

DR 66-29 - Robert Lamb requests consideration regarding amendment to the Home Occupation provisions of the City Zoning Ordinance.

ACTION

COMMITTEE

MAP.C. No. quorum 8-18-66
Maps authorized still to 9-7-66
~~CCC Meeting~~

Maps App. subject to 10-20-66
amendment.

Sec. Approved & instructed. 11-8-66
to prepare amending to provide
signs & accessory structures
use in "AA" district

Sec. ~~Reports~~ 2 minutes 11-29-66
instructed to prepare ord. ~~with~~ ^{with} ~~ordinance~~ ^{ordinance}

Sec. Approved Ordinance with 12-15-66
revised pages dated 12-7-66 as per
directions of Sec. on 11-24-66 & placed
ordinance on 1st reading; ~~see~~
placed on 1st reading the licensing
ordinance with fee change from
\$1⁰⁰/₁₀₀ to \$3⁰⁰/₁₀₀

Sec. Placed Ordinance upon 12-20-66
their passage & adopted

Closed 12-21-66

DR 66-29 - Robert Lamb requests con- sideration regarding amendment to the Home Occupation provisions of the City Zoning Ordinance.

ACTION

COMMITTEE

~~MAPS. No quorum 8-18-66~~
~~Maps Authorized staff to 9-7-66~~
~~advertise for public~~
~~B.C.C. to C. Reading~~

Maps App subject to 10-20-66
amendment.

Bcc Approved & instructed. 11-8-66
to prepare amending to provide
signs & accessory structures
use in "AA" district

Bcc Referred 2 weeks 11-29-66
instructed to prepare ord. with modifications
Bcc Approved Ordinance with 12-13-66
revised pages dated 12-7-66 as per
directions of Bcc on 11-29-66 & placed
ordinance on 1st reading; also
placed on 1st reading the licensing
ordinance with fee change from
\$1⁰⁰ to \$3⁰⁰

Bcc Placed Ordinance upon 12-20-66
their passage & adopted.

Closed 12-21-66

93
(Published in The Wichita Beacon on 12-23, 1966)

ORDINANCE NO. 28-984

AN ORDINANCE AMENDING SECTION 28.04.020 "DEFINITIONS", OF THE CODE OF THE CITY OF WICHITA, AS TO DEFINING HOME OCCUPATIONS; PROVIDING A NEW ALTERNATE DEFINITION OF HOME OCCUPATIONS AND REGULATION THEREOF, AND REPEALING SAID ORIGINAL DEFINITION OF HOME OCCUPATIONS.

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

SECTION 1. That Section 28.04.020 "Definitions", of the Code of the City of Wichita, Kansas, be amended by deleting therefrom the following definition:

"HOME OCCUPATION. Any occupation or profession engaged in by the occupants of a dwelling, not involving the conduct of a retail business, manufacturing business or repair business of any kind on the premises, and not including any occupation conducted in any building on the premises excepting the building which is used by the occupant as his or her private dwelling. Home occupation shall include, in general, personal services such as furnished by a physician, surgeon, dentist, musician, artist, barber, beauty operator and seamstress, when performed by the person occupying the building as his or her private dwelling, and not including the employment of any additional persons in the performance of such services."

SECTION 2. Home Occupations shall consist of the following:

HOME OCCUPATIONS.

- A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this Section.
- B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by Subsection C., within a structure that is accessory to a residential building.
- C. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 1. In all districts permitting dwellings:
 - a. No alteration of the principal building or premises shall be made which changes the character or appearance.

(November 10, 1966)

- b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.
- c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the City Clerk and the enforcing officer, approved by the Metropolitan Area Planning Commission and titled, "Noise Standards for Home Occupations, October, 1966".
- d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.

2. In the "AA" One Family Dwelling District:

- a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as their residence.
- b. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.
- c. The home occupation shall be conducted entirely within the main residential building. No such home occupation shall be conducted in an accessory structure or in a garage, whether attached or detached.
- d. No sign shall be permitted except when required by law. When such a sign is required, it shall not be larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

3. In all other districts permitting residences:

- a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.
- b. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

- c. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.
- d. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Subsections B. and C. of this Section:

- 1. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five (5) pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen (15) pupils at a time.
- 2. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.
- 3. Ministers, rabbis, priests.
- 4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
- 5. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
- 6. Office facilities for service-type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors, and photographers.
- 7. Personal services, such as dressmakers, seamstresses, tailors, barber shop, beauty shops.

E. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:

- 1. Animal hospitals.
- 2. Auto and other vehicle repair.
- 3. Funeral homes.

(December 7, 1966)

- 4. Kennels and stables when carried on as a business activity and not as a hobby with coincidental occasional sales and use.
- 5. Medical or dental clinics or hospitals.
- 6. Nursery schools and day care centers, having more than four (4) students at a time, unless specifically permitted by the district regulations.
- 7. Renting of trailers, cars or other equipment.
- 8. Restaurants.
- 9. Tourist homes, unless specifically permitted by the district regulations.

SECTION 3. That said original definition of Home Occupation as set forth in Section 28.04.020 is hereby repealed.

SECTION 4. This Ordinance shall take effect on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this _____ day of _____, 19____.

John S. Stevens, Mayor

ATTEST:

Ralph C. Eberly, City Clerk
(SEAL)

The above Ordinance is hereby approved
this _____ day of _____, 1966

John S. Stevens
Mayor

NOISE STANDARDS FOR HOME OCCUPATIONS

OCTOBER 1966

The following noise standards shall be measured with octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6 - 1960 Preferred Frequencies for Acoustical Measurements) for measuring intensity and frequency of sound using the flat network and fast response of the sound level meter.

| <u>Center Frequency Cycles Per Second</u> | <u>Maximum Permitted Sound Pressure Level Decibels</u> |
|---|--|
| 31.5 | 65 |
| 63 | 67 |
| 125 | 66 |
| 250 | 59 |
| 500 | 52 |
| 1000 | 46 |
| 2000 | 37 |
| 4000 | 26 |
| 8000 | 17 |

Approved by the Wichita-Sedgwick County Metropolitan
Area Planning Commission on October 20, 1966.

(November 10, 1966)

() (Published in The Wichita Beacon on _____, 19__)

ORDINANCE NO. _____

AN ORDINANCE LICENSING HOME OCCUPATIONS IN THE
CITY OF WICHITA, KANSAS.

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

SECTION 1. As of March 1, 1967, all persons engaged in a home occupation, and anyone who shall commence a home occupation after that date, shall obtain from the City Treasurer a license for such home occupation. The fee for such license shall be ~~One Dollar~~ ^{Three Dollars} (\$1.00) annually. Applications for such license shall require such information as may be necessary to enable the Superintendent of Central Inspection to determine whether such home occupation is in conformance with the ordinances regulating home occupations.

SECTION 2. This Ordinance shall take effect on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this _____
day of _____, 19__.

John S. Stevens, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

1ST RL
12-13-66

() (Published in The Wichita Beacon on _____, 19____) *20*

ORDINANCE NO. _____

AN ORDINANCE LICENSING HOME OCCUPATIONS IN THE
CITY OF WICHITA, KANSAS.

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SECTION 2. This Ordinance shall take effect on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this _____
day of _____, 19____.

John S. Stevens, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

12-7-66

File

THE CITY OF WICHITA
OFFICE OF The City Manager

DATE November 30, 1966

TO C. Bickley Foster, Director of Planning
FROM Robert G. Finch, Executive Secretary *Finch*
SUBJECT Proposed "Home Occupation Ordinance"

The original and carbon copies of the subject ordinance are returned for amendments as directed by the City Commission on November 29, 1966.

It is my understanding that these amendments are to:

- a. Permit signs in "AA" when required by state administrative regulations.
- b. Prohibit home occupations in accessory buildings or garages in "AA".
- c. Provide for permit fees (annual) of \$1.00 for home occupations.

Since several motions were offered on the ordinance, you will want to check the official record to ascertain the exact desire of the majority as finally adopted.

The revised proposed ordinance should be furnished this office for agenda preparation prior to noon, Thursday, December 8, 1966.

RGF:jso
cc: John Dekker, Director of Law

RGF



ORDINANCE NO. _____

BCC
11-29-66

AN ORDINANCE AMENDING SECTION 28.04.020 "DEFINITIONS", OF THE CODE OF THE CITY OF WICHITA, AS TO DEFINING HOME OCCUPATIONS; PROVIDING A NEW ALTERNATE DEFINITION OF HOME OCCUPATIONS AND REGULATION THEREOF, AND REPEALING SAID ORIGINAL DEFINITION OF HOME OCCUPATIONS.

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SECTION 2. Home Occupations shall consist of the following:

HOME OCCUPATIONS.

- A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this Section.
- B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by Subsection C., within a structure that is accessory to a residential building.
- C. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 1. In all districts permitting dwellings:
 - a. No alteration of the principal building or premises shall be made which changes the character or appearance.

2 ways to regulate noise
1. by name
2. by effect

b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.

c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the City Clerk and the enforcing officer, approved by the Metropolitan Area Planning Commission and titled, "Noise Standards for Home Occupations, October, 1966".

d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.

e. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.

f. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

ROBERT Searns Place
see the Ordinance
by James White
to allow an AA

2. In the 'AA' One Family Dwelling District:

- a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as their residence.
- b. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.

3. In all other districts permitting residences:

- a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.
- b. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Subsections B. and C. of this Section:

1. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five (5) pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen (15) pupils at a time.
2. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.
3. Ministers, rabbis, priests.
4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
5. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
6. Office facilities for service-type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors, and photographers.
7. Personal services; such as dressmakers, seamstresses, tailors, barber shop, beauty shops.

E. Particular Home Occupations prohibited. Permitted home occupations shall not, in any event, be deemed to include:

1. Animal hospitals.
2. Auto and other vehicle repair.
- 2A. ~~Commercial~~ *Commercial Radio Transmissions and accessory structures*
3. Funeral homes.
4. Kennels and stables when carried on as a business activity and not as a hobby with coincidental occasional sales and use.
5. Medical or dental clinics or hospitals.
6. Nursery schools and day care centers, having more than four (4) students at a time, unless specifically permitted by the district regulations.

7. Renting of trailers, cars or other equipment.
8. Restaurants.
9. Tourist homes, unless specifically permitted by the district regulations.

SECTION 3. That said original definition of Home Occupation as set forth in Section 28.04.020 is hereby repealed.

SECTION 4. This Ordinance shall take effect on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this _____ day of _____, 19____.

John S. Stevens, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

NOISE STANDARDS FOR HOME OCCUPATIONS

OCTOBER 1966

The following noise standards shall be measured with octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6 - 1960 Preferred Frequencies for Acoustical Measurements) for measuring intensity and frequency of sound using the flat network and fast response of the sound level meter.

| <u>Center Frequency</u> <u>Cycles Per Second</u> | <u>Maximum Permitted Sound</u> <u>Pressure Level Decibels</u> |
|---|--|
| 31.5 | 65 |
| 63 | 67 |
| 125 | 66 |
| 250 | 59 |
| 500 | 52 |
| 1000 | 46 |
| 2000 | 37 |
| 4000 | 26 |
| 8000 | 17 |

Approved by the Wichita-Sedgwick County Metropolitan
Area Planning Commission on October 20, 1966.

NOISE STANDARDS FOR HOME OCCUPATIONS

OCTOBER 1966

The following noise standards shall be measured with octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6 - 1960 Preferred Frequencies for Acoustical Measurements) for measuring intensity and frequency of sound using the flat network and fast response of the sound level meter.

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Approved by the Wichita-Sedgwick County Metropolitan
Area Planning Commission on October 20, 1966.

November 25, 1966

Honorable Board of City Commissioners
City of Wichita
City Hall Building
Wichita, Kansas

Gentlemen:

The Metropolitan Area Planning Commission has directed me to convey to you their concern over the further amendments made to the Home Occupation Section of the Zoning Ordinance when considered by the Board of City Commissioners. It is their understanding that your proposed amendments would permit home occupation signs to be located in the "AA" Single Family Zoning District, and also make possible the use of accessory structures for home occupations in the same district. The Planning Commission, at its regular meeting of November 10, 1966, felt that this action would "ultimately destroy the purpose of the "AA" District by downgrading these areas". As I recall, when the Planning Commission considered the change in the Home Occupation Section of the Zoning Ordinance, there was concern that they themselves may have liberalized it too far, and that the Commissioners specifically stated several times that they felt that the City should have one district such as the "AA" Single Family that would remain fairly restrictive in its use for a neighborhood residential activity.

The Planning Commission, therefore, desired to go on record as opposed to the further amendments now being considered on Tuesday, November 29th, by the Board of City Commissioners and passed unanimously the following motion:

Board of City Commissioners
Page 2
November 25, 1966

MOTION: BLASER moved, GOEBEL seconded and it carried unanimously that the Planning Commission recommend to the Board of City Commissioners that reconsideration be given to their further amendment of the home occupation provisions as approved by the City Commission on November 8, 1966, with regard to permitting signs in the "AA" District and also permitting the use of accessory structures for home occupation purposes in the "AA" District.

It was earnestly desired by the Planning Commission that your actions be reconsidered on the further liberalization of the Home Occupation Section of the Zoning Ordinance.

Very sincerely yours,

C. Bickley Foster
Secretary

CBF:kkq

We, the undersigned citizens of Wichita, Sedgwick County, Kansas, and/or customers and neighbors of Clara Gibson Beauty Shop, do hereby petition the City Commission of Wichita, Kansas, and the County Commission of Sedgwick County, Kansas, to permit a sign not in excess of two feet square to advertise the presence of said beauty shop in "AA" residential zoning districts. Further we petition the City and County Commissions to allow beauty shops in said "AA" residential zoning districts in attached or detached garages so long as the configuration of said building is not changed.

| NAME | ADDRESS |
|---------------------------|-------------------------------------|
| <u>Harriet Jones</u> | <u>1549 S. ...</u> |
| <u>William ...</u> | <u>1544 ...</u> |
| <u>...</u> | <u>1544 ...</u> |
| <u>...</u> | <u>1567 ...</u> |
| <u>...</u> | <u>1531 ...</u> |
| <u>Delli Brancum</u> | <u>1840 N. S. ...</u> |
| <u>Mrs. Mary Meekun</u> | <u>1618 71st McComas</u> |
| <u>Mrs. Ray Highmange</u> | <u>1610 McComas</u> |
| <u>Ray R. Highmange</u> | <u>1610 N. McComas</u> |
| <u>Margaret Arnold</u> | <u>357 N. Elizabeth</u> |
| <u>...</u> | <u>...</u> |
| <u>...</u> | <u>...</u> |
| <u>...</u> | <u>...</u> |
| <u>Alma R. ...</u> | <u>1634 W. West St</u> |
| <u>...</u> | <u>...</u> |
| <u>...</u> | <u>...</u> |

THE CITY OF WICHITA
OFFICE OF The City Manager

DATE November 14, 1966

TO John Dekker, Director of Law
FROM Robert G. Finch, Executive Secretary, *RGF*
SUBJECT Home Occupation Ordinance

The Planning Department has prepared the attached ordinance at the instruction of the City Commission on November 8, 1966.

Please review and incorporate the provision to exempt isolated sales of animals as discussed by Commissioners Tarrant and Bogart.

The original copy of the final draft of the proposed ordinance should be returned prior to 5:00 p. m., Wednesday, November 23, 1966, for inclusion on the agenda for November 29, 1966.

RGF:cc
cc: C. Bickley Foster, Director of Planning



WICHITA-SEDGWICK COUNTY

DATE

11/27

METROPOLITAN AREA PLANNING DEPARTMENT

November 10, 1966

TO Ralph C. Eberly, City Clerk
FROM Robert A. Lakin, Assistant Planning Director *RL*
SUBJECT DR 66-29 - Home Occupation Provisions

Attached are copies of an ordinance which should be placed on first reading at the next City Commission meeting concerning home occupations. The amendments, as directed by the City Commission, have been made pertaining to signs and use of accessory structures. The Legal Department or Planning Department will present additional information including the proposed amendment to the text approved at the meeting of November 8, 1966, on kennels.

RAL:bgs

Attachment

cc: John Dekker
Director of Law

Robert G. Finch, Executive
Secretary to the City Manager

COPY

ORDINANCE NO. _____

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- b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.
 - c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the City Clerk and the enforcing officer, approved by the Metropolitan Area Planning Commission and titled, "Noise Standards for Home Occupations, October, 1966".
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2. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.
3. Ministers, rabbis, priests.
4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
5. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
6. Office facilities for service-type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors, and photographers.
7. Personal services; such as dressmakers, seamstresses, tailors, barber shop, beauty shops.

E. Particular Home Occupations prohibited. Permitted home occupations shall not, in any event, be deemed to include:

1. Animal hospitals.
2. Auto and other vehicle repair.
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4. Kennels and stables when carried on as a business activity and not as a hobby with coincidental occasional sales and use.
5. Medical or dental clinics or hospitals.
6. Nursery schools and day care centers, having more than four (4) students at a time, unless specifically permitted by the district regulations.

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SECTION 4. This Ordinance shall take effect on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this _____ day of _____, 19____.

John S. Stevens, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

NOISE STANDARDS FOR HOME OCCUPATIONS

OCTOBER 1966

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| 8000 | 17 |

Approved by the Wichita-Sedgwick County Metropolitan
Area Planning Commission on October 20, 1966.

COMMISSIONERS PROCEEDINGS

No 8341

November 8, 1966

DR 66-29 -
Amendment to
City Zoning
Ordinance re.
Home Occupations

DR 66-29 - Amendment to the City Zoning Ordinance regarding home occupations, presented.

This amendment was prepared as a result of public concern over the limited home occupation uses permitted in the present regulations.

A public hearing was held on the proposed amendments by the Metropolitan Area Planning Commission on October 20, 1966. At that time the Planning Commission recommended to the City Commission that the City zoning ordinance be amended as shown on page 21 of the minutes of the Planning Commission meeting of October 20, 1966.

A. A. Lakin --

The Assistant Planning Director reviewed this proposed ordinance with the Commission and pointed out that a Mr. Lamb, who operated an upholstery shop and was not operating in conformance with the zoning ordinance had requested this matter to come before the Planning Commission and as a result the proposed ordinance has been developed and is being presented to the Commission for their action.

Stevens --

Mayor Stevens stated that he recalled two or three years ago that he pretty thoroughly went into the matter of signs and Mr. Lakin stated that he believed it was the characteristics of the sign and the size of signs that were handled in a technical ordinance regarding signs.

Anderson --

Commissioner Anderson stated that Mr. Lakin had previously remarked that the Kansas Board of Cosmetology requires that a sign be placed on the premises by a licensed practitioner and this in effect would eliminate this type of home occupation from a "AA" zone, and Mr. Lakin stated that that was right. That in effect would eliminate barber and beauty operators from the "AA" zone because it would be unlawful for them to maintain a sign.

Mr. Charles
Anderson --

Mr. Charles Anderson, Attorney representing the Kansas Electronic Association, who perform work in the TV and radio repair line and stated that this group of people were in favor of the ordinance as it is known that this type of individual does interfere with TV and radio reception and this would assist in eliminating this type of individual from a residential area.

He did suggest an amendment to the proposed ordinance. Whereupon, these type of individuals would be excluded from the Home Occupations so stated in the ordinance.

Cliff Ratner --

Cliff Ratner, Attorney for 75 or more beauty operators, most of whom are in class "AA" zones, stated that there are two essential things that they believe should be changed in the ordinance. No. 1 that the operation should be permitted to erect a sign in conformance with the requirement of the State Board of Cosmetology and No. 2, that the operation should be able to be conducted in an attached or detached garage, so long as the alterations did not materially change the outside character and structure of the building. He presented 40 petitions that had been signed by some 800 ladies frequenting the establishments of his clients.

Petitions
received & filed

Stevens moved to receive and file the petitions. Motion carried unanimously.

Mr. A. Price
Woodard, Jr. --

Mr. A. Price Woodard, Jr., stated that he had several more petitions similar to Mr. Ratner's and with the same wording that were presented to him by several of the beauty operators and that his clients had requested the same changes requested by Mr. Ratner.

Petitions received & filed

Mr. Robert Lamb --

Persons opposed to proposed ordinance

Tarrant --

Motion to exclude stables & kennels from proposed Ord. -- failed for lack of a second

Bogart --

Anderson --

Bogart - motion, later withdrawn

Stevens - substitute motion

Bogart --

John Dekker --

Stevens moved to receive and file the petitions. Motion carried unanimously.

Mr. Robert Lamb, who operated an upholstery shop until he was closed down because of operating out of a detached garage and Genevieve Starksy who represented the dancing teachers who have pupils in their homes, both spoke in favor of the ordinance as it is proposed.

The following individuals spoke against the proposed ordinance: Jo Stevens, Janet Clahorn, Paul Barringer, Roland Rice, Ruby Stewart and a Mr. Bretherton, who is State Secretary of the Master Barbers of Kansas.

Commissioner Tarrant stated that he was concerned regarding the stables and kennels provisions and he noted that in another ordinance regarding kennels that five dogs requires a kennel license. A misdemeanor is a \$500 fine or a year in jail or both for operating without a kennel license. Also, the City Manager can grant permission to exclude him from meeting these requirements if the dogs are for show purposes only.

Tarrant moved to exclude stables and kennels from the proposed ordinance. The motion died for lack of a second.

The Commission and City Attorney proceeded to discuss kennel requirements, the sale of dogs and the operation of kennels where dogs are not for sale for profit.

Commissioner Bogart requested the City Attorney to draw up an amendment that would take care of this matter presented by Commissioner Tarrant and still not remove it from the proposed ordinance.

Commissioner Bogart stated that he would go along with the sign provisions in an "AA" zone but he did not believe that a home occupation should be carried on in either an attached or detached garage.

Commissioner Anderson stated that it was his understanding that this new ordinance did not take anything away from a home operator that is presently in business. Whereupon, Mr. Lakin stated that that is not necessarily so if there are present violations of the Code on retail sales under the old ordinance they would be in violation under the new ordinance.

Bogart moved to place the ordinance on first reading and to amend the ordinance by allowing signs in an "AA" zone as outlined in the ordinance under other residential zones.

Stevens moved as a substitute motion to amend the proposed ordinance by adding to Section B under paragraph 2, that the business may be conducted in the building or in an attached or detached garage so long as any alterations did not materially change the character or structure of the building, plus permitting a two square foot sign in an "AA" residential zone, and that the ordinance be placed on first reading.

Commissioner Bogart stated that with permission of his second, he would like to withdraw his motion because he believes that a home occupation should be carried on in the home and not in an attached garage as is provided by this proposed ordinance. The motion was withdrawn with the consent of the second.

The Director of Law stated that he believed he knew what the Commission desired here and that was to have paragraph C 1, Sub-Section A read: "No

COMMISSIONERS PROCEEDINGS

No 8948

November 8, 1966

alteration of the residential or the accessory building shall be made which changes its character or appearance" and insert an additional Sub-section "e" and "f" under Section C 1 and insert Sub-section 3b and 3c as "e" and "f" under Section C 1 and omit from the ordinance Sub-section 2b, 2d and 3b and 3c, whereupon Mayor Stevens said that was his motion and that the ordinance be placed on first reading. (The motion was clarified to the effect that the amendments being adopted were not yet in ordinance form and that the Director of Law would cause the ordinance effecting the change to be prepared.) Motion carried 4 to 1, Bogart voting "No".

Bogart --

Commissioner Bogart stated that he would like to explain his vote by saying what has just taken place here would permit, not only the operation of businesses in attached garages but detached garages and buildings to become legal occupations in a home and in effect would, to some extent be destroying the "AA" residential family zoning.

City Attorney to provide an amendment which would eliminate matter brought up by Comm. Tarrant with regard to kennels

Stevens moved that the City Attorney be instructed to provide an amendment which would eliminate the matter brought up by Commissioner Tarrant on kennels and that the amendment be provided next week. Motion carried unanimously.

Bogart --

Commissioner Bogart inquired if the Mayor was attempting to eliminate the occasional sale from requirements of the ordinance and the Mayor stated that he was.

Stevens --

Mayor Stevens announced a ten-minute recess.

The Commission reconvened at 11:38 A.M., with Commissioners Anderson and Tarrant absent.

Petition on zoning received & filed

Stevens moved that the one petition that was received on the zoning ordinance be received and filed. Motion carried unanimously.

REPORTS FROM MET. AREA PLANNING COMM. Commercial Community Unit Plan (Case No. DP-22) bounded by Kellogg on North, Orme on South, Mansfield Drive on East and Rock Road on West

Report from the Metropolitan Area Planning Commission (Case No. DP-22) Commercial Community Unit Plan for all of Block 1 and Block 2, including vacated Eastmoor Street, Eastmoor Addition; and Lots 1, 2 and 3, and that portion of Lot 4 lying north of Orme Street, in Block 1, Replat of Block 1, Sunnybrook Addition to the City of Wichita, Kansas, bounded by Kellogg on the north, Orme on the south, Mansfield Drive on the east and Rock Road on the west, presented. Planning Commission recommended that the application be approved with the understanding that such approval is given on the basis that this tract of land is under one ownership and control and is in accordance with the intent of Section 28.04.190 of the ordinance to promote well-planned and well-organized shopping centers. It was further recommended that approval of the plan be given subject to the following conditions:

1. The development of this property shall proceed in accordance with the development plan as approved by the Planning Commission and Board of City Commissioners, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
2. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for their consideration.

Approved as recommended by MAPC

Vollmer moved that the application be approved as recommended by the Metropolitan Area Planning Commission. Motion carried unanimously.

() (Published in The Wichita Beacon on _____, 19__)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 28.04.020 "DEFINITIONS", OF THE CODE OF THE CITY OF WICHITA, AS TO DEFINING HOME OCCUPATIONS; PROVIDING A NEW ALTERNATE DEFINITION OF HOME OCCUPATIONS AND REGULATION THEREOF, AND REPEALING SAID ORIGINAL DEFINITION OF HOME OCCUPATIONS.

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

SECTION 1. That Section 28.04.020 "Definitions", of the Code of the City of Wichita, Kansas, be amended by deleting therefrom the following definition:

"HOME OCCUPATION. Any occupation or profession engaged in by the occupants of a dwelling, not involving the conduct of a retail business, manufacturing business or repair business of any kind on the premises, and not including any occupation conducted in any building on the premises excepting the building which is used by the occupant as his or her private dwelling. Home occupation shall include, in general, personal services such as furnished by a physician, surgeon, dentist, musician, artist, barber, beauty operator and seamstress, when performed by the person occupying the building as his or her private dwelling, and not including the employment of any additional persons in the performance of such services."

SECTION 2. Home Occupations shall consist of the following:

HOME OCCUPATIONS.

- A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this Section.
- B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by Subsection C., within a structure that is accessory to a residential building.
- C. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 1. In all districts permitting dwellings:
 - a. No alteration of the principal building or premises shall be made which changes the character or appearance.

(November 10, 1966)

- b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.
 - c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the City Clerk and the enforcing officer, approved by the Metropolitan Area Planning Commission and titled, "Noise Standards for Home Occupations, October, 1966".
 - d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.
 - e. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.
 - f. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.
2. In the "AA" One Family Dwelling District:
- a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as their residence.
 - b. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.
3. In all other districts permitting residences:
- a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.
 - b. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Subsections B. and C. of this Section:

1. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five (5) pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen (15) pupils at a time.
2. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.
3. Ministers, rabbis, priests.
4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
5. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
6. Office facilities for service-type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors, and photographers.
7. Personal services, such as dressmakers, seamstresses, tailors, barber shop, beauty shops.

E. Particular Home Occupations prohibited. Permitted home occupations shall not, in any event, be deemed to include:

1. Animal hospitals.
2. Auto and other vehicle repair.
3. Funeral homes.
4. Kennels and stables when carried on as a business activity and not as a hobby with coincidental occasional sales and use.
5. Medical or dental clinics or hospitals.
6. Nursery schools and day care centers, having more than four (4) students at a time, unless specifically permitted by the district regulations.

7. Renting of trailers, cars or other equipment.
8. Restaurants.
9. Tourist homes, unless specifically permitted by the district regulations.

SECTION 3. That said original definition of Home Occupation as set forth in Section 28.04.020 is hereby repealed.

SECTION 4. This Ordinance shall take effect on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this _____ day of _____, 19____.

John S. Stevens, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

(November 10, 1966)

NOISE STANDARDS FOR HOME OCCUPATIONS

OCTOBER 1966

The following noise standards shall be measured with octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6 - 1960 Preferred Frequencies for Acoustical Measurements) for measuring intensity and frequency of sound using the flat network and fast response of the sound level meter.

| <u>Center Frequency Cycles Per Second</u> | <u>Maximum Permitted Sound Pressure Level Decibels</u> |
|---|--|
| 31.5 | 65 |
| 63 | 67 |
| 125 | 66 |
| 250 | 59 |
| 500 | 52 |
| 1000 | 46 |
| 2000 | 37 |
| 4000 | 26 |
| 8000 | 17 |

Approved by the Wichita-Sedgwick County Metropolitan
Area Planning Commission on October 20, 1966.

(November 10, 1966)

NICHOLS-BUSHNICK SOCIETY
NATIONAL ANTI-FRANCHISE COMMISSION

October 21, 1966

OR 56-23 - Amendment to the City Zoning Ordinance regarding Home Occupations provisions. (Revised October 21, 1966)

SECTION 28.04.020 Definitions.

Shall be read as follows:

HOME OCCUPATION. See Section 28.04.025.

And as follows:

SECTION 28.04.025 Home Occupations.

- A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.
- B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by subsection C., within a structure that is necessary to a residential building.
- C. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

- 1. In all districts permitting dwellings:
 - a. No alteration of the ~~structure~~ residential building or premises shall be made which changes the character or appearance ~~of the building~~ ~~or premises~~.

Revised 10-21-66

with drawings
Boycott notes:
Amend -
Delete 2D
+ sub 3C

BC
1/8/66

Stam Selti -
Amend - C 2b -
to provide accessory
street
+ sign consistent
of Boycot,
mc
4th
Boycot.

*Stam
provide
amendment
or Kenneth
to eliminate
conflict
& recommend rule -*

b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.

c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the City Clerk and the enforcing officer, approved by the Metropolitan Area Planning Commission and titled, "Noise Standards for Home Occupations, October, 1966".

add d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.

2 of
2. In the "AA" One Family Dwelling District:

a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as their residence.

OK b. The home occupation shall be conducted entirely within the principal residential building.

b. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.



d. No sign shall advertise the presence or conduct of the home occupation.

*Substitute
3c*

3. In all other districts permitting residences:

a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.

b. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.

c. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

*Handwritten scribble
to
Clet*

d. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations;
Revised 10-21-66

provided, however, that each listed occupation shall be subject to the requirements of subsections B. and C. of this Section:

1. Personal services, such as dressmakers, seamstresses, tailors, barber shop, beauty shops.
2. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen pupils at a time.
3. Ministers, rabbis, priests.
4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
5. Office facilities for service-type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors and photographers.
6. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
7. Some crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.

Revised 10-21-66

B. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:

1. Funeral homes.
2. Nursery schools and day care centers, having more than four students at a time, unless specifically permitted by the district regulations.
3. Restaurants.
4. Stables, kennels, or animal hospitals.
5. Tourist homes, unless specifically permitted by the district regulations.
6. Renting of trailers, cars or other equipment.
7. Medical or dental clinics or hospitals.
8. Auto and other vehicle repair.

NOISE STANDARDS FOR HOME OCCUPATIONS
OCTOBER 1966

The following noise standards shall be measured with octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6-1960 Preferred Frequencies for Acoustical Measurements) for measuring intensity and frequency of sound using the flat network and fast response of the sound level meter.

| <u>Center Frequency Cycles Per Second</u> | <u>Maximum Permitted Sound Pressure Level, Decibels</u> |
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| 63 | 67 |
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| 4000 | 26 |
| 8000 | 17 |

Approved by the Wichita-Sedgwick County Metropolitan Area Planning
Commission on October ____, 1966.

Revised 10-21-66

November 2, 1966

Board of City Commissioners
City Building
Wichita, Kansas

Gentlemen:

Re: DR 66-29 - Amendment to the *City Zoning Ord*
~~County Zoning Resolution~~
regarding Home Occupations

At the request of Mr. Robert Lamb and other interested persons who have expressed concern with the limited home occupation uses permitted in our present regulations, the Planning Commission directed the staff to prepare an amendment to the regulations and advertise for a public hearing.

On October 20, 1966, the Metropolitan Area Planning Commission recommended to the City Commission that the City Zoning Ordinance be amended with respect to home occupations as shown beginning on page 21 of the attached minutes of the meeting on October 20, 1966.

Respectfully submitted,

C. Bickley Foster
Secretary

CBF:JHG:ber

Attachment

October 27, 1966

Mrs. Barbara Johnson
726 South Pinecrest
Wichita, Kansas

Dear Mrs. Johnson:

At your request by phone on October 24, 1966, I am forwarding information pertaining to babysitting as a home occupation. Babysitting is defined as either a day care center or a nursery depending upon the number of children. Anyone who takes care of children in his own home, and the children are not relatives, is required by state statute to be licensed. Those caring for one to four children are day care centers and those caring for five to forty-eight children are nurseries. The existing ordinance, as well as the proposed amendment, permit day care centers as a home occupation.

Licenses are issued annually through the Health Department at a cost of two dollars (\$2.00) per year. There are, however, several requirements that must be met before a license can be issued by the State and these requirements can be obtained by contacting the Health Department.

If you have any further questions concerning this matter, please contact our office.

Sincerely,

Ronald A. Williamson
Planner II

RAW:bgs

October 24, 1966

Mr. Robert Lamb
100 West Aley
Wichita, Kansas

Subject: DR-66-29 and DR-66-30,
Amendments to the City and County
Zoning Regulations regarding Home
Occupations revisions.

Dear Mr. Lamb:

The Planning Commission at their regular meeting on October 20, 1966, considered the proposed amendment to the City Zoning Ordinance and County Zoning Resolutions, concerning Home Occupations. The action of the Commission was to approve the proposed amendment, as revised on October 12, 1966, subject to the following changes:

Subsection D.(2) shall be changed to read ---
"Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen pupils at a time.

Subsection E.(2) shall be changed to read ---
"Nursery schools and day care centers having more than four students at a time, unless specifically permitted by the district regulations.

Page -2-
October 24, 1966

These corrections are being made in the proposed amendments and copies are available in our office.

The proposed amendment to the County Zoning Resolution will be considered by the Board of County Commissioners at their regular meeting, 9:00 A.M., November 2, 1966, 320 Sedgwick County Courthouse, Wichita, Kansas.

The proposed amendment to the City Zoning Ordinance will be considered by the Board of City Commissioners at their regular 9:00 A.M. meeting on November 8th, 1966, Room 201, City Building, 204 South Main, Wichita, Kansas.

If there are any further questions concerning these amendments, please contact our office.

Very truly yours,

Jack H. Galbraith
Senior Planner

JHG:sa
cc:

Scottie Cronin
100 County Courthouse

John Bernhardt
2219 S. Ridgewood

Thelma Voshell
839 S. Oliver

Walter Cassity
1022 Blackwill

Mary Carlton
Carlton Beauty Salon
Douglas at Oliver

Judy Barker
1121 Paige

Dwight Hitsman
800 S. Hillside

Janet Fish
1805 Glen Oaks Dr.

Leland A. Rice
917 S. Doreen

Albert Catino
8035 E. Kellogg

Page -3-
October 24, 1966

Merle J. Sears
2115 Grant

Mrs. Glen F. Woodworth
636 N. Belmont

Mrs. LaVinna Yoder
3204 East Harry

Mr. Paul Farmer
714 Fabrique

George E. Louk
702 Fabrique

Park Butcher
708 Fabrique

Cliff Ratner
444 N. Market

Charles A. Sparks, Jr.
200 North Main

A. Price Woodard
609 North Main

Robert A. Cowdrey
2115 Gold

Genevieve Starkey
556 S. Bleckley Dr.

Margaret Trask
1402 Woodrow Ave.

Charles D. Anderson
Union National Bldg.

Louise Huffman
853 Queen Maize

Edwin L. Schmitt
931 Litchfield

Glen Lytle
Superintendent of Central Inspection

L.L. Binkley, Maintenance Inspection
Supervisor

C.L. McCaig,
Construction Inspection Supervisor

John Dekker
Brown Building

Ralph Gilchrist
320 County Courthouse

Ralph Wulz, Director
Department of Public Works

WICHITA-SEDMICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

October 21, 1966

DR 66-29 - Amendment to the City Zoning Ordinance regarding Home Occupations provisions. (Revised October 21, 1966)

SECTION 28.04.020 Definitions.

Amend to read as follows:

HOME OCCUPATION. See Section 28.04.025.

Add as follows:

SECTION 28.04.025 Home Occupations.

- A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.
- B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by subsection C, within a structure that is accessory to a residential building.
- C. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 1. In all districts permitting dwellings:
 - a. No alteration of the principal residential building or premises shall be made which changes the character or appearance thereof for residential purposes.

Revised 10-21-66

- b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.
 - c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the City Clerk and the enforcing officer, approved by the Metropolitan Area Planning Commission and titled, "Noise Standards for Home Occupations, October, 1966".
 - d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.
2. In the "AA" One Family Dwelling District:
- a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as their residence.
 - b. The home occupation shall be conducted entirely within the principal residential building.

- c. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.
- d. No sign shall advertise the presence or conduct of the home occupation.

3. In all other districts permitting residences:

- a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.
- b. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.
- c. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.
- d. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations:
Revised 10-21-66

provided, however, that each listed occupation shall be subject to the requirements of subsections B. and C. of this Section:

1. Personal services, such as dressmakers, seamstresses, tailors, barber shops, beauty shops.
2. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen pupils at a time.
3. Ministers, rabbis, priests.
4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
5. Office facilities for service-type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors and photographers.
6. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
7. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.

Revised 10-21-66.

E. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:

1. Funeral homes.
2. Nursery schools and day care centers, having more than four students at a time, unless specifically permitted by the district regulations.
3. Restaurants.
4. Stables, kennels, or animal hospitals.
5. Tourist homes, unless specifically permitted by the district regulations.
6. Renting of trailers, cars or other equipment.
7. Medical or dental clinics or hospitals.
8. Auto and other vehicle repair.

NOISE STANDARDS FOR HOME OCCUPATIONS
OCTOBER 1966

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| 1000 | 46 |
| 2000 | 37 |
| 4000 | 26 |
| 8000 | 17 |

Approved by the Wichita-Sedgwick County Metropolitan Area Planning
Commission on October ____, 1966.

Revised 10-21-66

LIST OF PEOPLE WHO SPOKE AT PUBLIC HEARING ON AMENDMENT TO THE
CITY ZONING ORDINANCE AND COUNTY ZONING RESOLUTION REGARDING
HOME OCCUPATIONS:

Cliff W. Ratner, Att.
444 North Market

Charles A. Sparks, Jr., Att.
200 North Main

A. Price Woodard, Jr., Att.
609 North Main

Robert A. Cowdrey (Realtor)
2115 Gold

Charles D. Anderson, Att.
Union National Building

Genevieve Starkey (Dance Instructor)
556 South Bleckley Drive

Margaret Trask
1402 Woodrow Avenue

Louise Huffman

Mrs. Gene Thompson

Edwin L. Schmitt (dance instructor)
931 Litchfield

To be presented to City Commission November 8, 1966, and to the
County Commission November 2, 1966

EXCERPT FROM PLANNING COMMISSION MINUTES OF OCTOBER 20, 1966:

The Wichita-Sedgwick County Metropolitan Area Planning Commission re-convened on Thursday, October 20, 1966, at 3:30 p.m. in the Auditorium of the Kansas Gas and Electric Company. Members present were: H. W. Kratzer, Theodore Hill, J. Gerald Branson, E. B. Law, W. Harold Mooney and Wm. J. Goshal. Members absent were Iva Blaser and John Trout. Also present were C. Bickley Foster, Director of Planning, Robert A. Lakin, Jack Galbraith, Ron Williams, John Gist and Benniece Rathke of the planning staff.

Chairman Kratzer called the meeting to order for consideration of the following two cases:

- 13a. Case No. DR 66-20 - Public Hearing for consideration of an amendment to the County Zoning Resolution Re: Home Occupations.
- 13b. Case No. DR 66-22 - Public Hearing for consideration of an amendment to the City Zoning Ordinance Re: Home Occupations.

The Chairman declared the public hearing open for consideration of proposed amendments to the County Zoning Resolution and City Zoning Ordinance as related to home occupations, which were advertised as follows:

COUNTY ZONING RESOLUTION

SECTION 2 - DEFINITIONS

Amend to read as follows:

HOME OCCUPATION: See Section 2-1.

Add as follows:

SECTION 2-1 - HOME OCCUPATIONS

- A. Authorization. Any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.
- B. Definition. A business, profession, occupation or trade conducted for gain or support entirely within a residential building, or, when permitted by Sub-section C, within a structure that is accessory to a residential building.
- C. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. In all districts permitting dwellings:

- a. No stock in trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.
- b. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.
- c. No more than 25 percent of the area of one story of a single-family dwelling, nor more than 20 percent of the area of any other dwelling unit, shall be devoted to the home occupation; provided, however, that rooms let to roomers are not subject to this limitation.
- d. No mechanical or electrical equipment other than normal domestic or household equipment shall be used.
- e. There shall be no outdoor storage of equipment or materials used in the home occupation.

2. In the "AA" One-Family Dwelling District:

- a. No person other than a member of the immediate family occupying such dwelling unit shall be employed.
- b. The home occupation shall be conducted entirely within the principal residential building.
- c. No manufacturing or processing of any sort whatsoever shall be done.
- d. No sign shall advertise the presence or conduct of the home occupation.

3. In all other districts permitting residences:

- a. No more than one person other than a member of the immediate family occupying such dwelling unit shall be employed.
- b. The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.
- c. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flush to the main face of the dwelling or building involved.

- D. Particular Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Sub-section E. of this Section:
1. Dressmakers, seamstresses, tailors.
 2. Music teachers, provided that instructions shall be limited to five pupils at a time.
 3. Artists, sculptors, and authors or composers and instruction, provided that instruction shall be limited to not more than five pupils at a time.
 4. Office facilities for architects, engineers, lawyers, doctors, dentists, realtors, insurance agents, brokers, service businesses and members of similar professions.
 5. Ministers, rabbis, priests.
 6. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
 7. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment shall be used or employed other than that which would customarily be found in the home. Machinery or equipment which would customarily be found in the home shall include machinery or equipment that would customarily be employed in connection with a hobby or avocation not conducted for gain or profit.
- E. Particular Home Occupations Prohibited. Permitted home occupations shall not in any event be deemed to include:
1. Barber shops and beauty parlors, unless specifically permitted by the district regulations.
 2. Dancing schools.
 3. Funeral homes.
 4. Nursery schools and day care centers, unless specifically permitted by the district regulations.
 5. Restaurants.
 6. Stables or kennels.
 7. Tourist homes, unless specifically permitted by the district regulations.

8. Renting of trailers, cars or other equipment.
9. Medical or dental clinics or hospitals.
10. Animal kennels or hospitals.

CITY ZONING ORDINANCE

SECTION 28.04.020 - DEFINITIONS.

Amend to read as follows:

HOME OCCUPATION: See section 28.04.025.

Add as follows:

SECTION 28.04.025 - HOME OCCUPATIONS.

- A. Authorization. Any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.
- B. Definition. A business, profession, occupation or trade conducted for gain or support entirely within a residential building or, when permitted by subsection C, following, within a structure that is accessory to a residential building.
- C. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 1. In all districts permitting dwellings:
 - a. No stock in trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.
 - b. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.
 - c. No more than 25 percent of the area of one story of a single-family dwelling, nor more than 20 percent of the area of any other dwelling unit, shall be devoted to the home occupation; provided, however, that rooms let to roomers are not subject to this limitation.
 - d. No mechanical or electrical equipment other than normal domestic or household equipment shall be used.

- a. There shall be no outdoor storage of equipment or materials used in the home occupation.

2. In the "AA" One Family Dwelling District:

- a. No person other than a member of the immediate family occupying such dwelling unit shall be employed.
- b. The home occupation shall be conducted entirely within the principal residential building.
- c. No manufacturing or processing of any sort whatsoever shall be done.
- d. No sign shall advertise the presence or conduct of the home occupation.

3. In all other districts permitting residences:

- a. No more than one person other than a member of the immediate family occupying such dwelling unit shall be employed.
- b. The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.
- c. No sign shall be permitted larger than two square feet; provided that it shall not be illuminated and shall be mounted flush to the main face of the dwelling or building involved.

D. Particular Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Section 28.04.025.B:

1. Dressmakers, seamstresses, tailors.
2. Music teachers, provided that instructions shall be limited to five pupils at a time.
3. Artists, sculptors and authors or composers and instruction, provided that instruction shall be limited to not more than five pupils at a time.
4. Office facilities for architects, engineers, lawyers, doctors, dentists, realtors, insurance agents, brokers, service businesses and members of similar professions.

5. Ministers, rabbis, priests.
 6. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
 7. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment shall be used or employed, other than that which would customarily be found in the home. Machinery or equipment which would customarily be found in the home shall include machinery or equipment that would customarily be employed in connection with a hobby or avocation not conducted for gain or profit.
8. Particular Home Occupations Prohibited. Permitted home occupations shall not in any event be deemed to include:
1. Barber shops and beauty parlors, unless specifically permitted by the district regulations.
 2. Dancing schools.
 3. Funeral homes.
 4. Nursery schools and day care centers, unless specifically permitted by the district regulations.
 5. Restaurants.
 6. Stables or kennels.
 7. Tourist homes, unless specifically permitted by the district regulations.
 8. Renting of trailers, cars or other equipment.
 9. Medical or dental clinics or hospitals.
 10. Animal kennels or hospitals.

The Chairman stated that it would be desirable to hear from spokesmen of various groups represented but that anyone who wanted to speak would be given that opportunity. KRATZER pointed out that anyone who is presently legally engaged in a home occupation in accordance with the rules and regulations now in effect will not be affected in any way by the proposed amendments and that their use may continue for as long as 60 years in the City and indefinitely in the County area. He asked Mr. Lakin, the Assistant Planning Director, to review the proposed amendments.

MR. LAKIN said that the proposed amendments arose out of a request from Mr. Robert Lamb, who asked that regulations of home occupations be made more liberal, in his specific case that he be allowed to have an upholstery repair shop in his home. The Planning Commission authorized the Planning Department to prepare an amendment and advertise for a public hearing.

It was pointed out that subsequent to the advertising and after conference with the legal counsel, it was determined that several adjustments were desirable, both as to language and as to specific proposals when they were measured against what the change was actually intended to accomplish. The proposed amendments were taken to a great extent from the prototype zoning ordinance prepared by a consultant for the Planning Commission. The purpose is to liberalize home occupations as long as they do not adversely affect adjacent properties and the neighborhood or the public in general. The suggested revisions in the proposed amendment at this time are as follows for the County Zoning Resolution and City Zoning Ordinance:

COUNTY ZONING RESOLUTION

SECTION 2 - DEFINITIONS

Amend to read as follows:

HOME OCCUPATION: see section 2-1

Add as follows:

SECTION 2-1 - HOME OCCUPATIONS

- A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.
- B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by subsection C., within a structure that is accessory to a residential building.
- C. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. In all districts permitted shall be:

- a. No alteration of the principal residential building or premises shall be made which changes the character or appearance thereof for residential purposes.
- b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.
- c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity

shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the County Clerk and the enforcing officer, approved by the Metropolitan Area Planning Commission and titled, "Noise Standards for Home Occupations, October, 1966".

d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.

2. In the "A" One Family Dwelling District:

a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as their residence.

b. The home occupation shall be conducted entirely within the principal residential building.

c. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.

d. No sign shall advertise the presence or conduct of the home occupation.

3. In all other districts, permitting residences:

a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.

b. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.

c. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

d. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations, provided, however, that each listed occupation shall be subject to the requirements of subsections B. and C. of this section.

1. Personal services, such as dressmakers, seamstresses, tailors, barber shop, beauty shops,
2. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof;

provided that instruction shall be limited to not more than five pupils at a time.

3. Ministers, rabbis, priests.
 4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
 5. Office facilities for service type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors and photographers.
 6. Office facilities for salesman, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
 7. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.
- F. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:
1. Funeral homes.
 2. Nursery schools and day care centers, unless specifically permitted by the district regulations.
 3. Restaurants.
 4. Stables, kennels, or animal hospitals.
 5. Tourist homes, unless specifically permitted by the district regulations.
 6. Renting of trailers, cars or other equipment.
 7. Medical or dental clinics or hospitals.
 8. Auto and other vehicle repair.

CITY ZONING ORDINANCE

SECTION 28.04.029 - PERMITTED HOME OCCUPATIONS

Amend to read as follows:

HOME OCCUPATIONS: See Section 28.04.025.

Add as follows:

SECTION 28.04.025 - HOME OCCUPATIONS

- A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.
- B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by subsection C, within a structure that is accessory to a residential building.

C. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. In all districts permitting dwellings:

- a. No alteration of the principal residential building or premises shall be made which changes the character or appearance thereof for residential purposes.
- b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.
- c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the city Clerk and the enforcing officer, approved by the Metropolitan Area Planning Commission and titled, "Noise Standards for Home Occupations, October, 1966".
- d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.

2. In the "AA" One-Family Dwelling District:

- a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as their residence.
- b. The home occupation shall be conducted entirely within the principal residential building.
- c. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.
- d. No sign shall advertise the presence or conduct of the home occupation.

3. In all other districts permitting residences:

- a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.
- b. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.

- c. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.
- d. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections B, and C, of this Section:

- 1. Personal services, such as dressmakers, seamstresses, tailors, barber shop, beauty shops.
- 2. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five pupils at a time.
- 3. Ministers, rabbis, priests.
- 4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
- 5. Office facilities for service type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors and photographers.
- 6. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
- 7. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.

E. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:

- 1. Funeral homes.
- 2. Nursery schools and day care centers, unless specifically permitted by the district regulations.
- 3. Restaurants.
- 4. Stables, kennels, or animal hospitals.
- 5. Tourist homes, unless specifically permitted by the district regulations.
- 6. Renting of trailers, cars or other equipment.
- 7. Medical or dental clinics or hospitals.
- 8. Auto and other vehicle repair.

LAKIN continued that the range of uses has been liberalized but at the same time providing for performance standards to limit the level of activity, such as limiting the level of noise, number of students permitted at any given time, etc. Additional standards have

been proposed so far as general appearance in that signs will be allowed, detached garages or other accessory buildings can be used and one employee other than a resident is permitted whereas these things are now prohibited. It was noted that the proposal would permit most types of home occupation provided that type of equipment used was limited, outside appearance of the property was not changed, all materials and products associated with the activity were kept inside, and no retail sales permitted that are not products produced on the premises.

LAKIN pointed out that the revised proposal places dance studios and barber and beauty shops back into the permitted list of home occupations but does limit the number of students (of the arts) at any one time. In relation to nursery schools or day care centers, it was pointed out that it is proposed to permit as many as 4 students as a home occupation, which is now the allowed maximum.

LAKIN reiterated that these regulations do not apply to home occupations now legally operating but only to those established after the adoption of the amendment.

CLIFF RATHER, Attorney representing about 75 beauty operators working in their homes, said that in some cases the pursuit of a home occupation is necessary where the operator is the sole support of a family. Such service is convenient from the standpoint of residents in an area who utilize the services of a beauty shop. RATHER said that the proposed ordinance, as amended since the legal publication, is something most of his clients could "live with", but that there are two points which they would like to see changed, e.g., (1) allow use of detached accessory structures as long as the outside appearance of the garage was not changed in any way; and (2) in the "AA" district they would like to be permitted to hire one additional employee beyond residents of the home. RATHER said that there are attorneys operating from their homes who hire a secretary.

LAKIN pointed out that beauty shops are presently permitted only in an attached garage. It is proposed that in the "AA" district, this policy be continued. The same applies to additional employees other than residents of the home in the "AA" district.

LAKIN also brought out that it is proposed that signs of any type in the "AA" district not be allowed. This is the same as the present regulations except it applies in all residential districts. Any signs now in the "AA" district are in violation of the ordinance. He said that the State Administrative Regulations relating to cosmetologists provide that a sign must be visible from the street whenever there is a home beauty shop. Those now with signs in "AA" are in violation. Technically, no beauty shop in a home is probably operating in compliance with the law. Under the new proposal, they

could properly locate in every district except the "AA" as signs would be made legal in other residential districts.

LOUISE HUFFMAN asked if all signs advertising any business in the home would have to be taken down.

LAKIN said that the bulk of signs in residential areas at this time are not authorized by ordinance. It is his understanding that if someone filed a complaint then the enforcing personnel of the City or County would issue a cease and desist order for removal of such sign unless the ordinance is amended and the sign conformed to its new provisions. The proposed regulations provide that there may be a non-illuminated two square foot sign mounted flat against the main face of the dwelling or building involved, in any residential district except the "AA".

MRS. GENE THOMPSON (?), operator of a nursery school, asked if the proposal would affect the operation of nursery and day care centers and whether such facilities could be operated in residential areas and whether such facilities presently in operation could move to another location.

LAKIN said that after consultation with the City-County Health Department and administrators at the Community Planning Council, it is suggested that 4 students be permitted in nursery schools or day care centers, but that more than 4 students, e.g. "a group care center" would require "B" zoning as presently required for such homes.

CHARLES SPARKS, Attorney on behalf of the Wichita Beauty Salon Owners' Association and Independent Barbers, said they were in favor of stricter control over home occupations than now proposed by the revised amendment. He felt that the criteria to be used in determining whether a business qualifies as a home occupation should be based on its size and that a business which is small in scale may not be offensive in a residential neighborhood in that little traffic would be generated. However, it was his contention that a barber or beauty shop can be very offensive in a residential area if the volume is such that it generates a great deal of traffic. He asked that beauty salons and barber shops be prohibited as home occupations, especially in the "AA" district. He referred to the number of patrons one beauty operator can serve in a day's time and the fact that there would be numerous vehicles coming and going throughout the day. MR. SPARKS pointed out also that a recent ad in the paper indicated that one operator took appointments early and late and on weekends which would mean the existence of a nuisance constantly.

SPARKS objected to signs being permitted because they would tend to draw attention to the residence as a business rather than a home and would, thus, lower residential real estate values of an area.

He also opposed allowing outside employees in that it would just double traffic congestion. MR. SPARKS pointed out that there is a distinction between allowing a dentist, architect, or attorney to hire a secretary because there would be no change in the volume of business, but a second beauty operator or barber would mean just double the volume of business and traffic. He strongly urged that an outside employee not be permitted in residential districts but suggested that an exception might be reasonable as applied to dentists, architects, and similar type professions or services. MR. SPARKS felt that to permit outside help and signs would change the character of the neighborhood and detract from the residential areas.

In summary, MR. SPARKS asked that barber and beauty shops be prohibited in all residential districts, especially the "AA" and that outside employees not be permitted in any residential zoning, and that no signs be allowed advertising a home occupation in any district.

H. BRICE WOODARD, Attorney representing the Modern School of Cosmetology and 100 individual student operators, said that early and late or weekend appointments would be reasonable in an emergency. The Attorney pointed out the requirement of the State that a sign must be placed in the yard and yet the proposed amendment prohibits signs in that location and it was his opinion that under such circumstances the State law would prevail.

LAKIN explained that the State regulation provides that the sign must be visible from the street and does not designate the yard as the location and that it might be interpreted to mean it should be on the face of the house. He also pointed out the requirement is an administrative rule and not a State statute.

WOODARD asked if a mother and daughter, both beauty operators, could conduct their business from their residence. LAKIN said that such would be possible as long as they both resided in the house where the shop was maintained and as long as other requirements of a home occupation were met.

ROBERT COWDREY said that he is a real estate broker and questioned the legality of the meeting inasmuch as it appears to be concerned with a revised suggested amendment to the Resolution and Ordinance rather than what was published in the paper.

LAKIN said that the staff has been advised by counsel that the Planning Commission may amend a proposed amendment after publication in the paper, may adopt an amended proposal and recommend it to the governing bodies and the governing bodies may adopt such amended proposal. He stated that it is his feeling that the hearing is proper as being conducted and it was his recommendation to the Planning Commission that it proceed to take action at this meeting.

COWDREY questioned the enforcement of the regulations if adopted. LAKIN said that if a citizen is operating a home occupation in accordance with the existing regulations, then there would be no basis for a complaint or suit, but that any operator of a home occupation might be subject to a complaint of a nuisance should the action be filed through the appropriate courts, but not because of any violation of the zoning regulations. During the discussion with Mr. Cowdrey, it was pointed out that all regulations are subject to change from time to time.

When the Chairman asked Mr. Cowdrey if he was in favor of the proposed amendment or opposed to it, Mr. Cowdrey said he was in favor of less government regulations and that he was protesting any change as he considered it unnecessary. MR. COWDREY commented that by telling people what they can and cannot do in the way of home occupations restricts his choice and he was not in favor of that inasmuch as his family often utilizes the services of people conducting home occupations, e.g., beauty shop operators, bicycle repair, electrical repair, etc.

LAKIN pointed out that at present repair type services are illegal and that such home occupations now in existence could be closed down; however, the amendment proposed is more liberal and would make it legal for repair type services to be conducted as home occupations.

MR. COWDREY raised the question of kennel operators and how the proposed amendment would affect such operations. LAKIN noted that the word "kennels" does appear as one of the uses prohibited as a home occupation but that the keeping of dogs does not constitute the operation of a kennel until 4 or more dogs are involved. LAKIN also pointed out that the County Zoning Resolution applies only to the three mile area adjacent to the City of Wichita and not to the county as a whole as Mr. Cowdrey has indicated previously.

ROBERT LAMB said that he was the instigator of the amendments under discussion in that he had conducted an upholstery repair service in his detached garage for a number of years as his livelihood and desired to be able to continue. LAKIN informed Mr. Lamb that if he is located in an "RA" zone then he would not conform to the amendment as proposed. A check of the location indicated that Mr. Lamb resides in an area zoned "B" and under the proposal he would be permitted to conduct his upholstery repair in a detached garage or other accessory building.

MRS. JEAN RUSH said she handles a line of imported jewelry from her home located on a 40-acre tract in the 3-mile area and has people working for her. She opposed any regulation which would attempt to prevent her continued use of her premises for retail sales. She said that her activities could not possibly be obnoxious to neighbors, and she questioned the right of any group to restrict her from using

her premises as she desired.

LAW explained that the amendment is intended to resolve some problems as related to home occupations and to make more lenient regulations therefor and that there is no attempt whatsoever to eliminate such uses, although Mrs. Rush said it was her feeling that that is what is being attempted. Reference was made to the section related to home occupations prohibited and LAKIN reviewed them, noting that it is basically intended to restrict uses to professional services, personal services, home crafts, those providing instructions (artists, authors, composers, teachers, etc.), office facilities which do not involve the sale of commodities, etc. It was pointed out that at present no type of repair activity is permitted while the proposed amendment would provide for minor type repair of appliances, etc. Sales of items not produced as a part of the home occupation would be prohibited.

CHARLES ANDERSON, representing the Kansas Electronic Association, said that the members of this organization have indicated they could "live with this" amendment, but that they are opposed to liberalization in certain areas, particularly as they relate to repair of appliances. The Attorney said that his clients repair television sets, tape recorders, stereos, radios, etc., and they are aware that changes are necessary from time to time, but they are attempting to control their activities through organization and are occupying light commercial zones for conducting their business. He pointed out, however, that many employees of plants in this area do TV or radio repair at night in their home garage and thus create considerable competition for the commercial type operators. MR. ANDERSON pointed out that if regulations are liberalized too much it would actually condone what might be considered an illegitimate business whereby qualified repairmen would lose control of their business and would find it necessary to operate as a home occupation rather than as a business in order to compete.

ANDERSON suggested that if the Commission approves the amendment then it should also assist in efforts to require such repairmen of TV's, radios, tape recorders, etc., to be licensed by the City. He pointed out that this type of activity is hazardous when engaged in by untrained or unlicensed individuals which is more likely to happen as a home occupation. The Attorney noted also the possibility of repair of large appliances and disturbances which could be created in a residential area by reason of loading and unloading activities.

LAW pointed out that the proposal is to liberalize home occupations although most people present do not appear to realize that there is presently restrictions so far as home occupations are concerned and that many uses now existing are illegal under the terms of the present regulations. He stated that the Planning Commission has

decided it would be fair and equitable to liberalize the home occupations, but to do so with certain performance standards, as an effort to allow certain people to operate from their home where it is necessary for their livelihood.

ANDERSON said he believed in free enterprise as long as it did not interfere with or create a hazard in a neighborhood, and he considered it hazardous when people are untrained but still engaging in this type of work. He suggested the matter be deferred until perhaps a law could be passed requiring electronics repairmen to hold a license.

MRS. GENEVIVE STANLEY, operator of a dance studio in her home, expressed concern for the continued development of culture in the community and particularly a provision whereby dance studios could be continued on the basis of a home occupation. She inquired whether the new regulations would prohibit such studios as a home occupation and whether or not one in existence could relocate and continue its program as presently being conducted. BAKER said that any new dance studios as a home occupation would have to comply with whatever new regulations are adopted and that the relocation of an existing school would also have to observe the new regulations if it is proposed to continue as a home occupation inasmuch as it would be the same as a new business.

MRS. STANLEY stressed the need for development of cultural facilities in the city and said that she represented 100% of the dancing teachers and that 16 of the 17 studios in the city are in homes. She indicated that it is desirable that more than one teacher be allowed in a studio inasmuch as many times they are called upon to participate in a community project and the second teacher could carry on at the school. MRS. STANLEY said that the dance studios are located in various zoning districts - "B" principally, but also in "AA", "B" and "BB".

LAW pointed out that what is proposed would permit the employment of one teacher but that the number of students trained at a given time is also important and that it is proposed to limit the number to 5 as a home occupation and those desiring to operate on a larger scale would have to locate in the district in which they are permitted on a commercial type basis.

EDWIN SCHEWITZ, also on behalf of the dancing teachers, indicated that he had been associated with a studio for 13 years and it was his feeling that such activity did not disturb a residential neighborhood. He expressed approval of the proposed amendment as revised (dated October 13, 1966) except as to the number of students allowed at a given class period, which he considered unrealistic from an economic standpoint. He pointed out that most of the students are children and that they are subject to childhood diseases, school activities,

etc., and that about 1 out of 5 is absent from class, and that they are subject to dropouts for one reason or the other. He pointed out also that this is not a business conducted throughout the day, but is only operated effectively from about 4 to 7 in the afternoon. MR. SCHMIDT, when questioned by one of the commissioners, indicated that most studios have classes of from 8 to 14, but that they would like to request a maximum allowance of 20 students, which he considered would be reasonable (considering absenteeisms and dropouts) from an economic standpoint and also would not create a nuisance in the neighborhood by reason of traffic generated. MR. SCHMIDT pointed out that at present there is no limitation on number of students and that the limitation is only that an outside teacher cannot be employed.

MRS. STANLEY asked the Commissioners to consider the continued development of dance studios and not limit the beginning of new studios too much.

MARGARET FRANK said that she operates a beauty shop from her home as a home occupation and inquired whether or not she could have another operator operate from her home when she (Mrs. Frank) was on vacation or might be ill. She was advised that such is not legally permitted now but under the new proposals would be permitted in all districts except the "AA".

LAW pointed out that one of the factors that brought up the possibility of revising the regulations as related to home occupations is the fact that when individuals attempted to obtain loans to operate their businesses they found they were operating illegally and denied financing. The Planning Commission has determined that under certain circumstances and on a less restrictive basis certain activities can be carried on in the home without detriment to the community as a whole.

MRS. LOUISE HUFFMAN asked what assurance there is that those who are nonconforming now can continue for 60 years as brought out earlier in the discussion inasmuch as the terms of the regulations are apparently subject to the change by the City or County. HARKIN agreed that there could be no guarantee. Regulations even as to "nonconforming uses" are always subject to amendment and changes but must be "reasonable" in application.

MR. WOODARD referred to the provision that no signs would be permitted in the "AA" districts and offered objections thereto on behalf of those operators presently in such zones who have signs. HARKIN said that operators of a home occupation with signs on their premises are presently illegal and that what is proposed would not legalize such signs.

LAW pointed out that the "AA" residential district is intended to be very restrictive for those who choose to live in an area wherein they have certain protection and rights, and that if they did not choose or desire the utmost protection offered by a zoning regulation they could locate in any of the various other zones. He maintained that residents in an "AA" zoning district do have their rights also. LAW pointed out that while there are a number of people present who desire less protection for the "AA" district, there are many more people who are not present and who are entitled to the protection offered by the "AA" district.

WOODARD considered it ridiculous to prevent signs in an "AA" district or to limit signs in the other districts, and yet the operator of a home occupation can advertise in the newspaper or telephone book, etc. He pointed out that in some cases this restriction would tend to put people out of business. MOONEY pointed out again (as has been done several times at this meeting) that signs presently in the "AA" district are in violation of the present ordinance. Several beauty shop operators expressed strong opposition to the matter of control of signs in any district.

LARKE reviewed the various points which have been brought out by the public, as follows:

1. Should signs be allowed in "AA" and if so should they be limited to 2 square feet as proposed in other residential districts.
2. Should a detached garage or accessory building be allowed to be used in the "AA" district.
3. Should the number of students in dance classes or other art instruction classes be increased from 5 to 15 at one time.
4. Provision for not more than 4 students at a time in a nursery or day care center.
5. Should an outside employee be permitted in the "AA" district.

Commission members discussed the above points briefly.

MOONEY: BRANSON moved that the revised proposed amendment (dated October 13, 1966) be recommended for approval as presented, except that games studios be allowed 12 students rather than 5 and that nursery or day care centers be allowed to have 4 students. This motion was not seconded.

MR. KRATNER pointed out that apparently the community as a whole is not opposed to signs as now being placed inasmuch as no apparent objection has been registered. One of the ladies present said that before she purchased her property she inquired of the City offices about operating from her home and sign regulations and was assured a sign was permitted, and she was much opposed and distressed to find that now she is in violation.

MR. FOSTER pointed out that the Planning Department has received many calls and letters from people who are concerned that home occupations may be made too liberal, and that while there may not be too much objection at this meeting, it is sure to be made known later. One of the beauty shop operators pointed out that apparently their patrons prefer a neighborhood or residential type shop inasmuch as they seem to patronize such facilities.

BRANSON pointed out that as was mentioned before the Commission attempts to protect the people that are present as well as those who are located in the "AA" district, and it was his feeling that to permit signs would defeat one of the purposes of the zoning ordinance. He informed the public that the Planning Commission is only a recommending body and that the City Commission and County Commission are the governing bodies that will determine the actual terms of the amendment.

MR. SCHMITT said that a dance studio could not operate economically if limited to 12 students at one session. This was discussed further with the Commissioners and Mr. Schmitt pointed out that if a class starts out with 20 students, it has dwindled often times to as low as 10 by the end of the term. BRANSON pointed out that it is the generation of traffic in a residential area which concerns him.

MOTION: BRANSON moved that the revised proposed amendment (dated October 13, 1966) be accepted as presented except that dance studios be allowed an average of 15 students instead of 5. This motion was not seconded.

MOTION: BRANSON moved, KRATNER seconded and it carried by a vote of 4 (Branson, Kratner, Mooney and Row) and 2 (Gosbel and Hill) opposed, that the Planning Commission recommend to the Board of County Commissioners and Board of City Commissioners that the County Zoning Resolution and City Zoning Ordinance be amended as follows: (By this motion nursery schools and day care centers are allowed to have as many as 4 students; an additional employee is not allowed in the "AA" districts; signs are not permitted in the "AA" district; a detached garage or accessory building is not permitted in the conduct

of a home occupation in an "EA" district; and the number of students permitted in dance studio classes is increased to 15.)

COUNTY ZONING RESOLUTION

SECTION 2 - DEFINITIONS

Amend to read as follows:

HOME OCCUPATION. See Section 2-1

Add as follows:

SECTION 2-1 - HOME OCCUPATIONS

- A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.
- B. Resitation. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by subsection C., within a structure that is accessory to a residential building.
- C. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 1. In all districts permitting dwellings:
 - a. No alteration of the principal residential building or premises shall be made which changes the character or appearance thereof for residential purposes.
 - b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.
 - c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particular matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the County Clerk and the enforcing officer, approved by the Metropolitan Area Planning Commission and titled, "Noise Standards for Home Occupations, October, 1966".
 - d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.

2. In the "AA" One Family Dwelling District:

- a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as their residence.
- b. The home occupation shall be conducted entirely within the principal residential building.
- c. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.
- d. No sign shall advertise the presence or conduct of the home occupation.

3. In all other districts permitting residences:

- a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.
- b. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.
- c. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.
- d. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections B. and C. of this section.

1. Personal services, such as dressmakers, seamstresses, tailors, barber shop, beauty shops.
2. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen pupils at a time.
3. Ministers, rabbis, priests.
4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
5. Office facilities for service type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors and photographers.

6. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
 7. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.
- E. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:
1. Funeral homes.
 2. Nursery schools and day care centers, having more than four students at a time, unless specifically permitted by the district regulations.
 3. Restaurants.
 4. Stables, kennels, or animal hospitals.
 5. Tourist homes, unless specifically permitted by the district regulations.
 6. Renting of trailers, cars or other equipment.
 7. Medical or dental clinics or hospitals.
 8. Auto and other vehicle repair.

CITY ZONING ORDINANCE

SECTION 28.04.020 - DEFINITIONS

Amend to read as follows:

HOME OCCUPATION: See Section 28.04.025.

Add as follows:

SECTION 28.04.025 - HOME OCCUPATIONS

- A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.
- B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by subsection C., within a structure that is accessory to a residential building.
- C. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. In all districts permitting dwellings:

- a. No alteration of the principal residential building or premises shall be made which changes the character or appearance thereof for residential purposes.
- b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.
- c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the City Clerk and the enforcing officer, approved by the Metropolitan Area Planning Commission and titled, "Noise Standards for Home Occupations, October, 1966".
- d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.

2. In the "A" One Family Dwelling District:

- a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as their residence.
- b. The home occupation shall be conducted entirely within the principal residential building.
- c. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.
- d. No sign shall advertise the presence or conduct of the home occupation.

3. In all other districts permitting residences:

- a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.
- b. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.
- c. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

d. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections B. and C. of this section:

1. Personal services, such as dressmakers, seamstresses, tailors, barber shop, beauty shops.
2. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen pupils at a time.
3. Ministers, rabbis, priests.
4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
5. Office facilities for service type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors and photographers.
6. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
7. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.

E. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:

1. Funeral homes.
2. Nursery schools and day care centers, having more than four students at a time, unless specifically permitted by the district regulations.
3. Restaurants.
4. Stables, kennels, or animal hospitals.
5. Tourist homes, unless specifically permitted by the district regulations.
6. Renting of trailers, cars or other equipment.
7. Medical or dental clinics or hospitals.
8. Auto and other vehicle repair.

HILL said he voted in opposition to the above motion because he did not think signs as proposed to be allowed in other residential

districts would be offensive in the "AA" district. GOEBEL said he was opposed to the motion because he was not in favor of permitting the hiring of an outside employee inasmuch as it would tend to increase the level of activity in a residential area and appear more as a commercial business rather than strictly a home occupation.

The Chairman announced that the County Commission would hear this matter on November 2, 1966, and that the City Commission would hear it on November 8, 1966.

Mrs. Blaser

I am Mrs. Genevieve Starkey of 56 So. Bleckley Drive, I am chairman of the Independent Dance Teachers Assn. of Greater Metropolitan Wichita, whom I represent today. We have two principal points-of-interest. I shall present the first one, & Mr. Ed Schmitt will present the second. My portion has to do with our individual & collective cultural Dance efforts and what this means to our Community.

We are teachers of the educational, cultural, theatrical, and classic Dance Arts. We like Wichita and we like teaching dance. We would like to continue teaching dance in Wichita. There are 16 Schools of Dance here, 13 of which are conducted in the home of the teacher. Some of us have attempted to conduct our dance schools here in Wichita buildings other than our homes. Without exception, these attempts have proven financially disastrous. The 3 dance schools that are not now home occupancy, are - a chain enterprise, a consolidated and/or an incorporated, which allows or affords them privileges of commercial, retail, and supplementary income from activities not exclusively Dance. I mention this, not as an expression of any form of objection or ill-feeling toward these schools; some of whose teachers are our mutual friends-of-long standing. Rather, I include this for the sole purpose of spelling-out the fact that home-occupancy dance-teachers who prefer to dedicate themselves exclusively to the Dance, and/or who have NO preference or aptitude for supplemental sidelines incorporated into their profession // and/or, who may have no desire or opportunity to consolidate with others, must therefore maintain their schools in their homes.

This is not to say that we do nothing but teach dancing lessons. The conscientious teaching of any subject is not a casual, simple job. It is taxing mentally, emotionally and psychologically. Add to these, the strenuous physical exertion demanded daily of the teachers of the Dance, and obviously, our job is not one which affords us an abundance of free time and surplus energy; yet as you may know, many of us dance teachers have served and are now serving this community, giving our time, talents and energy to civic projects, committees, Boards and cultural activities.

Of all of the cultural arts, Dance, the consummate Art of all the Arts, is the least publicized in our community. This fact plus, the proportionate-rarity of dance teachers, places us in the position of seeming meager-among-the-many. However, you may appreciate knowing, that, in addition to our voluntary services to the community, we also serve and hold elected and appointed positions of responsibility in a number of state, regional, district and national organizations of high-repute in the fields of Dance. We receive no remuneration and very little public recognition for our services. Perhaps we are remiss in not insisting on publicity and compensation, so that we and our work would be better-known by you, and others who make regulatory decisions, under which we must curtail, or tailor our professional and artistic principles, ethics and ideals of operation.

For reasons of expediency and regard for your heavy agenda, I will ask you to regard our case-in-point, as presented by Mr. Schmitt and by me, from three facets. They are:

- 1st - Your careful consideration of the circumstances of your Teachers-of-Classic and Cultural Dance today, in Wichita.
- 2nd - Give a retrospective thought to those teachers who have preceded us.
- 3rd - Look ahead to those who will, hopefully, follow us in the artistic perpetuation of the Dance.

Knowledgeably, our Community Cultural-climate must be enhanced to meet a comparable level with the current and forthcoming expansion, locally, of Big Business, Industry and Commercial enterprises with their attraction for, and resultant increase in area-population.

As the immediate Past-President of the Wichita Community Arts Council, and as a member of the Mayors-Advisory-Committee for the new Civic-Cultural Arts Center, I have received and have generated challenge and inspiration to continue working for a broader-based cultural structure. I am thrilled with our enhanced physical facilities nearing completion. With this, I am acutely aware of the meaningful need for developing and sustaining more than a fleeting or passive interest on the part of citizens who will support/these facilities to peak potential, greatness and enjoyment. A new and beautiful setting is not enough!

Editorials, city officials, public servants, business executives, and others are voicing fervent pleas for support, increase, depth, and expansion of the cultural arts. Nor is this enough to accomplish the task.

Where, how then?

With a long-range view to the future; in order to justify and to maintain our new Civic Center, as well as other growth-improvements to come, you and we must take a stand of protective custody toward the cultural arts grass-roots. To reap a blossom, one does not tear the seed from the ground.

We, ruefully, are not public speakers, and the commodities with which we work, are intangibles and ephemeral creativities, which makes more difficult my task here today. I can only say, that a civilization of Art and Culture, specifically of Dance, must be essentially involved with -

the learning of and the teaching of basic dance forms and fundamental techniques. Thus we have "the seed."

The foundation structure is based upon the constancy of our teaching, educating, training, and encouraging the persons who alone, comprise the strategic factors found to be necessary to achieve the idealistic cultural level in any given community. These 3 factors are:

1. the participators / who are the potential performing dance artists.
2. the devotees, patrons and audience / or the viewers of the arts.
3. the teachers who train and instruct students in the arts, by virtue of which, the first two of these groups are developed.

Without the third group, the first two are non-existent.

Thus, upon our cooperative-shoulders, lies the responsibility of supplying each and all of these:

the future performing artists

the future appreciative viewers

and the future teachers, who will, in their turn;

again be the perpetuating force and supply to the progress and the greatness in the Arts of Tomorrow.

In closing my remarks, and before Mr. Schmitt presents the mundane aspects you will want to hear, may I tell you that teaching dance, just as the dance itself, does require the use of area, of space. This is an economically-commercially unfeasible requirement in today's cost-per-square-foot occupancy available to us, outside our homes.

We are few in number by actual count, proportionately to the instructors of the other Arts, we are trained, educator specialists devoted to a highly refined field, laboring now under less than preferential conditions; we are artistically competent, intelligent about, but not eloquent in making known our needs which merit the support and sanction of our governmental bodies. Simply stated, the cultural community needs us, and our needs are:

- 1st - Space to work in/and the legal right to work in it
- 2nd - Class groups large enough to choreograph & teach traditional and Classic Dance, Ballets, productions, musicales, dance dramas, and creative dance and the legal right to have them.
- 3rd - We need your emphatic acceptance of the fact that we do have legitimate and critical requirements, vital to our continuance in this community.

Thus, we respectfully request your recognition of these necessities, and we further plead that you will refrain from imposing upon us, stringencies under which we could not conceivably continue in our chosen work.

The seed is planted.

Thank you.



From Office of
GENEVIEVE STARKEY
District Director

Professional Dance Teachers Association, inc.

1721 Broadway, New York, N. Y. 10019

MARK PLATT
President

JOHN WRAY
First Vice President

DISTRICTS AND DIRECTORS

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District No. 11
Canada
DOREEN HAYES, Dir.
2453A Bloor St. W., Toronto, Ont., Can.

A NON PROFIT, EDUCATIONAL ASSOCIATION, DEDICATED TO THE
ESTABLISHMENT OF DANCE AS AN INTEGRAL PART OF EDUCATION.

The Carlton Salon of Beauty
LINCOLN HEIGHTS VILLIAGE
DOUGLAS AT OLIVER
WICHITA, KANSAS

Oct. 18th, 1966

Metropolitan Planning Dept.,
Wichita, Kansas.

Gentlemen:

As a property owner and a business owner in Wichita, I would like for you to know that I, as well as many others that I have talked to, are highly in favor of the new zoning plan for Wichita. We feel that the city is long over-due in having a plann such as this.

While our neighborhood has not, so far, had any home business's, we certainly would hate to see it happen and I feel that now is the time to speak up for proper zoneing.

Thank you and I wish you luck.

Sincerely,

Mary Carlbin



October 18, 1966

Wichita-Sedgwick County Metropolitan Area Planning Com.
Room 401, City Building Annex
104 South Main
Wichita, Kansas

Dear Sirs:

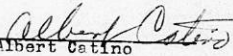
As a home and Beauty Salon owner, I protest the Home Occupation.

As a home owner I object to the following:

1. It will decrease the value of property.
2. Create hazardous sanitary conditions.
3. A traffic problem with cars coming and going.
4. Lower the standards of the beauty profession.

I am in favor of the proposal, dated September 20, 1966.

Very truly yours,


Albert Catino



Metropolitan Planning Commission
Wichita Sedgewick County
Kansas.

To Commissioners:

I am in favor of the home occupation ordinance as published in the September 20th Wichita Beacon.

I am a home owner and I personally feel that businesses in the home are a public nuisance and degrade the standards of our city. I personally feel Dallas, Texas is a striving city + Wichita is of that standard. They protest businesses in the residential areas. I think the sanitation viewpoint as well as the traffic which arises in this situation is an important factor.

I feel there are many people concerned with this ordinance that do not voice their opinion on it. If every Home Owner were entitled to a vote I'm sure you would know that the general public is opposed to home business.



A concerned home Owner
Janet Fish
1805 Glen Oaks Dr.

Metropolitan Planning Comm.
Wichita and Sedgwick Co.
Wichita

To Commissioners

As a Wichita property owner, I fully support the ordinance of Sept. 20, and am completely opposed to the one proposed Oct. 13.

I'm against any business in a residential district. The beauty profession should not be exempt. The barber profession should not be exempt. In reality, any one slipping to ethics this low does not have a profession. He has become a neighborhood nuisance, and has stripped his neighborhood and his profession of any pride it might otherwise have known.

Sincerely

R. J. 'Buddy' Walters



Metropolitan Planning
Commissioners

To Commissioners

I am protesting amendment
Oct 13 to home Occupation Rule
We are in favor of amendment
dated Sep 20 Prohibiting Business
operators in homes.

Judy Barker

1121 Poige Wichita, Kansas



Chairman Metropolitan Planning Commission

As a property owner I support
the Home Ordinance law. I think it
is unfair to allow a business to go into
a residential area and devalue the property.

Yours Truly,

Walt Casuley



Chairman - Metropolitan Planning Commission

I support the Home Ordinance Law, as
a property owner, but I think it is unfair
to allow a business to go into a residential
area which would tend to devalue the
property.

Yours truly
John Benhardt



Chairman - Metropolitan Planning Commission

I am a homeowner of Wichita, Kansas and have been since 1951. I have always supported the Home Ordinance Law, but I would frown very much on having a business put in my residential area. I believe that is endangering our children do to excess traffic in the area. If I wanted to live in a business area, I would move there.

Thank you Sir,

Yours truly,

Jim Carson





THELMA'S BEAUTY SALON
839 SOUTH OUYER
WICHITA, KANSAS 67218

2-417,1966

Dear Sirs,

I am a Beauty Salon owner in town & think that the old Ordinance should be enforced & the "90 % of shops" that are in the wrong be closed.

If every woman that works would have a choice I'm sure many more would rather do their secretarial work - nursing - teaching - at home so they could be near their families & not punch a time clock. In all for staying at home with small children & that is a job in itself but what kind of care do they get if these mothers are busy wrapping a permanent?

At the rate its going a

THELMA'S BEAUTY SALON
839 SOUTH OLIVER
WICHITA, KANSAS 67218

Salon rent, compete - you take an operator out of school - train them build them up - not making any money on them at this goes on but as soon as they have a following they move out into their own home shops - then they have no business worries - but their prices just enough to make it look good. Business is all built up - Thanks to the Salon Owners - No high rent business phones - advertising etc. but they can deduct their prorated rent, utilities ~~and~~ other business expenses for income tax purposes, & therefore even their usual expenses are cut.

THELMA'S BEAUTY SALON
839 SOUTH OLIVER
WICHITA, KANSAS 67218

I have a newer operator shop
that I'm trying to pay for + I'm
trying to send my children to college,
but when I call for operators no
one wants to work - if you get a girl +
get her started she doesn't even help
herself at the shop by bringing
in friends + relatives, but does them
at home which is against the
State Board of Cosmetology laws,
while you keep handing her new
customers - trying to help her make
a decent living.

I think the ordinance
of no business in a family

THELMA'S BEAUTY SALON
839 SOUTH OLIVER
WICHITA, KANSAS 67218

residential zone is good & should be enforced or why have zones at all! If you hire people & sell retail items its a business & should be treated as such.

There arent too many of us that couldnt give a hand back story. I am buying a shop with the help of S. B. A. but I cant afford to buy a home to put a home shop in and after all Salon Owners are creating work for others - spend money each year to keep their places clean & up

THELMA'S BEAUTY SALON
859 SOUTH OLIVER
WICHITA, KANSAS 67218

today - help with & contribute
to community projects and there
should be some sort of control
over home shops or businesses in
the homes or no need for the
beautiful new shopping Plaza's
going up every where - well just
went next door to get our hair done
across the street to get Jr. his
shoes - around back to the Barber
shop - 2 doors down to get the
Poodle groomed - maybe that
would solve the bus & parking
problems - its a thought.

I know most of you are
business men & we Salon Owners
don't mind competition but we

THELMA'S BEAUTY SALON
839 SOUTH OLIVER
WICHITA, KANSAS 67218

haven't a chance if you continue
to let Beauty Shops open any &
everywhere with nearly 150
students getting out of Beauty
school each year.

Thank you -
Thelma Coshell
Thelma's Beauty Salon.

Dwight's

HAIR DESIGNS
AND WIG SALON

800 SOUTH HILLSIDE

MU 4-4376

WICHITA, KANSAS, 67211



October 17, 1966

Metropolitan Planning Commission
104 South Main
Wichita, Kansas



Dear Sirs:

I would like to express my concern pertaining to the Home Occupation Ordinance; as a Wichita home owner, I would like to give my support to the proposal being presented by Mr. Sparks on Thursday, October 20, 1966.

I would also like to add my opinion on permitting businesses to operate in the home, in particular - home beauty shops. They constitute a safety hazard in the neighborhood, lower property valuation and in general, are not well-accepted within the neighborhood. These home-operated shops generally tend to lower the standards of the beauty profession and relax sanitary regulations.

I also feel that these home businesses take job opportunities from commercial salons where people earn family incomes, while the home shop mainly constitutes supplementary income only.

If all businesses were in commercial buildings, the city and state tax funds would grow since they pay on a lower tax rate than we, who are in commercial structures do.

Dwight's

HAIR DESIGNS
AND WIG SALON

800 SOUTH HILLSIDE

MU 4-4376

WICHITA, KANSAS, 67211



(cont.)

I sincerely hope you will consider my
opinion in this matter.

Sincerely,

Dwight Hittman
Dwight's Hair Designs
800 South Hillside
Wichita, Kansas

DH/mh

October 17, 1966

To the Wichita Metropolitan Planning
Commission:

We are Wichita resident owners
in the City of Wichita. We protest
the amendment of the Home Occupation
ruling - to permit businesses in
residents.

We are in favor of the Home
Occupation Amendment as dated
September 20, 1966.



Leland G. Rice
917 So. Loren
Wichita, Kas.

File

2115 Grant
Wichita, Kansas
October 14, 1966

Wichita Sedgwick Co. Planning Commission
City Building
Wichita, Kansas

Gentlemen:

As owner of a Commercial Beauty Salon and as a property owner, I was pleased to hear that Wichita was at last getting a modern, progressive zoning ordinance pertaining to home occupations.

The proposed amendments would do many wonderful things for Wichita. First, lovely residential areas would not be blighted with haphazard businesses that tend to increase parking problems and decrease property values. In addition, people who lack the ability or ambition to hold employment with established commercial firms would be required to improve their skills or work a little harder. It is now possible for the mediocre tradesman to open his own business and impose upon his neighbors at the expense of lowering the overall reputation of his vocational group.

Specifically, the commercial beauty salon operators are striving to achieve professional status, but every year dozens of new home beauty shops are opened in Wichita by people newly graduated from beauty schools. These people have no experience and many never return for advanced training. Over the years their skill deteriorates disgracefully, instead of improving.

We realize that pressure groups will fight these good amendments. Unscrupulous beauty school operators would hate to see a decrease in this flow of mediocrity from their establishments. They are not concerned with the professional standing of beauticians. They are concerned with tuition and they are concerned with having hordes of unqualified students working on the public for their individual profit.



Also, there are hundreds of housewives that are not working, but hold a state license in Cosmetology who casually plan to someday open a beauty shop in her home just to occupy her time.

The commercial salon owners do not wish to hurt anyone now in business in Wichita. However, for the sake of our vocational standing we do support the original amendment pertaining to home occupations as published in the September 20 issue of the Wichita Beacon.

Sincerely,

Merle J. Sears

Merle J. Sears

Oct. 13, 1966

City Planning Commission,
Room 401, City Bldg., Annex,
Wichita, Kans.

Dear Sirs;

Please send me a copy of the proposed change
in code title #28, Sec. 2804020.

Thanking you in advance,
Sincerely,

Mrs. Helen G. Woodward,
636 No. Belmont,
Wichita, Kans. 67208.

mailed
10-14-66
Bgs



WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

October 13, 1966

TO: Metropolitan Area Planning Commission

FROM: Robert A. Lakin, Assistant Planning Director

SUBJECT: DR 66-29 and DR 66-30 - Amendment to the City and County Zoning Regulations Regarding Home Occupation Provisions

On September 7, 1966, the Planning Commission directed the staff to advertise a change to the City and County Zoning Regulations related to home occupations, such changes to be based on the prototypes. This has been done. In the interim, considerable confusion has arisen, both as to the general intent of the amendment and as to certain specific wording. Suggestions as to changes have been received from the Central Inspection Division and our legal counsel. Also, several interested groups have called to our attention other specific problems. In view of this concern, we have redrafted the proposal and a copy is attached.

The following premises were used in restructuring the amendment. It is felt that home occupations

- of types customarily accepted by the community as not creating problems should normally be permitted.
- are commercial in nature but are permitted in residential areas because they are small in scale and generally inoffensive as a neighbor.
- should not change the appearance of the area.
- should be limited as to the number of persons; therefore, limiting autos coming to the premises which may be attracted. Attraction to the premises is usually a function of the:
 - a. type of advertising or display
 - b. activity conducted

- c. number of non-residents involved in operating the activity
- are usually accepted by the community based on the:
 - a. amount of extent of noise and activity generated
 - b. nature and amount of the equipment to be maintained.

In dealing with the above items, the following concepts are to be followed:

- A. Be quite limiting in all respects in the most restrictive residential zone, single family district.
- B. Limit advertising and display in all districts; prohibit entirely in the single family district.
- C. Exclude occupations generally known to be high traffic generators or otherwise offensive in normal residential developments.
- D. Prohibit outside help in the most restrictive residential areas and establish a limit of one additional person in other areas.
- E. Provide general standards as to noise, electrical interference, vibrations, power demands limiting the scale and scope of the home occupations.
- F. Limit the type of exterior structural changes.

Even with the above changes, several items probably have not been resolved to the satisfaction of all parties. Examples of this include:

1. Should extra help be allowed in any of the zoning districts?
2. Is five students at one time too few for the various types of instruction in the arts; specifically in the dance groups (classical and cultural). The latter group feels that the number should be increased to at least 15.

3. Should the entire concept of home occupations be more restrictive than the initial assumptions stated in the first part of this memorandum thus making home occupations even more restrictive and including only professions having very limited exposure to activity generation? An example of this might be permission for engineers, attorneys, etc., and prohibit doctors, dentists, accountants.

RAL:bgs

Attachment

SECTION 28.04.020 Definitions.

Amend to read as follows:

HOME OCCUPATION. See Section 28.04.025.

Add as follows:

SECTION 28.04.025 Home Occupations.

- A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.
- B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by subsection C., within a structure that is accessory to a residential building.
- C. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
1. In all districts permitting dwellings:
 - a. No alteration of the principal residential building or premises shall be made which changes the character or appearance thereof for residential purposes.
 - b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.

Revised 10-12-66

- c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the City Clerk and the enforcing officer, approved by the Metropolitan Area Planning Commission and titled, "Noise Standards for Home Occupations, October, 1966".
 - d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.
2. In the "AA" One Family Dwelling District:
- a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as their residence.
 - b. The home occupation shall be conducted entirely within the principal residential building.
 - c. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.

d. No sign shall advertise the presence or conduct of the home occupation.

3. In all other districts permitting residences:

a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.

b. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.

c. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

d. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections B. and C. of this Section:

1. Personal services, such as dressmakers, seamstresses, tailors, barber shop, beauty shops.
 2. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five pupils at a time.
 3. Ministers, rabbis, priests.
 4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
 5. Office facilities for service-type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors and photographers.
 6. Office facilities for salesman, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
 7. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.
- E. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:
1. Funeral homes.
 2. Nursery schools and day care centers, unless specifically permitted by the district regulations.

Revised 10-12-66

3. Restaurants.
4. Stables, kennels, or animal hospitals.
5. Tourist homes, unless specifically permitted by the district regulations.
6. Renting of trailers, cars or other equipment.
7. Medical or dental clinics or hospitals.
8. Auto and other vehicle repair.

NOISE STANDARDS FOR HOME OCCUPATIONS
OCTOBER 1966

The following noise standards shall be measured with octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6-1960 Preferred Frequencies for Acoustical Measurements) for measuring intensity and frequency of sound using the flat network and fast response of the sound level meter.

| <u>Center Frequency</u> <u>Cycles Per Second</u> | <u>Maximum Permitted Sound</u> <u>Pressure Level, Decibels</u> |
|---|---|
| 31.5 | 65 |
| 63 | 67 |
| 125 | 66 |
| 250 | 59 |
| 500 | 52 |
| 1000 | 46 |
| 2000 | 37 |
| 4000 | 26 |
| 8000 | 17 |

Approved by the Wichita-Sedgwick County Metropolitan Area Planning
Commission on October ____ 1966.

10-12-66

Jack
Lavina's Hair Fashions
3204 E. Harry
Wichita, Kansas 67218

The Wichita - Sedgewick County Metropolitan
Area planning commission
Room 401
City Building Annex
104 South Main
Wichita, Kansas



Dear Sirs,

I wish to express my dislike of your
plans to prohibit beauty parlors in the
home occupations.

These people do no harm to the
larger downtown parlors, and many a wife
and mother would have no means to raise
her family.

This proposed amendment to the Home
occupation is just not a good thing for
the people of this city.

Thank You

Lavina Yoder

*Rediffle + RLC
w/ diff of 27/66*

- c. No more than 25 percent of the area of one story of a single-family dwelling, nor more than 20 percent of the area of any other dwelling unit, shall be devoted to the home occupation; provided, however, that rooms let to roomers are not subject to this limitation.
 - d. No mechanical or electrical equipment other than normal domestic or household equipment shall be used.
 - e. There shall be no outdoor storage of equipment or materials used in the home occupation.
2. In the "AA" One Family Dwelling District:
- a. No ^{person} person other than a member of the immediate family occupying such dwelling unit ^{as their residence,} shall be ~~employed~~ engaged in such home occupation.
 - b. The home occupation shall be conducted entirely within the principal residential building.
 - c. No manufacturing or processing of any sort whatsoever shall be done.
 - d. No sign shall advertise the presence or conduct of the home occupation.
3. In all other districts permitting residences:
- a. No more than one person other than a ^{person(s)} ~~member~~ of the immediate family occupying such dwelling unit shall be employed ^{at their residence}.
 - b. The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.
 - c. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted ~~flush~~ ^{flat against} the main face of the dwelling or building involved.

- D. Particular Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Subsection B. of this Section:
1. Dressmakers, seamstresses, tailors.
 2. Music teachers, provided that instructions shall be limited to five pupils at a time.
 3. Artists, sculptors, and authors or composers and instruction, provided that instruction shall be limited to not more than five pupils at a time.
 4. Office facilities for architects, engineers, lawyers, doctors, dentists, realtors, insurance agents, brokers, service businesses and members of similar professions.
 5. Ministers, rabbis, priests.
 6. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
 7. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment shall be used or employed other than that which would customarily be found in the home. Machinery or equipment which would customarily be found in the home shall include machinery or equipment that would customarily be employed in connection with a hobby or avocation not conducted for gain or profit.
- E. Particular Home Occupations Prohibited. Permitted home occupations shall not in any event be deemed to include:
1. Barber shops and beauty parlors, unless specifically permitted by the district regulations.
 2. Dancing schools.

3. Funeral homes.
4. Nursery schools and day care centers, unless specifically permitted by the district regulations.
5. Restaurants.
6. Stables or kennels.
7. Tourist homes, unless specifically permitted by the district regulations.
8. Renting of trailers, cars or other equipment.
9. Medical or dental clinics or hospitals.
10. Animal kennels or hospitals.

The proposed amendment will then be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at that time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the revised Zoning Resolution will be considered by the Planning Commission as by law provided.

WITNESS MY HAND AND SEAL this 15th day of September, 1966.

C. Bickley Foster, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

() (Published in The Wichita Beacon on September 20, 1966)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that at 2:00 P.M. on October 20, 1966, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, will consider the following proposed change in the text of the Zoning Resolution, Sedgwick County, Kansas:

SECTION 2 - DEFINITIONS

Amend to read as follows:

HOME OCCUPATION: See Section 2-1.

Add as follows:

SECTION 2-1 - HOME OCCUPATIONS

- A. Authorization. Any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.
- B. Definition. A business, profession, occupation or trade conducted for gain or support entirely within a residential building, or, when permitted by Sub-section C, within a structure that is accessory to a residential building.
- C. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 1. In all districts permitting dwellings:
 - a. No stock in trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.
 - b. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.

September 20, 1966

Wichita Board of Realtors
1015-A East 2nd Street
Wichita, Kansas

Subject: Proposed Amendment to the City Zoning
Ordinance and County Zoning Resolution Regarding
Home Occupation Provisions

Gentlemen:

Attached for your information, review and files are copies of the proposed amendment to both the City Zoning Ordinance and County Zoning Resolution regarding home occupations. At the request of several interested citizens who have expressed concern regarding the limitations of the home occupation provisions of both the City Zoning Ordinance and the County Zoning Resolution, the Planning Commission directed the staff to prepare an amendment to both regulations and advertise for public hearing.

This public hearing will be held at 2:00 p.m., October 20, 1966, in Room 401, City Building Annex, 104 South Main St., Wichita, Kansas.

We would appreciate receiving any comments you might have regarding these proposed amendments. Should you need any additional copies or have any questions concerning these amendments, please contact our office.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

Attachment

John Dekker, Director of Law

September 20, 1966

Jack H. Galbraith, Senior Planner

DR 66-29 - Proposed Amendment to the City Zoning Ordinance
regarding Home Occupation Provisions

Attached for your information, review and files is a copy of the proposed amendment to the City Zoning Ordinance regarding home occupations. At the request of Mr. Robert Lamb and other interested citizens who have expressed concern regarding the limitations of the home occupation provisions of both the City Zoning Ordinance and the County Zoning Resolution, the Planning Commission directed the staff to prepare an amendment to both regulations and advertise for public hearing.

This matter is scheduled for public hearing by the Planning Commission at its regular meeting at 2:00 p.m., October 20, 1966.

We would appreciate any comments you might have regarding this proposed amendment to the City Zoning Ordinance. Please contact our office if you have any questions concerning this matter.

JHG:bjg

Attachment

cc: Ralph Wals, Director of Public Works
Glen Lytle, Superintendent of Central Inspection
L. L. Binkley, Maintenance Inspection Supervisor
C. L. McCaig, Construction Inspection Supervisor

September 20, 1966

Mr. Paul Farmer
714 Fabrique
Wichita, Kansas

Subject: DR 66-29 - Proposed Amendment to the
City Zoning Ordinance Regarding Home Occupa-
tion Provisions

Dear Mr. Farmer:

At your request, enclosed is a copy of the proposed amendment to the City Zoning Ordinance regarding home occupations. This matter has been scheduled for public hearing by the Metropolitan Area Planning Commission at 2:00 p.m., Thursday, October 20, 1966, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas.

Please contact our office if you have any questions concerning this matter.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

Attachment

(799) (Published in The Wichita Beacon on September 20, 1966)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on October 20, 1966, at 2:00 p.m., The Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, will consider the following change to Title 28, Code of the City of Wichita, Kansas:

SECTION 28.04.020 Definitions.

Amend to read as follows:

HOME OCCUPATION. See Section 28.04.025.

Add as follows:

SECTION 28.04.025 Home Occupations.

- A. Authorization. Any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.
- B. Definition. A business, profession, occupation or trade conducted for gain or support entirely within a residential building or, when permitted by subsection C. following, within a structure that is accessory to a residential building.
- C. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 1. In all districts permitting dwellings:
 - a. No stock in trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.
 - b. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.

- c. No more than 25 percent of the area of one story of a single-family dwelling, nor more than 20 percent of the area of any other dwelling unit, shall be devoted to the home occupation; provided, however, that rooms let to roomers are not subject to this limitation.
- d. No mechanical or electrical equipment other than normal domestic or household equipment shall be used.
- e. There shall be no outdoor storage of equipment or materials used in the home occupation.

2. In the "AA" One Family Dwelling District:

- a. No person other than a member of the immediate family occupying such dwelling unit shall be employed.
- b. The home occupation shall be conducted entirely within the principal residential building.
- c. No manufacturing or processing of any sort whatsoever shall be done.
- d. No sign shall advertise the presence or conduct of the home occupation.

3. In all other districts permitting residences:

- a. No more than one person other than a member of the immediate family occupying such dwelling unit shall be employed.
- b. The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.
- c. No sign shall be permitted larger than two square feet; provided that it shall not be illuminated and shall be mounted flush to the main face of the dwelling or building involved.

- D. Particular Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Section 28.04.025.B:
1. Dressmakers, seamstresses, tailors.
 2. Music teachers, provided that instructions shall be limited to five pupils at a time.
 3. Artists, sculptors and authors or composers and instruction, provided that instruction shall be limited to not more than five pupils at a time.
 4. Office facilities for architects, engineers, lawyers, doctors, dentists, realtors, insurance agents, brokers, service businesses and members of similar professions.
 5. Ministers, rabbis, priests.
 6. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
 7. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment shall be used or employed, other than that which would customarily be found in the home. Machinery or equipment which would customarily be found in the home shall include machinery or equipment that would customarily be employed in connection with a hobby or avocation not conducted for gain or profit.
- E. Particular Home Occupations Prohibited. Permitted home occupations shall not in any event be deemed to include:
1. Barber shops and beauty parlors, unless specifically permitted by the district regulations.
 2. Dancing schools.

3. Funeral homes.
4. Nursery schools and day care centers, unless specifically permitted by the district regulations.
5. Restaurants.
6. Stables or kennels.
7. Tourist homes, unless specifically permitted by the district regulations.
8. Renting of trailers, cars or other equipment.
9. Medical or dental clinics or hospitals.
10. Animal kennels or hospitals.

The proposed amendments will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the revised Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS MY HAND AND SEAL this 15th day of September,
1966..

C. Bickley Foster, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

September 8, 1966

Mr. Robert Lamb
100 West Aley
Wichita, Kansas

Subject: DR 66-29 - Consideration of request for
amendment to the Home Occupation Provisions of
the City Zoning Ordinance

Dear Mr. Lamb:

At its rescheduled meeting on September 7, 1966, the Metropolitan Area Planning Commission considered your request regarding an amendment to the home occupation provisions of the City Zoning Ordinance. The action of the Planning Commission was to direct the staff to prepare an amendment and advertise for a public hearing.

We will notify you at such time as this amendment is prepared and scheduled for public hearing before the Planning Commission.

If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

cc: Ralph Wuls, Director
Department of Public Works

Glen Lytle, Superintendent
Central Inspection Division

August 19, 1966

TE 85557
Mr. Robert Lamb
100 West Aley
Wichita, Kansas

Subject: DR 66-29 - Consideration of request for
amendment of the Home Occupation Provisions of
the City Zoning Ordinance

Dear Mr. Lamb:

This is to advise you that Case No. DR 66-29 was not considered by the Metropolitan Area Planning Commission on August 18, 1966, as originally scheduled, because a quorum of the members was not present.

This matter will be rescheduled for consideration by the Planning Commission at its next regular meeting on September 1, 1966, at 2:00 p.m.

If you have any questions concerning this matter, please call.

Sincerely,

Robert A. Lakin
Assistant Planning Director

RAL:bgs

cc: Ralph Wulz
Acting City Manager

Glen Lytle, Superintendent
Central Inspection Division
Department of Public Works

August 12, 1966

Ralph Wulz, Acting City Manager

Robert A. Lakin, Assistant Planning Director

Home occupations (File DR 66-29)

As J. I. Marshall has probably advised you, Mr. Lamb, who raised the question on the home occupation provision of our zoning ordinance, contacted him as to what action was being taken. He explained to J. I. that any staff comment would simply be that no action can be taken at this time as we feel the present action is adequate and should probably not be revised without a comprehensive amendment being provided. Attached is a copy of the current definition of home occupation which limits the activity to services and specifically excludes repair, retail, and manufacturing operations. Also included is the section from the new prototypes which we feel will better control home occupations and, perhaps, give better flexibility to people like Mr. Lamb.

You will notice that home occupations are graded as to the zoning district in which they are permitted. If we were to do this to the current ordinance (which could be done) it would involve amending practically every section in the ordinance and creating a brand new section similar to the prototypes. As you will notice, the prototypes make no distinction as to repair or manufacturing, but achieves its limitation in the type of equipment and area used in the dwelling.

As J. I. evidently advised Mr. Lamb that to achieve a policy decision on this matter it would be necessary to submit it to the Planning Commission, he has submitted the attached letter which will be presented to the Planning Commission on August 18. I will make a report similar to this letter to the Planning Commission on that date.

RAL:kkq
cc: Glen Lytle
3 Attachments

August 12, 1966

Mr. Robert Lamb
100 West Aley
Wichita, Kansas

Subject: DR 66-29 - Consideration of request
for amendment of the Home Occupation Provisions
of the City Zoning Ordinance

Dear Mr. Lamb:

We have forwarded copies of your letter to the members of the Metropolitan Area Planning Commission and have placed your request for consideration of an amendment to the Home Occupation provisions of the City Zoning Ordinance on the Planning Commission agenda for August 18, 1966. Attached for your information is a copy of the agenda. If you desire to be heard by the Planning Commission, please be present at that meeting.

If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

cc: Ralph Wulz
Acting City Manager

THE CITY OF WICHITA

OFFICE OF The City Manager

DATE July 28, 1966

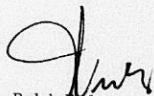
TO C. Bickley Foster, Director of Planning

FROM Ralph Wulz, Acting City Manager

SUBJECT Home Occupation

The members of the City Commission as well as the city staff have received a number of complaints pertaining to the present occupations permitted in a home occupation classification. (Section 28.04.020 of the City Code)

Perhaps consideration should be given by the MAPC to broadening the permitted services provided the restriction as to employees is continued. Please advise.



Ralph Wulz
Acting City Manager

RW:gs





Dear Sirs:

My name is Robert
Frank. I live at 100 W. Alby
I have here at my home
a repair shop, where I
do repairs on Furniture
also upholstering for dealers
I disturb no one as
it is quite work and my
neighbors don't mind my
doing so. I draw a practically
disabled pension from World
War 2. and do this work to
supplement my income
I have done this work
here for some 8 years here
at this address and for
about 15 years in all
I own my own home

I wish to request a hearing
to try to alter the statute
that prohibits a small
repair shop such as mine
to operate, when others
such as beauty shops & barber
shops - saw filing shops ~~etc~~
are allowed.

This statute involves
many citizens in wichita
I know of many elderly
people, ~~see~~ drawing social
~~see~~ security check, that
add to that meager allowance
by doing this type work
in their homes, or
garages
One such person

is the blind man
John Delventhal who
does up hobstery in his
home. There was a
heartwarming story written
about him in the July
14- edition of the Wichita
Eagle. He lives at 1018
S. Elizabeth, also a
residential zone. Should
he be stopped, because
of a law that needs to be
~~broken~~ looked into,
and may be altered
to allow small repair
shops.

I will have to stop
working the 1st of Sept.

unless someone will
help. I don't know
what I will do. I
just can't afford the
high rents they get on
commercial buildings

It seems to me
that as long as my neighbors
don't complain, why then
should the city stop me
from my living

I have a Petition
signed by all my
neighbors for about a
block around.

I hope you will give
this request the utmost
consideration as it does

effect a great many
citizens of our City

respectfully yours
Robert L. Smith

furniture, used appliances, used plumbing, used housewares, used building material or similar display or sale in any business district except as such may otherwise be authorized by the Board of Zoning Appeals or the governing body under an appropriate section of the [local code or ordinance.]

PART 3. HOME OCCUPATIONS.

COMMENT: Part 3 of Article 6 defines the term "home occupations" and enumerates particular permitted home occupations. It also specifically prohibits certain uses as home occupations. In some instances, such as barber shops and beauty parlors, the ordinance leaves it open for those home occupations to be specifically permitted in particular residential districts while excluding them from other residential zones. The limitations on home occupations in the three exclusively single-family residence districts are more restrictive than the limitations in the other residential districts.

Part or all of the regulations provided in Part 3 of Article 6 should be incorporated in any zoning ordinance based on this prototype ordinance. The extent to which the home occupation provisions of the prototype are incorporated in any particular zoning ordinance will depend partly upon the zoning districts which are utilized and partly upon consideration of municipal policy with respect to home occupations. As to the latter, it is generally true that residents of rural areas will tolerate less restrictive regulations of home occupations than will residents of urban, and especially suburban areas.

6-301. Authorization. Any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.

6-302. Definition. A business, profession, occupation or trade conducted for gain or support entirely within a residential building, or, when permitted by Section 6-303, within a structure that

is accessory to a residential building.

6-303. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

(A) In the A-1 District and in all Residence Districts:

(1) No stock in trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

(2) No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.

(3) No more than 25% of the area of one story of a single-family dwelling, nor more than 20% of the area of any other dwelling unit, shall be devoted to the home occupation, provided, however, that rooms let to roomers are not subject to this limitation.

(4) No mechanical or electrical equipment other than normal domestic or household equipment shall be used.

(5) There shall be no outdoor storage of equipment or materials used in the home occupation.

(B) In the R-1, R-2 and R-3 Residence Districts:

(1) No person other than a member of the immediate

family occupying such dwelling unit shall be employed.

- (2) The home occupation shall be conducted entirely within the principal residential building.
 - (3) No manufacturing or processing of any sort whatsoever shall be done.
 - (4) No sign shall advertise the presence or conduct of the home occupation.
- (C) In all other Residence Districts:
- (1) No more than one person other than a member of the immediate family occupying such dwelling unit shall be employed.
 - (2) The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.
 - (3) No sign shall be permitted other than those permitted by the applicable regulations in Article 7.

6-304. Particular Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations, provided, however, that each listed occupation shall be subject to the requirements of Section 6-302:

- (A) Dressmakers, seamstresses, tailors.
- (B) Music teachers, provided that instructions shall be limited to one pupil at a time, except for occasional groups.
- (C) Artists, sculptors and authors or composers.

- (D) Office facilities for architects, engineers, lawyers, realtors, insurance agents, brokers and members of similar professions.
- (E) Ministers, rabbis, priests.
- (F) Office facilities for salesmen, sales representatives, manufacturers representatives, when no retail or wholesales are made or transacted on the premises.
- (G) Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc. provided that no machinery or equipment shall be used or employed, other than that which would customarily be found in the home. Machinery or equipment which would customarily be found in the home shall include machinery or equipment that would customarily be employed in connection with a hobby or avocation not conducted for gain or profit.
- (H) Day Care Homes and Boarding Homes for Children.

6-305. Particular Home Occupations Prohibited. Permitted home occupations shall not in any event be deemed to include:

- (A) Barber shops and beauty parlors, unless specifically permitted by the district regulations.
- (B) Dancing schools.
- (C) Funeral homes.
- (D) Nursery schools and day care centers, unless specifically permitted by the district regulations.
- (E) Restaurants.
- (F) Stables or kennels.
- (G) Tourist homes, unless specifically permitted by the

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district regulations.

- (H) Renting of trailers.
- (I) Medical or dental clinics or hospitals.
- (J) Animal kennels or hospitals.

OCTOBER 16, 1962

GLEN E. LYTLE
SUPERINTENDENT OF CENTRAL INSPECTION
ROBERT A. LAKIN
SENIOR PLANNER

HOME OCCUPATIONS

I BELIEVE THE MEMORANDUM OUTLINING YOUR POLICY ON ENFORCEMENT ON "HOME OCCUPATIONS" IS REASONABLE AND SATISFACTORY FROM THE STANDPOINT OF THE PLANNING DEPARTMENT. THIS IS, OF COURSE, BASED ON THE EXISTING ORDINANCE AND DOES NOT NECESSARILY REFLECT MY POSITION OR THE DEPARTMENT'S POSITION AS TO WHAT WOULD PROPERLY CONSTITUTE A HOME OCCUPATION.

ITEM 3 DOES CONTAIN A SLIGHT CONTRADICTION RELATIVE TO "TRUCKS". I THINK THIS SHOULD BE REPHRASED PRIOR TO THIS POLICY STATEMENT BEING MADE AVAILABLE TO THE GENERAL PUBLIC.

ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION DIVISION

DATE October 12, 1962

TO Bob Lakin, Planning Department

FROM Glen E. Lytle, Superintendent of Central Inspection

SUBJECT Home Occupations

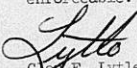
As per our conversation the following is the basic policy we will be enforcing concerning "Home Occupations".

1. Include all occupations and professions as stated in the ordinance and those directly related.
2. Any individual performing a personal service not involving the use of another person or outside agency. In other words when the entire business or operation is performed by the individual or persons living in the residence and does not have any employee working either for a salary or commission or at any time reporting to that address for instructions, materials or merchandise.

This would include occupations and professions with an office only and not stocking materials, supplies, merchandise, or equipment such as accountants, architects, engineers, delineators, detectives, bondsmen, professional consultants, factory representatives and salesmen, insurance men, realtors, professional teachers and instructors when classes are limited to one student at a time, and trash haulers when limited to one four wheel truck parked at the address.

3. Any contractor, only when material, equipment, trucks, etc., are not kept on the premises and not more than one truck be parked at the residence. No work of any kind to be performed on the premises.
4. We would not include any manufacturing business, retail business or repair business as set forth in the ordinance.

Please review this matter as soon as possible as we are obtaining many businesses through the Business License Survey and a policy must be established that is enforceable.


Glen E. Lytle
Superintendent of Central Inspection

CEL:mm1

JERRY I. GRIFFITH
ATTORNEY AT LAW

JULY 10, 1959

ROY LITTLE
METROPOLITAN PLANNING COMMISSION
CITY HALL ANNEX
WICHITA 2, KANSAS

RE: HOME OCCUPATION

DEAR ROY:

FOLLOWING IS A DEFINITION OF HOME OCCUPATION WHICH I READ
TO YOU OVER THE TELEPHONE, TO-WIT:

HOME OCCUPATION: A GAINFUL OCCUPATION CONDUCTED BY RESI-
DENT MEMBERS OF THE FAMILY ONLY, WITHIN THEIR PLACE OF
RESIDENCE, PROVIDED THAT THE SPACE USED FOR THE CONDUCT
OF SUCH HOME OCCUPATION IS INCIDENTAL TO RESIDENTIAL USE
AND REQUIRES NO STRUCTURAL CHANGE IN THE RESIDENCE AND
THAT NO ARTICLE IS SOLD OR OFFERED FOR SALE ON THE
PREMISES EXCEPT SUCH AS IS PRODUCED BY SUCH OCCUPATION
AND NO STOCK IS KEPT OR SOLD AND NO MECHANICAL OR ELECT-
RONIC EQUIPMENT OTHER THAN SUCH AS IS PERMISSABLE FOR
DOMESTIC USE IS INSTALLED, PROVIDED NO SIGNS ADVERTISING
THE HOME OCCUPATION MAY BE ERECTED ON THE PREMISES OTHER
THAN NAME PLATES.

YOURS VERY TRULY,

JERRY I. GRIFFITH
ATTORNEY AT LAW

JLG:LMM

REPORT ON

HOME OCCUPATIONS

Lee - discard
Jack

TOWN PLANNING DEPARTMENT
CORPORATION OF THE
DISTRICT OF KITIMAT
MARCH 1958

SUMMARY

1. FROM THE OPENING PARAGRAPHS OF THIS REPORT IT CAN BE SEEN THAT THE PRESENT SYSTEM OF REQUIRING A PERMIT FOR EACH HOME OCCUPATION IS TIME-CONSUMING AND SOMEWHAT INCONSISTENT. OTHER NORTH AMERICAN ORDINANCES HAVE BEEN EXAMINED DURING THE COMPILATION OF THE REPORT, BUT THE PROVISIONS CONTAINED IN THEM CANNOT BE APPLIED TO AN ENTIRELY DIFFERENT TYPE OF COMMUNITY, SUCH AS KITIMAT. IN THE EXERCISING OF REASONABLE CONTROL OVER SUCH OCCUPATIONS, LOCAL CONDITIONS AND MEANS OF LAW ENFORCEMENT DIFFER FROM CITY TO CITY. IN THE PROPOSED REVISION OF THE ZONING REGULATIONS AN ATTEMPT HAS BEEN MADE TO CLARIFY THE WORDING AND A CLAUSE HAS BEEN INTRODUCED BANNING RETAIL BUSINESSES IN DWELLING UNITS. IT IS RECOMMENDED THAT SPECIAL USE PERMITS NO LONGER BE REQUIRED FOR HOME OCCUPATIONS BUT THAT THEIR CONTROL BE A MATTER FOR ROUTINE MUNICIPAL ADMINISTRATION.

2. THE RECOMMENDED REGULATIONS FOR THE CONTROL OF HOME OCCUPATIONS ARE SET FORTH ON PAGE B AND AN EXPLANATION OF THESE REGULATIONS WILL BE FOUND ON PAGE A.

HOME OCCUPATIONS IN KITIMAT

3. BETWEEN APRIL 1955 AND FEBRUARY 1958 THE MUNICIPALITY PROCESSED ONE HUNDRED AND TWENTY-THREE APPLICATIONS FOR HOME OCCUPATION SPECIAL USE PERMITS. OF THESE THIRTY-THREE WERE REQUESTS FOR RENEWAL PERMITS WHICH ARE PROCESSED IN EXACTLY THE SAME WAY AS AN ORIGINAL APPLICATION. SIX APPLICATIONS ARE KNOWN TO HAVE BEEN DENIED (THERE MAY HAVE BEEN OTHERS BUT DETAILED RECORDS ARE NOT AVAILABLE FOR 1955) AND FIVE OF THE PERMITS GRANTED WERE NEVER TAKEN UP BY THE APPLICANTS. THE HOME OCCUPATIONS FOR WHICH PERMITS WERE IN EFFECT OR WERE BEING SOUGHT AT THE BEGINNING OF THIS YEAR COMPRISED THE FOLLOWING ACTIVITIES:

| | <u>IN EFFECT</u> | <u>FOR RENEWAL</u> | <u>NEW APPLICATIONS</u> |
|--|------------------|--------------------|-------------------------|
| GIFTWARE, HANDICRAFTS, ART AND HOBBY SUPPLIES | 4 | 1 | - |
| DRESSMAKING, TAILORING, UPHOLSTERY | 3 | 1 | - |
| Misc. SERVICES (TYPEWRITER REPAIRS, SIGN-PAINTING, COBBLER, CAR-WASHING, ELECTRICAL REPAIRS) | 3 | 1 | 1 |
| MUSIC LESSONS | 2 | 1 | - |
| AGENTS - SPIRELLA, WATKINS PRODUCTS, LAUNDRY BLEACH | 2 | 1 | - |
| HAIRDRESSING | - | 2 | 1 |
| STENOGRAPHY SERVICES | - | 2 | - |
| HOME CATERING | - | 1 | 1 |
| HOME LAUNDRY | - | 1 | 1 |
| MAKING AND REPAIRING DENTURES | 1 | - | - |
| GENERAL MEDICAL PRACTITIONER | 1 | - | - |
| FINANCE COMPANY | 1 | - | - |
| SALE OF FLOWER BULBS | 1 | - | - |
| FIELD SURVEY OFFICE | 1 | - | - |
| MAKING AND SELLING RUBBER STAMPS | 1 | - | - |
| PHOTOGRAPHY | - | 1 | - |

FOR A LIST OF HOME OCCUPATIONS FOR WHICH PERMITS HAVE BEEN SOUGHT SINCE APRIL 1955, SEE APPENDIX 'A'.

4. THE AVERAGE APPLICATION FOR A HOME OCCUPATION PERMIT INVOLVES THE MINISTRATIONS OF TWENTY PUBLIC SERVANTS BETWEEN THE TIME THE APPLICANT TELEPHONES THE MUNICIPAL OFFICES TO FIND OUT HOW HE SHOULD APPLY AND THE NOTIFICATION THAT A PERMIT HAS BEEN GRANTED. AFTER ALL THIS EFFORT, PERHAPS TO ALLOW A HOUSEWIFE TO MAKE ARTIFICIAL FLOWERS ON HER KITCHEN TABLE, THE MUNICIPALITY MAY COLLECT A LICENCE FEE OF ONLY \$2.50 OR THE APPLICANT MAY DECIDE NOT TO TAKE OUT A LICENCE.

5. LADIES GIVING PIANO LESSONS, BAKING CAKES AND MAKING PAPER FLOWERS IN THEIR HOMES DO SO UNDER SPECIAL USE PERMIT AND PAY AN ANNUAL LICENCE FEE OF \$5.00. LIFE INSURANCE AGENTS AND BUILDING CONTRACTORS WITH NO BUSINESS ADDRESS OTHER THAN THEIR RESIDENCES ARE NOT REQUIRED TO SEEK A PERMIT BUT PAY AN ANNUAL LICENCE FEE OF \$100.00. SEVERAL JANITOR SERVICES OPERATE FROM HOMES IN KILDALA NEIGHBOURHOOD; IT SEEMS ABSURD THAT THEY SHOULD OBTAIN A

SPECIAL USE PERMIT (AND THEY DO NOT) TO KEEP AN EXTRA PAIL AND MOP BEHIND THE KITCHEN DOOR, YET THEIR MONTHLY INCOMES MAY WELL EXCEED THAT OF THE LADY WHO MAKES SHELL JEWELLERY AND CROCHET MATS IN HER HOME ON FULMAR STREET AND WHO CONSCIENTIOUSLY RENEWS HER PERMIT EVERY SIX MONTHS.

6. DURING THE LICENCING PERIOD WHICH ENDED ON 15TH JANUARY 1958 THE MUNICIPALITY ISSUED 348 TRADES LICENCES. NINETY-ONE OF THE LICENCE HOLDERS HAVE NO PLACE OF BUSINESS OTHER THAN THEIR HOMES. THIRTY-SEVEN OF THEM HOLD HOME OCCUPATION PERMITS OR HAVE SUBMITTED APPLICATIONS FOR CONSIDERATION.

CONTROL OF HOME OCCUPATIONS IN OTHER CITIES

7. IN A REPORT ON THE ZONING REGULATION OF HOME OCCUPATIONS PUBLISHED BY THE AMERICAN SOCIETY OF PLANNING OFFICIALS AND BASED ON A SURVEY OF ZONING ORDINANCES REPRESENTATIVE OF THE UNITED STATES AND CANADA, IT WAS STATED THAT "MOST COMMUNITIES ALLOW ALL HOME OCCUPATIONS IN ALL RESIDENCE DISTRICTS". SOME COMMUNITIES, HOWEVER, HAD ADOPTED ORDINANCES WHICH SPECIFIED CERTAIN OCCUPATIONS AS BEING PERMITTED WHILE OTHERS WERE PROHIBITED AND THESE EXHIBITED A WIDE AREA OF AGREEMENT. THE PROFESSIONS (ARCHITECTS, DOCTORS, ARTISTS, LAWYERS, ETC.) WERE ALLOWED IN NEARLY ALL CASES - THOUGH NOT ALWAYS IN EVERY RESIDENTIAL DISTRICT - AND THERE WAS GENERAL AGREEMENT THAT DRESSMAKING, MILLINERY, HOME COOKING AND SIMILAR DOMESTIC CRAFTS WERE ACCEPTABLE.

8. VARIOUS ORDINANCES PERMITTED HOME OCCUPATIONS IN SOME BUT NOT ALL RESIDENCE DISTRICTS: OTHERS ESTABLISHED DISTINCTIONS BETWEEN DIFFERENT TYPES OF OCCUPATIONS, ALLOWING SOME ONLY IN CERTAIN ZONES. SUCH

VARIATIONS WERE NOT COMMON, HOWEVER, AND IN THE GREAT MAJORITY OF ORDINANCES THE RESTRICTIONS PLACED ON HOME OCCUPATIONS AS WELL AS THE SPECIFICATION OF PERMITTED OCCUPATIONS REMAINED THE SAME THROUGHOUT ALL THE RESIDENTIAL ZONES OF THE COMMUNITY. SLIGHTLY FEWER THAN HALF THE ORDINANCES EXAMINED CONTAINED PROVISIONS LIMITING THE AMOUNT OF SPACE IN A HOUSE WHICH COULD BE DEVOTED TO A HOME OCCUPATION, BUT MOST OF THEM REGULATED IN SOME FASHION THE USE OF MECHANICAL EQUIPMENT EITHER BY BANNING ANYTHING OTHER THAN NORMAL HOUSEHOLD APPLIANCES OR BY IMPOSING SPECIFIC POWER LIMITATIONS. OVER HALF THE ORDINANCES FORBID THE EMPLOYMENT OF ANY PERSON OTHER THAN A MEMBER OF THE IMMEDIATE FAMILY, MOST ALLOWED NO USE OF ACCESSORY BUILDINGS, ONE THIRD REQUIRED THAT NO STOCK BE KEPT OR COMMODITIES SOLD ON THE PREMISES, THE DISPLAY OF GOODS WAS GENERALLY PROHIBITED, AND MOST ORDINANCES REGULATED THE SIZE AND TYPE OF SIGN WHICH COULD BE DISPLAYED.

9. FOR EXAMPLE, SUBJECT TO THE ISSUE OF A DEVELOPMENT PERMIT GRANTED BY THE TECHNICAL PLANNING BOARD, THE CITY OF VANCOUVER ALLOWS HOME OCCUPATIONS IN ALL RESIDENTIAL DISTRICTS PROVIDED THAT THERE IS NOTHING TO INDICATE FROM THE EXTERIOR THAT THE BUILDING IS BEING USED OTHER THAN AS A DWELLING, THAT THERE IS NO COMMODITY SOLD UPON THE PREMISES, AND THAT NO PERSON OTHER THAN ONE MEMBER OF THE IMMEDIATE FAMILY ENGAGES IN SUCH CRAFT OR OCCUPATION. A SIMILARLY WORDED ORDINANCE IN KITIMAT COULD ELIMINATE OVER HALF OF THE EXISTING HOME OCCUPATIONS IF 'COMMODITY' WERE INTERPRETED TO INCLUDE HAND-CRAFTED JEWELLERY, HOMEBAKED PIES AND HOMEMADE DRESSES. IT IS NOT KNOWN WHETHER A PHOTOGRAPHER PROCESSING A ROLL OF FILM AND HANDING OVER SOME PRINTS OR A DOCTOR GIVING AN INJECTION TO A PRIVATE PATIENT

WOULD BE CONSIDERED TO HAVE SOLD A COMMODITY. IF AN ITEM IS COLLECTED BY A PURCHASER AND SUBSEQUENTLY PAID FOR BY CHEQUE THROUGH THE MAIL, HAS A COMMODITY BEEN SOLD UPON THE PREMISES ? SUCH A RESTRICTION SEEMS DIFFICULT TO DEFINE AND TO ENFORCE.

CRITERIA FOR HOME OCCUPATIONS

10. THE A.S.P.O. REPORT FOUND GENERAL AGREEMENT THAT TO QUALIFY AS A PERMITTED HOME OCCUPATION AN ENTERPRISE MUST SATISFY CERTAIN CRITERIA: IT MUST BE CUSTOMARY, IT MUST BE INCIDENTAL TO THE PRINCIPLE USE OF THE PREMISES AS A DWELLING, AND IT MUST NOT BE A BUSINESS. AS THESE CRITERIA FORMED THE BASIS OF ALMOST ALL THE REGULATIONS STUDIED IT MAY BE AS WELL TO EXAMINE THEM BEFORE ATTEMPTING TO APPLY THEM TO THE PROBLEM IN KITIMAT.

11. CUSTOMARY. TRADITIONAL ACCEPTANCE IS USUALLY CONSIDERED FUNDAMENTAL TO A DEFINITION OF HOME OCCUPATIONS, AND THOSE ENTERPRISES WHICH CUSTOMARILY HAVE BEEN GIVEN APPROVAL WHEN CONDUCTED IN THE HOME ARE THE PROFESSIONS AND CERTAIN DOMESTIC OCCUPATIONS. DECISIONS ON WHAT IS CONSIDERED CUSTOMARY WILL, OF COURSE, VARY IN THE LIGHT OF LOCAL CONDITIONS.

12. INCIDENTAL. A RESIDENTIAL DISTRICT IS ESTABLISHED IN A ZONED COMMUNITY TO PROTECT AND ENCOURAGE THE USE OF THE LAND FOR RESIDENTIAL PURPOSES. TO BE PERMISSIBLE, ANY OTHER USE MUST PROVE THAT ITS EXISTENCE IN THE DISTRICT WILL NOT BE CONTRARY TO THE SPIRIT AND INTENT OF THE ORDINANCE. ONE ASPECT OF THIS PROOF IS THE DEMONSTRATION THAT THE NON-RESIDENTIAL USE IS NOT THE PRIMARY USE OF THE PROPERTY - THAT IT IS MERELY INCIDENTAL. THUS IF A PROFESSIONAL MAN

WERE TO BUILD A HOUSE DESIGNED SPECIFICALLY TO ACCOMMODATE AN ARCHITECTURAL DRAUGHTING OFFICE OR A DENTAL SURGERY, THEN THE USE COULD HARDLY BE CONSIDERED INCIDENTAL.

13. NOT A BUSINESS. BUSINESSES, AS DISTINCT FROM PROFESSIONAL SERVICES AND THE PRACTICE OF HOME CRAFTS, ARE NEARLY ALWAYS PROHIBITED IN RESIDENTIAL DISTRICTS. THE PHYSICAL CHARACTERISTICS OF THESE THREE CLASSES OF OCCUPATIONS ARE A BASIS FOR DISCRIMINATING AMONG THEM FOR COMMERCIAL OR INDUSTRIAL BUSINESSES OFTEN PRODUCE CONDITIONS WHICH MAKE THEM UNDESIRABLE IN A RESIDENTIAL NEIGHBOURHOOD - TRAFFIC, NOISE, DIRT, LITTER AND ODOUR. HOW THRIVING A ONE-MAN ENTERPRISE MUST BE BEFORE IT CAN BE CLASSIFIED AS A BUSINESS IS OPEN TO DEBATE FOR NO CONVENIENT YARDSTICK EXISTS.

14. IN APPLYING THESE THREE CRITERIA TO THE PROBLEM OF HOME OCCUPATIONS IN KITIMAT, ALL THE PRESENTLY AUTHORISED OCCUPATIONS APPEAR TO BE INCIDENTAL, ABOUT ONE QUARTER OF THEM ARE CUSTOMARY AND OVER HALF MIGHT BE CLASSIFIED AS BUSINESSES. AS YET THE BUSINESSES ARE SMALL - TOO SMALL TO BE ABLE TO OPERATE IN EXISTING RENTAL PREMISES. SINCE THERE IS NO DEPRECIATED PROPERTY IN KITIMAT AND NO SMALL, CHEAP RENTAL ACCOMMODATION THERE IS NOWHERE FOR A SMALL TRADER TO START A BUSINESS EXCEPT IN HIS HOME. THREE APPLICANTS FOR HOME OCCUPATION PERMITS STATE THAT THEY HAVE MADE REPEATED ATTEMPTS TO OBTAIN COMMERCIAL PREMISES FROM THE LAND DEVELOPER BUT HAVE BEEN TOLD THAT NO SPACE CAN BE MADE AVAILABLE FOR THEIR PARTICULAR ENTERPRISE. ARE THERE PERHAPS REASONS WHY, IN KITIMAT, A ONE-MAN BUSINESS MIGHT FOR A FEW YEARS BE CONSIDERED A CUSTOMARY HOME OCCUPATION ?

PROPOSED REVISION OF KITIMAT'S HOME OCCUPATION REGULATIONS

15. THAT SECTION OF KITIMAT'S REGULATIONS WHICH DEALS WITH HOME OCCUPATIONS IS LESS RESTRICTING THAN A NUMBER WHICH HAVE BEEN EXAMINED. IT IS ALSO SOMEWHAT VAGUE AND POSSIBLY WORDY. SUB-SECTION (c), FOR EXAMPLE, STIPULATES THAT A HOME OCCUPATION SHALL PRODUCE NO OFFENSIVE NOISE, TRAFFIC, VIBRATION, SMOKE, DUST, ODOUR, HEAT, GLARE OR ELECTRICAL INTERFERENCE. IT IS NOT CLEAR WHETHER THE ADJECTIVE "OFFENSIVE" REFERS ONLY TO NOISE OR WHETHER IT QUALIFIES THE OTHER NOUNS TOO. DOES HOME BAKING CREATE AN OFFENSIVE SMELL: AND IS ELECTRICAL INTERFERENCE EVER INOFFENSIVE ? MUST A HOME OCCUPATION GENERATE NO TRAFFIC AT ALL, OR IF THIS IS AN INCORRECT READING OF THE PROVISION HOW MUCH TRAFFIC DOES IT TAKE BEFORE OFFENCE IS CAUSED ? ONE OF THE ORDINANCES STUDIED REQUIRED THAT "THE PARKING OF AUTOMOBILES CAUSED BY SUCH USE (HOME OCCUPATION) DOES NOT UNDULY INTERFERE WITH THE PUBLIC USE OF ADJOINING STREETS OR ALLEYS". THIS SEEMS A REASONABLE RESTRICTION, BUT IDEAS WILL STILL VARY AS TO WHAT CONSTITUTES UNDUE INTERFERENCE. PROVISOS AND LIMITATIONS WHICH ARE DIFFICULT TO DEFINE AND ENFORCE CONTRIBUTE LITTLE TO AN EFFECTIVE ORDINANCE. A PROPOSED REVISION OF THOSE PARTS OF THE KITIMAT MUNICIPAL CODE WHICH DEAL WITH HOME OCCUPATIONS IS ATTACHED TO THIS REPORT.

ADMINISTRATION

16. THE ADMINISTRATION OF THE REVISED ORDINANCE WILL BE CLOSELY TIED TO THE ISSUE OF A TRADE OR PROFESSIONAL LICENCE AND SHOULD NOT PROVE UNWIELDY. BEFORE ANY TRADE OR PROFESSIONAL LICENCE IS ISSUED, THE LICENCE INSPECTOR IS ALREADY REQUIRED TO "SATISFY HIMSELF THAT THE USE FOR WHICH THE LICENCE IS SOUGHT DOES NOT VIOLATE ANY OF THE PROVISIONS OF THE CODE", AND TO APPROVE THE PREMISES IN WHICH THE OCCUPATION IS TO BE CARRIED ON.

- 8 -

LICENCES FOR ACTIVITIES TO BE CARRIED ON IN PRIVATE HOMES COULD IN FUTURE HAVE THE CONDITIONS OF ISSUE TYPED ON THE REVERSE SIDE SO THAT THE HOLDER IS FULLY AWARE OF THOSE CONDITIONS AND CANNOT AT SOME FUTURE DATE PLEAD IGNORANCE OF THEIR EXISTENCE. A LIST OF HOME OCCUPATION LICENCES CIRCULATED MONTHLY WOULD PROVIDE THE PLANNING, BUILDING AND FIRE DEPARTMENTS AND THE MEDICAL HEALTH OFFICER WITH A CURRENT RECORD OF ALL RESIDENTIAL PREMISES USED OTHER THAN AS DWELLINGS SO THAT THEY MIGHT CARRY OUT ANY INSPECTIONS THEY DEEMED NECESSARY.

PREPARED BY:
G.E. CAMPION
RESEARCH ASSISTANT

REVIEWED AND APPROVED BY:
EDMUND T. AMES
ACTING PLANNING DIRECTOR

HOME OCCUPATIONS FOR WHICH PERMITS HAVE BEEN SOUGHT: APRIL 1955 - FEBRUARY 1958

BEAUTY SALON
 AUTO AND TOOL ACCESSORIES AGENT
 REPAIR OF ELECTRICAL APPLIANCES
 CATERING AND CAKE DECORATING
SELLING GERMAN MAGAZINES
 WATKINS PRODUCTS AGENCY
 SIGN PAINTING
SELLING CANNED FISH & SPECIAL GROCERIES
SELLING KNITTING WOOL AND PATTERNS
 OPERATING A FINANCE COMPANY
 FULLER BRUSH AGENT
 DRESSMAKING AND SALE OF MATERIALS
 SEWING MACHINE AGENCY
 DEVELOPING AND PRINTING FILMS
 MAKING AND SELLING DOUGHNUTS
SALE AND REPAIR OF WATCHES
 MANICURE AND FACIAL MASSAGE
 DEVELOPING AND PRINTING FILMS
 BUILDER'S OFFICE
 NEWS AGENCY
USED CAR BUSINESS
 MUSIC LESSONS AND SALE OF INSTRUMENTS *
STORAGE AND SALE OF PLANT BULBS *
SELLING ART AND HOBBY SUPPLIES *
 BUSINESS OFFICE FOR BAKERY
 MAKING DENTURES AND DENTAL REPAIRS
 SELLING RADIOS
 PIANO LESSONS *
 TAKING, DEVELOPING & PRINTING PHOTO-
 GRAPHS *
 CLOTHING ALTERATIONS AND SELLING SEWING
 MACHINES
 RADIO REPAIR SERVICE
 MAKING AND SELLING GIFT-WARE
 REPAIR AND REMODELLING OF FUR COATS
 HOME CATERING
 STENOGRAPHY SERVICE
 STENOGRAPHY SERVICE
 STENOGRAPHY SERVICE
 MAKING AND SELLING RUBBER STAMPS
 DRESSMAKING AND SALE OF MATERIAL *
 WATKINS PRODUCTS AGENCY *
 PIANO LESSONS
 BOOK-KEEPING SERVICE *
 MAKING AND REPAIRING DENTURES *
 SIGN PAINTING *
 MUSIC LESSONS AND SALE OF INSTRUMENTS *
SELLING ART AND HOBBY SUPPLIES *
 GENERAL MEDICAL PRACTITIONER

SELLING ART AND HOBBY SUPPLIES
 MUSIC LESSON AND SALE OF INSTRUMENTS
STORAGE AND SALE OF PLANT BULBS
 PIANO LESSONS
 STENOGRAPHY SERVICE
SALE AND REPAIR OF TYPEWRITERS
 MAKING AND SELLING MATERNITY AND
 BABY WEAR
 DEVELOPING AND PRINTING FILMS
 OPTICAL DISPENSING AND REPAIRS
 ARCHITECTURAL OFFICE
 DRESSMAKING
SELLING ART AND HOBBY SUPPLIES *
 CREDIT UNION OFFICE
 STORING DOMESTIC FIRE EXTINGUISHERS
 CAR POLISHING
 FIELD SURVEY OFFICE
 LENDING LIBRARY
 BEAUTY SALON *
 BOOKKEEPING SERVICE
 SIGN PAINTING *
 RAWLEIGH PRODUCTS AGENCY
 DRESSMAKING AND ALTERATIONS
SELLING HI-FI EQUIPMENT
 OPERATING FINANCE COMPANY *
 MAKING AND SELLING ARTIFICIAL FLOWERS
 REPAIRING BICYCLES AND SELLING SPARE
 PARTS
 BEAUTY SALON
 DRESSMAKING
 CLOTHING REPAIRS
 HAIRDRESSING
 HOME LAUNDRY SERVICE
 STORAGE AND SELLING OF LAUNDRY BLEACH
 PIANO LESSONS
 SHOE REPAIRING
 WHOLESALE GIFTWARE BUSINESS
 SHOE REPAIRING
 SHOE REPAIRING
 UPHOLSTERING
 CAR CLEANING SERVICE *
 FIELD SURVEY OFFICE *
 SHOE REPAIRING
SALE OF PLANT BULBS *
 MAKING AND SELLING ARTIFICIAL FLOWERS *
 OPERATING FINANCE COMPANY *
SELLING HOBBY SUPPLIES
SELLING AND REPAIRING TYPEWRITERS *
SELLING CHINESE GIFTWARE

REPAIRING AND REMODELLING FURS
DRESSMAKING AND TAILORING
HOME CATERING
PIANO LESSONS
SELLING HOMEMADE GIFTWARE *
USE DWELLING AS CHURCH & PARSONAGE
WELDING BUSINESS
STENOGRAPHY SERVICE *
PIANO LESSONS *
HOME CATERING *
STORAGE AND SALE OF LAUNDRY BLEACH *
RETAILING GIFTWARE
HAIRDRESSING *
RETAILING COFFEE AND TEA
HAIRDRESSING
BOOKKEEPING SERVICE

SPIRELLA AGENT
WASHING AND IRONING
ELECTRICAL APPLIANCE REPAIRS
HOME LAUNDRY (SHIRTS) *
DRESSMAKING *
RETAIL SALE OF LADIES WEAR
STENOGRAPHY SERVICE *
MAKING AND SELLING RUBBER STAMPS *
DRAUGHTING AND SIGNWRITING
TAKING, PRINTING AND DEVELOPING
PHOTOGRAPHS *
HAIRDRESSING *
TAKING, PRINTING AND DEVELOPING
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* APPLICATIONS FOR RENEWAL

THOSE OCCUPATIONS UNDERLINED WOULD NOT COMPLY WITH THE PROPOSED REVISION TO
THE BY-LAW AS THE ACTIVITIES ENTAIL SELLING FROM THE DWELLING GOODS BOUGHT
AT WHOLESALE PRICES.

HOME OCCUPATION REGULATIONS

- PAGE: A. EXPLANATION OF PROPOSED HOME OCCUPATION AMENDATORY BY-LAW
- B. RECOMMENDED REGULATIONS
- C. EXISTING REGULATIONS
- D. PROPOSED REVISIONS TO EXISTING REGULATIONS

EXPLANATION OF PROPOSED AMENDATORY BY-LAW FOR HOME OCCUPATIONS:

1. THE PROPOSED AMENDATORY BY-LAW ENCOURAGES THOSE HOME OCCUPATIONS WHICH CAN BE PERFORMED IN A RESIDENTIAL AREA WITHOUT AFFECTING THE CHARACTER OF THE NEIGHBOURHOOD. IT ALLOWS FOR THE ESTABLISHMENT OF LOCAL PROFESSIONS, TRADES, CRAFTS AND SERVICES WHICH, IF EXCLUDED FROM THE RESIDENTIAL AREAS, COULD PROBABLY NOT OTHERWISE OPERATE IN KITIMAT.

2. THE PROPOSED AMENDATORY BY-LAW DOES NOT ALLOW RETAIL TRADE WITHIN THE NEIGHBOURHOOD, BECAUSE WE FEEL THAT TO ALLOW RETAIL TRADE (WITH ITS DEPENDENCY ON ATTRACTING CUSTOMERS AND TRAFFIC) WILL INEVITABLY DESTROY THE CHARACTER OF THE NEIGHBOURHOOD AS A RESIDENTIAL AREA. IF SMALL LOCAL RETAIL TRADES ARE TO BE ENCOURAGED AND ESTABLISHED IN KITIMAT, IT IS IMPERATIVE THAT AN AREA BE PROVIDED FOR THEM. AN "INCUBATOR BUILDING" OR "BAZAAR TYPE" UNIT OR UNITS MIGHT WELL BE THE LOGICAL SOLUTION.

3. THE PURPOSE OF THE AMENDATORY BY-LAW IS NOT TO REGULATE THE PROFESSION, TRADE, CRAFT OR SERVICE ITSELF, SINCE THIS CONTROL IS A FUNCTION UNDER THE LICENCING REGULATIONS. THE PURPOSE OF THIS AMENDATORY BY-LAW IS TO MAKE CERTAIN THAT THE HOME OCCUPATION DOES NOT IN ANY WAY DESTROY THE CHARACTER OR DIMINISH THE AMENITIES OF THE NEIGHBOURHOOD AS A RESIDENTIAL AREA.

4. THE PURPOSE OF THE AMENDATORY BY-LAW IS TO RESTRICT THE HOME OCCUPATION SO THAT IT DOES NOT INTERFERE WITH THE PRIMARY FUNCTION OF THE DWELLING AS A RESIDENCE; I.E. THAT THE DWELLING DOES NOT BECOME A "BUSINESS PLACE" WITH SECONDARY LIVING QUARTERS.

A.

RECOMMENDED HOME OCCUPATION REGULATIONS - KITIMAT MUNICIPAL CODE

HOME OCCUPATIONS:

"HOME OCCUPATION" MEANS ANY TRADE, BUSINESS, PROFESSION OR OTHER OCCUPATION CARRIED ON FOR REMUNERATION OR GAIN IN A DWELLING UNIT OR ACCESSORY BUILDING, WHICH USE IS SECONDARY TO THE PRIMARY USE OF THE DWELLING AS A RESIDENCE, AND DOES NOT CAUSE A VARIATION FROM THE RESIDENTIAL CHARACTER OF THE NEIGHBOURHOOD.

PURSUANT TO THE ISSUANCE OF A TRADE OR PROFESSIONAL LICENCE, A HOME OCCUPATION MAY BE CARRIED ON IN ALL RESIDENTIAL AREAS PROVIDED SUCH OCCUPATION OR PROFESSION COMPLIES WITH THE FOLLOWING CONDITIONS:

THE HOME OCCUPATION SHALL:

1. BE PERFORMED ONLY BY MEMBERS OF THE FAMILY RESIDING IN THE DWELLING UNIT, AND
2. NOT INVOLVE THE SALE, OR OFFER FOR SALE, OR DISPLAY OF ANY GOODS, WARES, MERCHANDISE, OR FOODSTUFFS, EXCEPT THOSE GOODS, WARES, MERCHANDISE OR FOODSTUFFS WHICH ARE PRODUCED OR PROCESSED ON THE PREMISES, AND
3. GIVE NO EXTERIOR INDICATION OF THE OCCUPATION, EXCEPT THAT THERE MAY BE A SINGLE UNILLUMINATED NAME PLATE NOT EXCEEDING ONE SQUARE FOOT PLACED FLAT AGAINST THE BUILDING, AND
4. PRODUCE NO NOISE, VIBRATION, SMOKE, DUST, ODOUR, LITTER, OR HEAT OTHER THAN THAT NORMALLY ASSOCIATED WITH A DWELLING; CONSTITUTE NO FIRE HAZARD; CAUSE NO ELECTRICAL INTERFERENCE; NOT CAUSE THE GENERATION OF ADDITIONAL TRAFFIC ON THE STREET, AND
5. RETAIN THE RESIDENTIAL CHARACTER OF THE BUILDING AND THE SITE.

B.

EXISTING HOME OCCUPATION REGULATIONS - KITIMAT MUNICIPAL CODE

SECTION 9200 "HOME OCCUPATION"

'HOME OCCUPATION' MEANS ANY OCCUPATION OR PROFESSION CARRIED ON FOR CONSIDERATION WHICH IS CLEARLY INCIDENTAL TO THE USE OF THE DWELLING UNIT FOR RESIDENTIAL PURPOSES."

9320) THE FOLLOWING USES SHALL BE PERMITTED IN N2, N3 AND N4
9330) RESIDENTIAL AREAS: "HOME OCCUPATION"
9340)

9354 "A HOME OCCUPATION MAY ONLY BE CARRIED ON IN RESIDENTIAL AREAS IF PERMITTED UNDER A SPECIAL USE PERMIT, ISSUED BY THE COUNCIL, WHICH SHALL NOT BE VALID FOR LONGER THAN ONE YEAR FROM THE DATE OF ISSUANCE AND SUCH HOME OCCUPATION SHALL SATISFY ALL OF THE FOLLOWING CONDITIONS:

- (A) BE CARRIED ON BY A MEMBER OF THE FAMILY RESIDING IN THE DWELLING UNIT IN QUESTION, AND
- (B) BE CARRIED ON WHOLLY WITHIN THE DWELLING UNIT OR WITHIN A BUILDING ACCESSORY TO THAT UNIT, AND
- (C) PRODUCES NO OFFENSIVE NOISE, TRAFFIC, VIBRATION, SMOKE, DUST, ODOUR, HEAT, GLARE, OR ELECTRICAL INTERFERENCE, AND
- (D) GIVES NO EXTERIOR INDICATION OF THE OCCUPATION, INCLUDING:
 - (i) STORED MATERIALS
 - (ii) DISPLAYS, INCLUDING BY FLOODLIGHTING
 - (iii) SIGNS VISIBLE FROM THE OUTSIDE; EXCEPT THAT THERE MAY BE A SINGLE, UNILLUMINATED NAME PLATE NOT EXCEEDING ONE SQUARE FOOT IN AREA PLACED WITHIN, OR FLAT AGAINST THE DWELLING UNIT OR AN ACCESSORY BUILDING
 - (iv) VARIATION FROM THE RESIDENTIAL CHARACTER OF THE DWELLING UNIT OR ACCESSORY BUILDINGS."

9410 "THE FOLLOWING USES SHALL BE PERMITTED IN SMALL HOLDING AREAS:

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HOME OCCUPATION"

SECTION 9500 "THE COUNCIL MAY, BY SPECIAL USE PERMIT, AUTHORIZE:"

"(F) A HOME OCCUPATION"

4200 "HOME HANDICRAFTS

FOR WHICH A HOME OCCUPATION
SPECIAL USE PERMIT HAS BEEN
ISSUED UNDER THE PROVISIONS OF
DIVISION (11) OF PART IX OF THE
KITIMAT MUNICIPAL CODE.

\$2.50"

PROPOSED REVISION OF ZONING REGULATION - KITIMAT MUNICIPAL CODE

SECTION 9200 THE DESCRIPTION OF A HOME OCCUPATION IS REPEALED AND THE FOLLOWING IS SUBSTITUTED:

"HOME OCCUPATION

'HOME OCCUPATION' MEANS ANY TRADE, BUSINESS, PROFESSION OR OTHER OCCUPATION CARRIED ON FOR REMUNERATION OR GAIN IN A DWELLING UNIT OR ACCESSORY BUILDING, WHICH USE IS SECONDARY TO THE PRIMARY USE OF THE DWELLING AS A RESIDENCE, AND DOES NOT CAUSE A VARIATION FROM THE RESIDENTIAL CHARACTER OF THE NEIGHBOURHOOD."

SECTION 9310 IS AMENDED BY INSERTING THE WORD "HOME OCCUPATION" AFTER THE WORD "RESIDENTIAL".

SECTION 9354 IS REPEALED AND THE FOLLOWING IS SUBSTITUTED:

"PURSUANT TO THE ISSUANCE OF A TRADE OR PROFESSIONAL LICENCE, A HOME OCCUPATION MAY BE CARRIED ON IN ALL RESIDENTIAL AREAS PROVIDED SUCH OCCUPATION OR PROFESSION COMPLIES WITH THE FOLLOWING CONDITIONS:

THE HOME OCCUPATION SHALL:

1. BE PERFORMED ONLY BY MEMBERS OF THE FAMILY RESIDING IN THE DWELLING UNIT, AND
2. NOT INVOLVE THE SALE, OR OFFER FOR SALE, OR DISPLAY OF ANY GOODS, WARES, MERCHANDISE, OR FOODSTUFFS, EXCEPT THOSE GOODS, WARES, MERCHANDISE OR FOODSTUFFS WHICH ARE PRODUCED OR PROCESSED ON THE PREMISES, AND
3. GIVE NO EXTERIOR INDICATION OF THE OCCUPATION, EXCEPT THAT THERE MAY BE A SINGLE UNILLUMINATED NAME PLATE NOT EXCEEDING ONE SQUARE FOOT PLACED FLAT AGAINST THE BUILDING, AND

4. PRODUCE NO NOISE, VIBRATION, SMOKE, DUST, ODOUR, LITTER, OR
HEAT OTHER THAN THAT NORMALLY ASSOCIATED WITH A DWELLING;
CONSTITUTE NO FIRE HAZARD; CAUSE NO ELECTRICAL INTERFERENCE;
NOT CAUSE THE GENERATION OF ADDITIONAL TRAFFIC ON THE STREET, AND
5. RETAIN THE RESIDENTIAL CHARACTER OF THE BUILDING AND THE SITE."

SECTION 9500 IS AMENDED BY STRIKING OUT CLAUSE "(F) HOME OCCUPATIONS".

SECTION 4200 - THE DESCRIPTION OF "HOME HANDICRAFTS" IS REPEALED AND THE
FOLLOWING IS SUBSTITUTED:

"WHICH CONFORMS TO THE CONDITIONS OF DIVISION (11) OF PART IX OF THE
KITIMAT MUNICIPAL CODE \$2.50"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF
THE DISTRICT OF KITIMAT ACCEPTED THE RECOM-
MENDATIONS CONTAINED IN THE FOREGOING REPORT
AND ON 21ST APRIL 1958 APPROVED THE ADOPTION
OF A BY-LAW TO AMEND THE ZONING AND TRADES
LICENSING REGULATIONS WITH REGARD TO HOME
OCCUPATIONS.

SEE OVERLEAF FOR COPY OF BY-LAW

15-IV-58

THE CORPORATION OF THE DISTRICT OF KITIMAT

BY-LAW NO. 273.

A BY-LAW to amend the Zoning and Trades Licensing regulations with regard to Home Occupations.

The Municipal Council of The Corporation of the District of Kitimat, in open meeting assembled, hereby amends Part IV and Part IX of the Kitimat Municipal Code by enacting the following:

1. Section 4200, subsection (4) is amended by repealing the definition of "Home Handicrafts" and substituting the following:

"Which conforms to the conditions of Division (2) of Part IX of the Kitimat Municipal Code."

2. Section 9200 is amended by repealing the definition of "Home Occupation" and substituting the following:

"Home Occupation" means any trade, business, profession or other occupation carried on for remuneration or gain in a dwelling unit or accessory building, which use is secondary to the primary use of the dwelling as a residence."

3. Section 9310 is amended by adding the words "HOME OCCUPATION" after the word "RESIDENTIAL".

4. Section 9354 is repealed and the following is substituted:

"A Home Occupation may be carried on in all Residential Areas provided such occupation complies with the following conditions:

The Home Occupation shall:

1. Be performed only by members of the family residing in the dwelling unit, and
2. Not involve the sale or display of any goods, wares, merchandise, or foodstuffs, except those goods, wares, merchandise or foodstuffs which are produced or made on the premises, and
3. Give no exterior indication of the occupation, except that there may be a single, unilluminated name plate not exceeding one square foot in area placed within, or flat against the dwelling unit or an accessory building, and

4. Produce no noise, vibration, smoke, dust, odor, litter, or heat other than that normally associated with a dwelling, and
 5. Neither create nor cause a fire hazard, electrical interference or traffic congestion on the street, and
 6. Not cause a variation from the residential character of the building, site or neighborhood."
5. Section 9500 (f) is repealed.
6. This by-law shall take effect and come into force and be binding on all persons as from the date of adoption.

DONE and PASSED by the Municipal Council this 14th day of April, 1958.

RECONSIDERED and finally adopted by the Municipal Council this 21st. day of April, 1958.

"P.W. HALLMAN"

Reeve.

"JO McELROY"

Clerk.

CERTIFIED a true and correct copy of By-law No. 273 passed by the Municipal Council of the Corporation of the District of Kitimat on the 21st. day of April, 1958.

Clerk of The Corporation
of the District of Kitimat.

CUSTOMARY HOME

OCCUPATIONS

HERBERT G. HOTCHNER

Edmonds

TECHNICAL REPORT I

CUSTOMARY HOME OCCUPATIONS

Prepared by
Herbert G. Hotchner
Planning Director
Yolo County

August 3, 1959

THEORY

At the time Zoning Ordinances were first instituted certain uses of a non residential nature were classified under the term "non-conforming". Such uses as were in existence prior to the adoption of the zoning could continue but other uses of that nature could not be instituted in the future. Other uses were classified as "customary home occupations" and uses of that nature could not only continue but could be started new in the future. The theoretical distinction was that "customary home occupations" were traditional uses in a residential neighborhood and were secondary to the use of the residence for living purposes. On the other hand, the so called "non-conforming uses" were primarily of a commercial nature, not customary to the use of residences.

PRACTICE

While the category of uses that have generally been grouped as "customary home occupations" has remained fairly constant over the years and from jurisdiction to jurisdiction, the practice of these uses has changed with development in technology. With the extensive use of electrical equipment enlarging the capacity of an individual to perform services, the appearances and distinguishing factors between commercial uses in commercial districts and home occupations in residential districts has often become obscure. For example, in many instances the development of a medical office in a doctor's home and the services performed therein are indistinguishable from an equivalent setup in a commercial neighborhood. Also the amount of traffic created and the degree of nuisance, if any, is indistinguishable from that generated in a commercial neighborhood. As a result, in recent years there has been a tendency toward experimentation with different types of controls.

CONTROLS

A. OCCUPATIONS PERMITTED:

The types of uses most frequently permitted generally fall into two categories; professional services and other occupations than professions which may include the manufacture of items such as dressmaking or other domestic handcrafts. Professional services often include accountants,

architects, artists, authors, dentists, doctors, draftsman, engineers, insurance counselling, lawyers, music instructions, realtors, singing instructions, teaching. Also barber shop, beauty parlor, cosmetology, hair dressing, manicuring, fortune telling, minor carpentry work and furniture repairing, repair to televisions and radio sets, minor plumbing repair, dressmaking, home food products, photography.

B. LIMITATION BY TYPE OF USE:

"While most communities allow all home occupations in all residential districts this is not always the case. Various ordinances permit home occupations in some, but not all, residential districts. Others establish distinctions among different types of home occupations, allowing some only in certain zones. (1)" In some ordinances customary home occupations are permitted in certain residential zones only, but in those instances all home occupations are permitted. In other ordinances, distinctions are made between professional services and the balance of customary home occupations, with professional services being permitted in some residential zones and professional services plus all customary home occupations being permitted in other residential zones. In some instances, the specific types of personal services or home occupations are spelled out by zone, and not all of the same uses are permitted in each zone. Some zoning ordinances will limit certain home occupations to lots that are contiguous to commercial or industrial zones or to land that is within so many feet of contiguous commercial or industrial zones.

C. PHYSICAL CONTROLS:

1. Area: Limitations in terms of not more than so many square feet or not more than a certain percentage of the total floor area of the dwelling, or of the total area of one floor of the dwelling, or not more than one room in the house are sometimes used.

2. Equipment: Limitations on the horsepower on equipment used, prohibition of mechanical

equipment, limitation to normal household or domestic equipment, or limitation to equipment which does not permit noise, dust, or anything else which would cause interference to the neighborhood.

3. Accessory Buildings: In most instances home occupations must be conducted within the main building.
4. Displays and Signs: Generally the display of goods is prohibited. Where signs are permitted they are usually limited in size, location, lighting and content.
5. Sale of Goods: The intent, either expressed or implied, frequently is that goods should not be kept and sold on the premises. Some communities permit the sale of articles "produced by members of the immediate family residing on the premises". Other ordinances permit the indirect sale of goods that are manufactured in the home, such as in the case of piece work, in communities where there are clothes manufacturing industries.
6. Employment: A great many of the ordinances prohibit employment of persons, other than members of the immediate family residing on the premises. One ordinance limits employment to two resident occupants of the dwelling. In a few instances the ordinances have permitted the employment of one or two outside persons. The general purpose of limiting the number of employees is to prevent the growth of the occupation beyond the point where it is compatible with the residential character of the neighborhood.
7. Use Permits: In some ordinances Use Permits are required for some or all of the home occupations.

D. SECONDARY NATURE OF USE

Even if customary, a home occupation does not qualify for a residential neighborhood unless the residential use of the premises is the primary use and it is secondary. Consequently, while a doctor may be

permitted in some instances to use one room of his house or even several rooms for medical purposes, to use an entire house solely for medical purposes in a residential neighborhood would go beyond the scope of a customary home occupation. The more specific controls on Area, Equipment, etc. mentioned in the points above are often used to assure that the home occupation remains secondary to the residential use of the premises.

JUDICIAL INTERPRETATION

It appears safe to say that court interpretations have been sufficiently varied to permit each individual jurisdiction considerable latitude in defining what constitutes a customary home occupation and in specifying the controls which would be excircised pertaining to such occupation. It is questionable whether a jurisdiction could completely prohibit customary home occupations, however, some ordinances and some court decisions substantiate the capacity of a jurisdiction to prohibit customary home occupations from some residential zones while providing for them in other residential zones. If a zoning ordinance made no reference to customary home occupations it is probable that if the point were contested, courts would permit such occupations providing that in each individual instance they proved to be customary and secondary in nature to the residential use.

As has been pointed out, by several sources, the above approach indicates a certain ambivalence. Where the definition is broadly worded, the use is permitted because it is customary and of secondary character to the residential use, regardless as to whether it is compatible with the neighborhood or not. Where the ordinance is specific and controls are instituted, the theory seems to be that customary uses are permitted only when by nature and by control they are compatible with the residential use of the neighborhood.

OBJECTIVES

In light of the above developments, it would appear that in preparing a new zoning ordinance or a new provision within a zoning ordinance pertaining to home occupations, the first step would be for the Planning Commission to decide what the objective is that it is

trying to accomplish. There appears to be at least three possible objectives: (1) to permit that which is customary; (2) by more specific definition and exercise of controls to permit that which is compatible with the neighborhood and customary in origin; (3) by use of more specific definition and the exercise of controls to permit that which is compatible with the neighborhood including both customary uses and similar uses of newer origin.

The first approach involves a definition that is simple and broad in its wording, easy to write, and unquestionably supported by court action. With the modern tendency toward specialization this approach leaves the Planning Commission with a meeting by meeting necessity to determine whether newer specializations are also customary. For instance, MDs who are general practitioners very customarily use one room in their house for their medical practice. Are neurologists, chiropractors, christian science practitioners, foot specialists, psychoanalysts the same or different? The Commission still is faced with the necessity to determine when such occupations cease to be secondary.

As a planner, I would criticize the above historical approach in terms of modern day needs because the use of the automobile and electricity has expanded the capacity of one individual to perform services far beyond the scope of that which was contemplated at the time that these occupations were originally conducted in residential neighborhoods. Thereby the characteristic that was residential to these uses in the earlier periods of our nation no longer is the same. I would suggest that it does make a difference as to whether there is one patient at a time or 10 patients at a time attending a medical office. The type of medical practice, the degree of specialization, the amount of equipment used and the number of rooms involved is all going to effect the number of people who can be handled by one practitioner at a time. Similarly, it makes a lot of difference as to whether a dance instructor is instructing 10 children at a time three times a week or running an 8:00 A.M. to 5:00 P.M. schedule with 100 children a day. In the above instance it might still be possible to demonstrate that

the use is secondary to the residential use of the house.

The second approach, that of limiting customary occupations to certain zones and under certain controls, is legal providing that the wording permits its application in an objective and consistent fashion. If the controls are poorly worded or poorly interpreted any individual action might be subject to contest on the basis of being arbitrary, capricious, and unreasonable. On the basis of experience to date it would appear possible to define the customary uses permissible and the controls to be exercised in an adequate fashion to meet the requirements of the courts.

The third approach is the newest. Distinctions are made on the basis of whether uses are compatible with the neighborhood rather than whether they are customary. The problem here is to define the uses clearly enough so that those uses which are compatible with the residential neighborhood may be permitted without subjecting the Commission to a charge of being arbitrary or capricious.

RECOMMENDATIONS

I would recommend the third approach. Assuming that there are several residential zones and more than one single family residential zone, I would offer the following suggestions:

1. In the most restricted residential zones prohibit home occupations.
2. In what might be called conventional residential neighborhoods of a single family or duplex character permit specified occupations that do not necessitate more than one vehicle at a time coming to the premises. I would exclude dance studios, medical offices and things of a similar nature but permit accountants, engineers, dressmaking, musical instruction and things of a similar nature. Limit the use to residents of the household and to one room in the household to a certain percentage of the total floor area. If the conversion of garages for the home use is permitted, it should be under the condition that variances will not

be granted subsequently for carports or additional garage or residential space. Signs should either be prohibited or limited to the small un-illuminated sign placed in the front window but not on the exterior of the house. Use of the residential address for advertising purposes should be limited or prohibited. If electrical equipment is used, there should be a requirement that it be so connected as to prevent static interference in the neighborhood.

Multiple family zones: as the zones shade from low density to high density the degree of control can be gradually relaxed in terms of more liberal provisions for signs, advertising and the employment of outside help. Also the list of uses can be expanded. It might be desirable to place certain uses on a Use Permit basis only.

Where the low density more restrictive residential zones adjoin commercial or industrial zones I would permit all the uses permitted in any residential zone to be permitted on the lot adjoining the commercial or industrial area, providing that the lot is not so large as to contain an intervening residential use. I would suggest that a Use Permit be required in each instance and that the permit be approved only if the requested use is found compatible with the neighborhood and that it would serve as a buffer between the residential neighborhood and the adjoining use. With a variation in industrial and commercial neighborhoods possible under modern zoning controls and with a variation possible in the relationship of lots adjoining industrial and commercial areas to the rest of the residential areas due to the curvature of streets, backing of lots into these different zones, etc, it would not appear desirable to automatically permit extension of these uses.

SOURCE MATERIAL

Land Use Controls by Frank E. Horack Jr. and Val Nolan Jr.
Planning Advisory Service, Information Report #54
Zoning Bulletin by Eugene M. Quinlan
The Law of Zoning and Planning by C. A. Rathkopf
Zoning Ordinances from many jurisdictions throughout
California and the U.S.

