



# CITY OF TOPEKA

## Planning & Development Department PLANNING DIVISION

### Home Occupation Ordinance – Accessory Uses & Requirements

**TMC 18.210.035:** Home occupations, provided the same does not detract from the residential character of a neighborhood and will not cause excessive traffic, nuisance or hazards to safety; provided further that each home occupation shall comply with the following standards and permit requirements:

- a. Standards: The following shall apply to any home occupation:
  1. The use or activity shall be carried on by a resident of the dwelling.
  2. Not more than one (1) employee not a resident of the dwelling is permitted.
  3. The exterior of the dwelling shall not be changed or modified in any way, nor shall any exterior signs be erected that will indicate any accessory use of the property nor adversely affect the residential character of the neighborhood.
  4. The sale of any commodity, goods or products on the premises is prohibited.
  5. All equipment, materials and work in progress shall be confined to the principal dwelling exclusive of an attached garage.
  6. The projection of any obnoxious sound, odor, smoke, vibration, light or dust is prohibited.
  7. The home occupation shall not occupy more than twenty-five (25%) percent of the total floor area (including a basement) of the dwelling, exclusive of an attached garage.
  8. The home occupation shall not be available or open to the public except during the hours between 8:00 am and 8:00 pm.
  9. The home occupation shall not create a need for off-street parking, pedestrian and vehicular traffic, sanitary sewer and storm sewer usage, public water usage as well as other municipal services in excess of the normal and usual levels for other residential dwellings.
  10. Only one (1) accessory use or activity shall be carried on in a dwelling during the period authorized by a home occupation permit.
- b. Permit Required: Prior to the establishment of any accessory use or activity as defined herein as a home occupation, the owner(s) of the subject property shall make an application to the City of Topeka Code Enforcement Director. At such time as the City Official has determined that the proposed accessory use or activity meets the standards as set forth herein, a home occupation shall be issued. The Governing Official shall have the authority to specify conditions and requirements as deemed necessary to assure compliance with the standards as set forth herein. The home occupation permit shall specify the conditions and requirements and the duration of said permit. The permit shall be displayed within the interior of the dwelling and at the location of the proposed activity.

A home occupation permit may be issued to a tenant or occupant of a dwelling who is to be engaged in the accessory use or activity, provided the owner(s) of record of the property have endorsed and/or certified the application. A home occupation permit shall not be transferable or assignable. Discontinuance or abandonment of the home occupation for a period of sixty (60) days shall render the permit void.

The enforcement and administration of this subsection shall rest with the City governmental official. Upon a finding that any of the foregoing provisions have not been complied with, the Director shall direct the home occupation permit invalid and shall order the use therein to be vacated. The governmental official or designee shall have the right to inspect the premises at any reasonable time. Failure to allow periodic inspections by representatives of the City Enforcement Division at any reasonable time shall result in the immediate revocation of the home occupation permit. In the event of a revocation, one (1) year shall elapse prior to an application by the same owner of the same residential dwelling structure.