessory use only if such day care home complies with the State of Kansas requirements for family day care homes (K.S.A. 65-517 and 39-1501), and the following:
 - a. Not more than six (6) children less than 16 years of age may be cared for in a registered family day care home. In no event, shall these limits be construed as allowing more children to be cared for in a family day care home than state laws allow;
 - b. Not more than three (3) of the children cared for in a family day care home shall be less than eighteen (18) months of age;
 - c. Any children of a person providing care in a family day care home count toward the limitations of Subsection (a) and (b) if such children are cared for in the family day care home;
 - d. Not more than two adults;
 - e. A person shall not be considered to be maintaining a family day care home if only children who are related by blood, marriage, or legal adoption to such person are cared for.
(Ord. 2208, Sec IV, 2009)