

Please contact City Staff prior to submittal.

	<p>City of Merriam, Kansas Community Development Department</p> <p>Application Guidelines for Conditional Use for a Home Occupation</p>
<p>The City of Merriam has adopted a Zoning Ordinance regulating the use of land within the City limits. All property in the City has been classified within one of the Zoning Districts for which requirements have been established in the Zoning Ordinance. The Zoning Ordinance specifies what uses of land are allowed within each Zoning District and establishes standards for the placement of structures, accessory uses, lot sizes, yards, fences, signs, off-street parking and other requirements. The Zoning Ordinance also specifies procedures and standards for Home Occupations in single family dwellings in residential zoning districts. Home Occupations are not permitted in apartments or other multi-family dwellings.</p> <p>Request for a Conditional Use for a Home Occupation must be considered and approved by the Planning Commission.</p>	
<p style="text-align: center;">APPLICATION</p>	
<p>An application for a Conditional Use for a Home Occupation is included with these instructions. The owner information and property information sections must be filled-in completely. The complete correct legal description of the property must be provided. If the legal description requires more space than provided on the form, it may be provided on a separate sheet attached to the application. A complete description of the nature of the business and how it will operate must be provided.</p>	
<p style="text-align: center;">FEES</p>	
<p>Fees are charged per the approved City of Merriam Schedule of Fees. The current fee is \$125. The application will be accepted for processing by the Community Development Department only after the fee has been paid.</p>	
<p style="text-align: center;">PUBLICATION OF NOTICE</p>	
<p>City ordinance requires that a Notice of Public Hearing be published one time in the official City newspaper at least 20 days prior to the date the Planning Commission will hold a public hearing on the application. The City will prepare and place the Notice of Public Hearing in the newspaper.</p>	
<p style="text-align: center;">NOTIFICATION OF SURROUNDING PROPERTY OWNERS</p>	
<ul style="list-style-type: none">▪ City ordinance requires that the owners of all property located within 200 feet of the subject property be notified no less than 20 days prior to the dates of the hearing.	

- The Community Development Department will provide the applicant a copy of the Notice of Public Hearing. Copies of this notice must be mailed to the surrounding property owners. The applicant may also add a cover letter to be mailed with the notice.
- The applicant must obtain a list of the owners of all of the property located within 200 feet of the subject property. This list may be obtained from the **Johnson County Records & Tax Administration, County Square, Administration Building, 111 S. Cherry St., Olathe, Kansas**, or a Title Company.
- The applicant must mail, by **Certified Mail-Return Receipt Requested (green card Form #3811)**, a copy of the Notice of Public hearing to each owner of the property located within 200 feet of the property. These notices must be mailed no later than 20 days prior to the date of the public hearing.
- The list of property owners obtained from the Records and Tax Administration and the proof of the mailing provided by the Post Office must be provided to the Community Development Department no later than ten days prior to the hearing.

NOTICE PLACED ON PROPERTY

The Community Development Department will provide a poster to the applicant announcing that an application has been filed for a Conditional Use Permit for a Home Occupation. This poster must be posted on the property facing the street so as to be visible to the public no later than 10 days prior to the date of the public hearing.

SCHEDULE

The process of considering an application for a Home Occupation requires a minimum of one month. The Planning Commission meets the first Wednesday of each month. Notice must be published and notices must be mailed at least 20 days prior to the Planning Commission meeting. Applications filed by the first Wednesday of any month may be considered by the Planning Commission at their meeting the following month. The Community Development Department can provide a complete schedule for the processing of applications.

USE LIMITATIONS

The Zoning ordinance contains “Use Limitations” for all Home Occupations. In order to be considered for approval, a Home Occupation must comply with all of the following limitations:

- No visible or audible evidence of the Home Occupation shall be apparent from the street or the surrounding area.
- No alteration of the residential building shall be made which changes the character thereof as a dwelling, or advertises or calls the attention of the public to the Home Occupation.
- The Home Occupation shall be conducted by persons residing on the premises with no assistance from other individuals or groups. There shall be no non-resident employees.

- There shall be no outdoor storage of stock, stock in trade, equipment, machinery or materials used in the business of the Home Occupation.
- No more than 20% of the floor area of a dwelling unit shall be devoted to a Home Occupation.
- No parking in the public right-of-way shall occur as a result of the Home Occupation. If parking for the Home Occupation occurs in a manner or frequency causing disturbance to the normal traffic flow for the neighborhood, the Home occupation shall be considered a business best operated in a commercial district, and will no longer be permitted.
- No mechanical or electrical equipment other than customary domestic or household equipment shall be used in the Home Occupation.
- A Home Occupation shall not create excessive noise, dust, dirt, smoke, odor, vibration, glare, heat or lighting that would be in excess of that created in the customary use of a residential dwelling.
- A Home Occupation shall not create interference with, or fluctuations of, radio or television transmissions in the neighborhood.
- No signage or other forms of advertising the Home Occupation may be placed or painted anywhere in the residential property, unless specifically permitted elsewhere in these regulations.
- Signs on vehicles advertising the business being conducted as a Home Occupation shall contain only the name of the business and the telephone number(s) of the business, and shall not provide an address where the Home Occupation is being conducted or information inducing, enticing or inviting the public to visit the property upon which the Home Occupation is being conducted.
- Home Occupations shall comply with all local, state and federal regulations pertinent to the business activity pursued, including the requirement of a business license as set forth in these regulations, and the granting of a permit under this Section shall not be construed as an exemption from such regulations.
- No alteration of the residential property, including buildings and structures, shall be permitted that would cause the property to lose its residential character or detract from the residential character of the neighborhood.
- Group gatherings and meetings (involving more than one business patron) may be held on the residential premises no more frequently than one time per month, and shall be held within the dwelling unit or accessory structure in which the Home Occupation is conducted.
- Patrons of the Home Occupations may visit the residential property only between the hours of 7:00a.m. and 9:00p.m., Monday through Saturday.
- With Home Occupations involving repairs, the permit holder shall pick up from and deliver to the owner items to be repaired; patrons shall not be allowed to deliver or pickup such items at the residential premises of the permit holder.
- No production, burning, dumping or storage of combustible, toxic or hazardous substances shall be allowed.
- No waste, refuse, trash, or waste byproduct generated off of the residential premises shall be dumped, disposed of, incinerated, burned or stored on the residential premises.

ADDITIONAL INFORMATION

Additional information is contained in the Zoning ordinance. A copy of the Zoning ordinance may be purchased from the City Clerk's office. If you have questions or wish to file an application for a Home Occupation contact:

The City of Merriam
Community Development Department
9001 W. 62nd St.
Merriam, Kansas 66202
Phone 913-322-5520
Fax 913-322-5505

All property owners are encouraged to review the Zoning Ordinance and discuss their specific situation with the Community Development staff prior to filing an application.



City of Merriam, Kansas
Community Development Department

**Conditional Use
Home Occupation Application**

OWNER INFORMATION			
Name			
Street Address			
City/State/Zip			
Business Phone		Home Phone	
Email Address			
PROPERTY INFORMATION			
Street Address of Property:			
Legal Description:			
ZONING			
Present Zoning Classification of the Property:			
BUSINESS PROPOSED			
Home Occupation Requested:			
Reason for the Request:			
Describe the Nature of the Business, including hours of operation. Specify whether or not customers will be on the premises, and if so, how frequently customers are expected to be on the residential premises. (attach a separate sheet is necessary)			

Signature of Property Owner _____ Date _____

FOR OFFICE USE ONLY	
Application Number#:	Home Occupation Fee \$125 <input type="checkbox"/>
Publication of Notice Date:	Public Hearing Date:

The Zoning Ordinance contains "Use Limitations" for all Home Occupations. In order to be approved, a Home Occupation must comply with all of the following limitations. By initialing the following statements, I declare them to be correct and true.

LIMITATIONS	INITIALS
<ul style="list-style-type: none"> No visible or audible evidence of the Home Occupation shall be apparent from the street of the surrounding area. 	
<ul style="list-style-type: none"> No alteration of the residential building shall be made which changes the character thereof as a dwelling, or advertises or calls to the attention of the public a Home Occupation. 	
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AFFADAVIT

I declare under penalty of false statements that, to the best of my knowledge and belief, the statement made on this application are correct and true. I agree to comply with all local, State and Federal laws, which govern business operations. I have reviewed and understand the standards as set forth in the Merriam Municipal Code Conditional Use for Home Occupation Ordinance and agree to comply with all regulations as set forth.

Business Name:

Business Owner Printed Name:

Business Owner Signature: **Date:**

FOR OFFICE USE ONLY

Received By: **Date:**

Case #: