

ACTION

	DATE
Map	8-12-66
COMMITTEE	9-7-66
Map Reassigned to Adams	11-30-66
M.A.P.C. Approval subject to Amendment	11-2-66
B.C.C. B. C. C.	12-7-66
B.C.C.	12-21-66

Cloud 12-23-66

DK 66-30 - Robert Lamb requests consideration of amendment to Home Occupation

RESOLUTION

A RESOLUTION CHANGING THE SEDGWICK COUNTY ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO DECEMBER 14, 1966, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, AND THE CITY OF DERBY, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION 1. That upon the recommendation of the Metropolitan Area Planning Commission on October 20, 1966, after notice and public hearing as provided by law, under authority granted by Section 14.C of the Sedgwick County Zoning Resolution as adopted March 3, 1958, that Section 2 - Definitions, be amended by deleting therefrom the following definition:

"HOME OCCUPATION: Any occupation, profession or craft carried on by the occupants of a dwelling incidental to the use of the premises as a residence, in connection with which there is no outside display. Home occupations shall include, in general, personal services when performed by a resident employing no other persons than the immediate family for regular pay."

SECTION 2. That Section 2-1 - Home Occupations, shall be created and added to the Sedgwick County Zoning Resolution 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 permitting dwellings:
 - a. No alteration of the principal building or premises shall be made which changes the character or appearance thereof.
 - b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.

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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* 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 (2) 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 (1) 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 (2) 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.
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.

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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 Section 3 - "R" Rural Residential District, be amended as follows:

A. USES PERMITTED

5. Home occupations - See Section 2-1.

SECTION 4. That Section 4 - "R-1" Suburban Residential District be amended as follows:

A. USES PERMITTED

7. Home occupations - See Section 2-1.

SECTION 5. That Section 5 - "AA" One Family Dwelling District be amended as follows:

det
A. USES PERMITTED

7. Home occupations - See Section 2-1.

SECTION 6. That said original definition of Home Occupation as set forth in Section 2 is hereby repealed.

SECTION 7. That said original definitions of Home Occupation as set forth in Sections 3, 4 and 5, are hereby repealed.

SECTION 8. This Resolution shall take effect and be enforced from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED this 21st day of December, 1966.

Tom L. Hoff Chairman
Edmund Peters Commissioner
Robert Schmale Commissioner

ATTEST:

Marie Warden
County Clerk

(SEAL)

December 16, 1966

The Board of County Commissioners
320 Sedgwick County Courthouse
Wichita, Kansas 67203

Subject: Amendment to the County Zoning
Resolution -- Home Occupations.

Dear Sirs:

Attached is a copy of the recommendation made to the City Commission by the Planning Commission on home occupations. Since the Board of County Commissioners have heard this item last, the Board of City Commissioners have considered on several occasions, a set of changes to the City Zoning Ordinance regulating home occupations.

The City Commissioners have made certain changes over these several weeks, namely involving the use of signs in the "AA" districts and whether or not accessory buildings should be used for home occupations in the "AA" single-family districts. The City Commission, in essence, said signs in the "AA" district when it is required by law, and no use in that district of accessory buildings or garages.

In addition, the City Commission adopted a separate licensing ordinance requiring all operators of home occupations to secure annually, a license so that the locations of such home occupations could be determined and a check made to see if they conform to the new ordinance. A fee of \$3.00 was established.

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The Board of County Commissioners
December 16, 1966

A copy of the City Ordinance on liscensing is attached. Also on the proposed County amendment, we have inserted in red, the language of the changes made by the Board of City Commissioners in their regulatory ordinance. These changes appear to satisfy most of those people protesting at the earlier City Commission meetings.

Sincerely,

C. Bickley Foster,
Director of Planning

CBF:RAL:sa

Attachments 2

cc: Kathryn Zile
Scottie Cronin

December 5, 1966

Mr. Robert Lamb
100 West Aley
Wichita, Kansas

Subject: DR 66-30 - Amendment to the County Zoning Resolution regarding Home Occupations

Dear Mr. Lamb:

In our letter dated October 24, 1966, we advised you that the above-captioned matter would be forwarded to the Board of County Commissioners for their consideration on November 2, 1966. The Board of County Commissioners considered this matter and, at that time, deferred further consideration until their regular meeting on December 7, 1966.

We have been notified that the Board of County Commissioners will not consider this item on December 7, but will defer this item until their regular meeting at 9:00 a.m., Wednesday, December 21, 1966.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:Bg

cc: Scottie Cronin
County Zoning Administrator
100 County Courthouse

Ralph Gilchrist
320 County Courthouse

December 5, 1966

cc: (Continued)

Cliff Ratner
444 North Market

Charles A. Sparks, Jr.
200 North Main

A. Price Woodard
609 North Main

Charles D. Anderson
Union National Bldg.

Dolores A. Quinlisk
Wichita Eagle
825 East Douglas

Kent Britt
Wichita Beacon
825 East Douglas

October 28, 1966

Board of County Commissioners
320 Sedgwick County Courthouse
Wichita, Kansas

Gentlemen:

Re: DR 66-30 - Amendment to the
County Zoning Resolution regard-
ing Home Occupations

Attached herewith are copies of a proposed amendment to the County Zoning Resolution regarding home occupations, as well as an excerpt from the Planning Commission minutes of October 20, 1966, relating to the public hearing on this matter.

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 County Commission that the County Zoning Resolution be amended with respect to home occupations beginning on page 21 of the attached minutes.

Respectfully submitted,

C. Bickley Foster
Secretary

CBF:JHG:ber
Attachment

October 24, 1966

Mr. Robert Lamb
100 West Aley
Wichita, Kansas

Subject: DE-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:ssa

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

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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

NICHITA-SEDSWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

October 21, 1966

DR 66-30 - Amendment to the County Zoning Resolution regarding Home Occupation provisions. (Revised October 21, 1966)

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 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 "RM" 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 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.

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

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.

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. Patner, 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 Blackley 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. Jerald Branson, E. B. Law, W. Harold Moore and Wm. J. Goebel. Members absent were Lee Blaser and John Trout. Also present were C. Bickley Foster, Director of Planning, Robert A. Lakin, Jack Galbraith, Ron Williams, John Gist and Berniece 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 - DEFINITION

Amend to read as follows:

HOME OCCUPATION: See Section 2-1.

Add as follows:

SECTION 2-1 - HOME OCCUPATION

- 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 "R" 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 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.

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.

- 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.

B. 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 enter 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 - PERMITTED

Amend to read as follows:

HOME OCCUPATIONS: 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 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 County Clerk and the engineering offices, approved by the Metropolitan Area Planning Commission and titled, "Noise Standards For Home Occupations, October, 1966". 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 admitting 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.

CITY ZONING ORDINANCE

SECTION 22.04.020 - RESTRICTIONS

Intend to read as follows:

HOME OCCUPATIONS: See section 22.04.025.

add as follows:

SECTION 22.04.025: 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-1" 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 A. 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.

KAMIN 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 RATHNER, 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. RATHNER 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. RATHNER 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 "RA" as signs would be made legal in other residential districts.

LOUISE HOFFMAN 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 "RA".

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 "RA" 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. PRICE 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 COMBNEY 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 "AA" 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 RUSE 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 LAMM 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, in an effort to allow certain people to operate from their homes 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. GILBERTA SPANNEY, 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. BROWN said that any new dance studios as a home occupation would have to comply with whatever new regulations were 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. STAMBY stressed the need for development of cultural facilities in the city and said that she represented 1000 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. STAMBY said that the dance studios are located in various zoning districts - "A" principally, but also in "AA", "B" and "BB".

BW 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.

BROWN SCHWARTZ, 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, 1955) 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 absences 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. SEARBY asked the Commissioners to consider the continued development of dance studios and not limit the beginning of new studios too much.

MARGARET FRASK 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. Frask) 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.

RAKIN 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.

MERRIN: MERRISON moved that the revised proposed amendment (dated October 13, 1956) be recommended for approval as presented, except that dance 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. KRATZER 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. FOSBER 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, KRATZER seconded and it carried by a vote of 4 (Branson, Kratzer, Noonan and Law) 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 "AA" district; and the number of students permitted in dance studio classes is increased to 15.)

COUNTY ZONING ORDINANCE

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 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 create 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. Lakin

I am Mrs. Genevieve Starkey of 56 So. Eleckley 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 we 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-Classical 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 along, 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 todays 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

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

the Wichita Metropolitan Planning
Commission

Re: are Wichita residents
in the City of Wichita. He proposes
the amendment of the Home Occupation
ordinance - to permit businesses in
residential

He is in favor of the Home
Occupation Amendment as dated
September 20, 1966



Leland R. Hill
917 S. Lawrence
Wichita, Kan.

The Carlton Salon of Beauty

LINCOLN HEIGHTS VILLAGE
DOUBLAS 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 zoning.

Thank you and I wish you luck.

Sincerely,

Mary Carlton



October 18, 1966

Wichita-Sedgewick 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 30, 1966.

Very truly yours,


Albert Collins



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
degrad 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 Sedgewick
Wichita

To Commissioners

As a Wichita property owner, I fully support
the ordinance of Sept. 20, and am ~~not~~ totally
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 law 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
Commission

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 Paige Wichita, Kansas



Chairman Metropolitan Planning Commission

I support the kind of use for
a property owner, but I think it is better
to allow a business to go to a vacant
area, which would tend to evaluate the
property.

Yours truly
John [unclear]



Dear Mr. [Name] Metropolitan Planning Commission

I am a homeowner of [Address] [City] [State] [Zip].
1966. I have always supported the same Ord.
but I would like to see much more [something] in
my residential area. I believe that [something] is
children do to excess traffic in the area. If I wanted
a business area, I would move there.

~~Very truly yours,~~

Yours truly,
[Signature]





T. J. BEAUTY SALON
839 SOUTH OLYMPIA
WICHITA, KANSAS 67218

Oct 17, 1966

Dear Sirs,

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

If every woman that worked
would have a chain in some
many more would rather do their
occasional 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
their mothers are busy carrying
a permanent?

at the rate its going on

BEAVER'S Beauty Salon
839 South Olive
Wichita, Kansas 67218

Salon rents, compete - you take an apartment out of school - train them build them up - not making any money on them at this gross what as soon as they become full time they move out into their own home shop - then they have no business carried - at their parents just enough to make it look good. Business is all built up - thanks to the salon loans - no high cost business phones - advertising etc. but they can deduct their personal rent, utilities, travel, etc. business expenses from income tax purposes, & therefore even their personal expenses are cut.

HELMAN'S BEAUTY SALON
839 SOUTH OLIVE
WICHITA, KANSAS 67218

I have a nervous & sensitive 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 hauling her new
customers - trying to help her make
a decent living.

I think the ordinance
of no business in a family

Timothy's Beauty Salon
839 South Olive
Wichita, Kansas 67218

Residential zone is good &
should be enforced or why have
zones at all! If your hair
people + sell retail items its
a business + should be treated
as such.

Then wait too many of our
that could give a hard luck
story. I am buying a shop with
the help of S.B.A. but I can't 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
659 South Olive
Wichita, Kansas 67218

to date - help with & contribute
to community projects and there
should be some sort of control
over home shops or businesses in
the homes or near neighborhoods
beautiful new shopping plazas
going up every where - will just
run next door to get our hair done
across the street to get Dr. 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

Timothy's Beauty Salon
839 South Olive
Wichita, Kansas 67218

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

Thanks you -
Helma Washell
Timothy's Beauty Salon

Dwight's

HAIR DESIGNS
AND WIG SALON

303 SOUTH HILLSIDE

MO 64-276

WICHITA, KANSAS, 67211



October 17, 1969

Metropolitan Planning Commission
104 South Main
Wichita, Kansas



Dear Sirs:

I would like to express my concern pertaining to the Home Occupations Ordinance; as a Wichita Home Owner I would like to give my support to the proposal being presented by Mr. Sparks on Thursday October 26, 1969.

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, since property valuations 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 below sanitary regulations.

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

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

Dwight's

HAIR DESIGNER
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 Dittman

Dwight's Hair Designer

800 South Hillside

Wichita, Kansas

DH/anh

2115 Grant
Wichita, Kansas
October 14, 1960

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 herds of unqualified students working on the public for their individual profit.

RECEIVED
OCT 15 1960
CITY CLERK
WICHITA, KANSAS

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

NICHITA-SROGHWICK 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. Funerary 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.

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

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

September 20, 1966

Mr. Ralph Gilchrist
County Counselor
Beacon Building
Wichita, Kansas

Subject: DR 66-30 - Proposed Amendment to the
County Zoning Resolution Regarding Home
Occupations

Dear Mr. Gilchrist:

Attached for your information, review and files is a copy of the proposed amendment to the County Zoning Resolution 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 County Zoning Resolution. Please contact our office if you have any questions concerning this matter.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

Attachment

cc: Scottie Cronin
County Zoning Administrator
100 County Courthouse

(798) (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.

- 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 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 regulation.
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)

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 E. Galbraith
Senior Planner

JMG:bgs

cc: Ralph Wuls, Director
Department of Public Works

Glen Lytle, Superintendent
Central Inspection Division

August 19, 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:

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:bps

cc: Ralph Wals
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. I explained to J. I. that any staff comment would simply be that no action be taken at this time as we feel the present section 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 do not prohibit work, 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:kkg
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:sgc

cc: Ralph Wells
Acting City Manager



Dear Sirs:

My name is Robert
Frank. I live at 100 W. Alay
I have here at my home
a repair shop, where I
do repairs on Furniture
also upholstering for dealers
I disturbed no one as
it is quiet work and my
neighbors don't mind my
doing so. I draw a partially
disabled pension from World
War II, 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, for drawing social
sec security check, that
add to that money allowance
by doing this type work
in their homes, or
garages

One such person

is the kind man
John DeWitt who
lives upholding in his
home. There is a
heartwarming story written
about him in the July
14th edition of the Wichita
Eagle. He lives at 1215
S. Elizabeth, also a
residential garage. Should
he be stopped, because
apart 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 dont know
what I will do. I
just cant afford the
high rents they get on
commercial buildings

It seems to me
that as long as my neighbor
dont complain, why then
should the city stop me
from my living

I have a Petition
signed by all my
neighbors for about 6
blocks 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 Land

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

-137-

district regulations.

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

THE CITY OF WICHITA

OFFICE OF The City Manager

DATE July 28, 1966

TO C. Bickley Foster, Director of Planning

FROM Ralph Wuls, 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 Wuls
Acting City Manager

RW:gs



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**

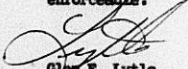
As per our conversation the following is the basic policy we will be enforcing concerning "Home Occupations".

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. *Contractors*
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

GEL:mal

JERRY L. GRIFFITH

Attorney at Law

103 N. BALTIMORE PH. SUITE 6-0631
DERRY, KANSAS

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 resident 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 electronic equipment other than such as is permissible 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 L. Griffith
Attorney at Law

JLG:lmn