

ORDINANCE NO. 3318

AN ORDINANCE APPROVING A TEXT AMENDMENT TO ARTICLE 20, SECTION 12 OF THE ZONING REGULATIONS OF THE CITY OF ABILENE, KANSAS CONCERNING HOME OCCUPATIONS

WHEREAS, the Planning Commission conducted a public hearing on a proposed text amendment to Article 20, Section 12 of the Zoning Regulations of the City of Abilene, Kansas on December 13, 2016;

WHEREAS, no public comments were provided in opposition to the proposed text amendment and the Planning Commission recommended approval of the proposed amendment;

WHEREAS, the City Code needs to be amended to reflect the changes made to the aforementioned section of the Zoning Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

SECTION ONE. Findings of Fact. That the governing body hereby concurs with the Planning Commission's recommended Findings of Fact that the proposed text amendment is in the best interests of the City and is not anticipated to produce any affects that would diminish the well-being of its citizens.

SECTION TWO. Amendment. That Section 20-12 of the Zoning Regulations of the City of Abilene, Kansas, is hereby amended to include the following:

20-1201. Home occupations, as defined in Article 2 of these regulations, shall be permitted by right in the "A, Agricultural" District, and the "CS, Countryside" District, "MHS, Mobile Home Subdivision" District, the "R-1, Low Residential" and "R-2, Medium Density" Residential Districts and shall be permitted as a conditional use in the "R-3, Heavy Density Residential District", subject to the following:

- a. Restrictions and Limitations; All Home Occupations.** The following shall apply to any home occupation in existence at the time of, or commenced after, the effective date of these Regulations:
- 1.** No exterior alterations or other construction shall be made to the dwelling which changes the character or appearance from its primary residential use.
 - 2.** No equipment or material shall be used which creates any noise, vibration, smoke or odors perceptible at the boundary lines of the property, which would be in excess of that ordinarily created by a single-family residential dwelling. If in an "R-2, Medium Density" or "R-3, Heavy Density" Residential District, this requirement shall be interpreted so as not to interfere with an adjoining property owner's reasonable expectation of enjoyment of their property.

3. No merchandise shall be displayed or sold on the premises to members of the general public, except craft or articles made by the person operating the home occupation. In no instance shall there be any outside display of such articles in connection with the home occupation. "Members of the general public" shall not include persons who have prior individualized invitation.

SECTION THREE. Effective Date. This Ordinance shall become effective and in full force from after its passage, adoption and publication in the official City newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Abilene, Kansas this 13th day of March, 2017.



CITY OF ABILENE, KANSAS

By: _____

S. Dee Marshall
S. Dee Marshall, Mayor

ATTEST:

Penny Soukup, CMC
Penny Soukup, CMC
City Clerk

APPROVED AS TO FORM:

Aaron O. Martin
Aaron O. Martin, City Attorney



MEMORANDUM

TO: City Commission
FROM: James D. Holland, Community Development Director
SUBJ: PC 16-10: Zoning text amendment to Section 20-1201 regarding home occupations
DATE: February 27, 2017

ISSUE:

This request seeks to allow home occupations as a Conditional Use in the R-3, Heavy Residential District.

BACKGROUND:

Currently home occupations are allowed by right in the R-1 and R-2 zoning districts. However, they are prohibited in the R-3 district, which encompasses a significant area of residential development. The previous ordinance presented to the City Commission would have allowed home occupations by right, but due to concerns regarding high-density residential developments such as apartment complexes, it was remanded to the Planning Commission for further consideration.

The amended ordinance, which is attached, includes a provision that reads, "... and shall be permitted as a conditional use in the "R-3" Heavy Density Residential District", subject to the following:." This text addresses the concerns previously raised by the Governing Body. On February 10, 2017, the Planning Commission reviewed this proposed amendment and recommended approval (5-0) with the following conditions:

RECOMMENDATION:

Staff recommends approval of the text amendment as presented in Ordinance 3318 in accordance with the finds of the Planning Commission.

FISCAL NOTE:

Approval of the application does not have a direct fiscal impact on the community. However, removing barriers to starting a business allows people to create businesses that may contribute to the tax and employment base in the future.

ATTACHMENTS:

- Ordinance No. 3318.