

(Published in the Topeka Metro News February 23, 2026)

ORDINANCE NO. 20639

AN ORDINANCE introduced by City Manager Dr. Robert M. Perez concerning Home Occupations, amending Section 18.210.035 of the Topeka Municipal Code and repealing original section.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 18.210.035, Home occupations, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Home occupations.

Home occupations shall be permitted provided the same do 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) The following home occupations are exempt from the standards in paragraphs (b) and (c) below and do not require a home occupation permit:

(1) Home occupations having no customers or clients coming to or conducting business in the dwelling; and no employees working at or parking vehicles on the property associated with the dwelling.

(2) Examples of home occupations exempt from the standards in paragraph (b) include but are not limited to residents using their home as a remote place of work; sales or services conducted exclusively via the internet; professional office; artist or craft studio; or activities of similar or lesser impact.

(3) In-home day care and hosted short term residential rental operations are regulated by other provisions and regulations of the Development Code and

28 do not require a home occupation permit.

29 **(b) Standards.** The following shall apply to ~~any~~all home occupationsexcept
30 those home occupations described in paragraph (a):

31 (1) The use or activity shall be carried on by a resident of the dwelling.

32 (2) Not more than one employee not a resident of the dwelling is
33 permitted at any one time.

34 (3) The exterior of the dwelling shall not be changed or modified in any
35 way, nor shall any exterior signs be erected that will indicate any accessory use
36 of the property or adversely affect the residential character of the neighborhood.

37 (4) The sale of any commodity, goods or products on the premises is
38 prohibited.

39 (5) All equipment, materials, work in progress and work areas shall be
40 confined to the principal dwelling and not extend into an attached or detached
41 garage or storage building.

42 (6) The projection of any obnoxious sound, odor, smoke, vibration, light or
43 dust is prohibited.

44 (7) The home occupation shall not occupy more than 25 percent of the
45 total floor area (including a basement) of the dwelling, excluding any attached
46 garage.

47 (8) The home occupation shall not be available or open to the public
48 except during the hours between 8:00 a.m. and 8:00 p.m.

49 (9) The home occupation shall not create a need for off-street parking,
50 pedestrian and vehicular traffic, sanitary sewer and storm sewer usage, public

51 water usage as well as other municipal services in excess of the normal and
52 usual levels for other residential dwellings.

53 (10) Only one such accessory use or activity shall be carried on in a
54 dwelling during the period authorized by a home occupation permit.

55 (~~b~~c) *Permit Required.* Prior to the establishment of any accessory use or
56 activity as defined herein as a home occupation, the owner(s) of the subject property
57 shall make an application to the Planning Department. At such time as the Planning
58 Director has determined that the proposed accessory use or activity meets the
59 standards as set forth herein, a home occupation permit shall be issued.

60 (1) The Planning Director shall have the authority to specify conditions
61 and requirements as deemed necessary to assure compliance with the standards
62 as set forth herein.

63 (2) The home occupation permit shall specify the conditions,
64 requirements and duration of said permit. The permit shall be displayed within
65 the interior of the dwelling and at the location of the proposed activity.

66 (3) A home occupation permit may be issued to a tenant or occupant of a
67 dwelling who is to be engaged in the accessory use or activity, provided the
68 owner(s) of record of the property have endorsed and/or certified the application.

69 (4) A home occupation permit shall not be transferable or assignable.
70 Discontinuance or abandonment of the home occupation for a period of 60 days
71 or more shall render the permit void.

72 (~~c~~d) *Enforcement.* The enforcement and administration of this section shall rest
73 with the Planning Director. Upon a finding that any of the foregoing provisions have not

74 been complied with, the Planning Director shall direct the home occupation permit
75 invalid and shall order the use therein to be vacated. The Planning Director shall have
76 the right to inspect the premises at any reasonable time. Failure to allow periodic
77 inspections by Planning Director at any reasonable time shall result in the immediate
78 revocation of the home occupation permit. In the event of a revocation, one year shall
79 elapse prior to an application by the same owner of the same residential dwelling
80 structure for a new permit.

81 Section 2. That original § 18.210.035 of The Code of the City of Topeka,
82 Kansas, is hereby specifically repealed.

83 Section 3. This ordinance shall take effect and be in force from and after its
84 passage, approval and publication in the official City newspaper.

85 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
86 or portions thereof, which are in conflict with the provisions of this ordinance.

87 Section 5. Should any section, clause or phrase of this ordinance be declared
88 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
89 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

90 PASSED AND APPROVED by the Governing Body on February 17, 2026.

91 CITY OF TOPEKA, KANSAS
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96 Spencer L. Duncan, Mayor

97 ATTEST:
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101 Brenda Younger, City Clerk
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