

DR 84-5 - POSSIBLE AMENDMENT TO  
ZONING ORDINANCE - RE: HOME  
OCCUPATIONS - By Planning  
Commission

MAPC Deferred 8 weeks. 5-31-84  
MAPC Deferred 4 weeks. 6-14-84  
MAPC District Staff to  
prepare and present and  
hearings for Public Hear  
MAPC

# ACTION

COMMITTEE		DATE	
M.A.P.C.	<i>Deferred 2 weeks</i>	<u>5-3-84</u>	<i>no discussion</i>
M.A.P.C.	<i>Deferred 2 weeks</i>	<u>5-17-84</u>	<i>no discussion</i>
B.C.C./B. CO. C.	_____	_____	
MAPC	<i>Deferred 2 weeks</i>	<u>5-31-84</u>	<i>no discussion</i>
MAPC	<i>Deferred 4 weeks</i>	<u>6-14-84</u>	<i>no discussion</i>
MAPC	<i>Instruct Staff to prepare amendment and advertise for Public Hear</i>	<u>7-12-84</u>	
MAPC		<u>          </u>	

DR 84-5 - POSSIBLE AMENDMENT TO  
 ZONING ORDINANCE - RE: HOME  
 OCCUPATIONS - By Planning  
 Commission

## Home Occupations

May 1984

- 1922 Home occupations permitted only physicians, dentists, musicians and artists within their personal residences
- 1932 Expanded to permit personal services, barbers, beauty operators, seamstresses, but only by the person living within the dwelling and not including any other persons. It had to be done within the dwelling, and no repair work of any kind was permitted.

Ordinance basically remained unchanged until 1966.

What "AA" permits today -

There is a considerable range in the regulation of home occupations from city to city.

The one restriction that seems preferred is the restriction on square footage ~~and~~ so the intensity of the use will not be objectionable.

Review list of recommendations from Planning Advisor Service

thence southeasterly along said center of canal to a point on the West line of extended Washington Avenue; thence south along said West line of Washington Avenue to a point 300 feet north of the North line of said Viola Addition; thence west 286 feet to the place of beginning, except that portion of canal deeded to the City of Wichita for right-of-way. Generally located on the east side of Mosley Avenue between 20th Street and 21st Street. (2052 North Mosley Avenue).

GALBRAITH stated that staff was contacted by Mr. Cornejo asking that this item be deferred again for two weeks. He advised that he intends to enclose the trash receptables by a roofed structure with open walls covered with fencing. He is still working with Mike Everhart, Environmental Health, but since he was going to be out of town today, he asked for a deferral.

MOTION: That the Planning Commission defer this matter for two weeks. Crockett moved, Wilson seconded and it carried unanimously. Hansen and Peters were not present. Banzer and Chisholm were absent.

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Hansen returned to the meeting.

- 4a. Case No. DR 84-5 - Possible amendment to zoning ordinance Re: Home Occupations.

LAKIN stated that this item has been on the agenda for a number of times in association with the zoning case (Z-2590). He said that many times, as the Commission is aware, they are faced with looking at zoning change requests in order to authorize a home occupation where the applicant may want an additional person working there. He said that the Commission had been given a report and the various options, and they had had a considerable work session today on that issue. LAKIN said that as he discussed with the Commission today, it would seem to him that it would be beneficial for them to write a change to the zoning ordinance. It would basically provide for the second person in the "AA" district through a Board of Zoning Appeals process. His own preference, although he did not hear a great deal of support from the Commission on it, was to make the districts uniform so that they do not distinguish between the "AA" and the "A" district. By doing that, it would mean an amendment that would amend the existing "A" through "B" districts that now allow by right an outside person in a home occupation to the same provision that he was suggesting for "AA". He said that staff felt a text amendment was in order rather than to continue to handle these on a one-on-one zone change basis where someone needs to come in, spend the filing fee, get the ownership list, and wait 90 days or more for the case to be fully processed. The BZA procedure is a

cheaper process and considerably faster. LAKIN said they also discussed the fact that the number of home occupations that apparently are doing with outside employment is in the 8 to 10 percent range and it appears that there is only one percent of all housing units that have home occupations. So they are really dealing with a very small number of incidents compared to all events that might be possible in the city, and it seemed to him that BZA was not a bad way to handle the requests.

BAYOUTH asked what did staff say they were going to do with the home occupations that exist now where the garages are not attached.

GALBRAITH related that what staff has suggested on item b. of the staff comments was to permit the use of a garage as an accessory structure only if it is attached to the main residence. Then it was suggested at the last discussion of this that they might permit accessory structures if they maintain the appearance of a residential structure, as a possible exception through the BZA. GALBRAITH said he thought they might have those instances where someone simply cannot attach a detached structure to the house. As long as they request an exception, they could utilize the detached structure and make sure that the exterior is still residential in character.

BAYOUTH questioned the 25 percent of the work area of the dwelling not exceeding 400 square feet.

GARDNER felt it was too small. He said that a typical garage which might be 20' x 22' is more than 400 square feet. A 400 square foot limitation may be a little too small.

GOEBEL felt that the wording of the detachment being an existing accessory structure and not something they can build on should be clarified.

**MOTION:** That the Planning Commission authorize staff to prepare an amendment to the zoning ordinance and schedule it for public hearing. Bayouth moved, Hansen seconded and it carried unanimously. Peters was not present. Banzer and Chisholm were absent.

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- 4b. Case No. Z-2590 - Paul J. Wright requests zone change from "AA" to "A" for Lot 58, Washington Square Addition, Wichita, Sedgwick county, Kansas. Generally located on the north side of Washington Court in an area between Washington and Canal Route.

6/16/89

I happened to come across this file when I was looking for something else and wondered why it had never been advertised for public hearing. After reviewing the file and minutes, I still don't know why it was just dropped. No one else could remember either and since the MAPC is almost totally different now and since we have not had problems with home occupations recently, this issue will not be brought up at this time.

Louise Olverson

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

April 27, 1984

TO Wichita-Sedgwick County Metropolitan Area Planning Commission  
FROM Jack H. Galbraith, Chief Planner, Current Plans Division  
SUBJECT DR-84-5 - Possible Amendment to the Zoning Ordinance  
Re: Home Occupations

On April 5, 1982, the Planning Commission deferred a zoning change request on a property from "AA" to "A" which was being requested solely for the purpose of hiring an outside employee for a home occupation. This case was deferred for four weeks so the staff could review the Home Occupation provisions of the zoning ordinance and prepare some possible recommendations for changes.

BACKGROUND OF PRESENT REGULATIONS:

When the original ordinance was adopted in 1922 the home occupation provision included only office facilities for physicians, dentists, musicians and artists, when conducted within their personal residences. In 1932 these provisions were expanded to include personal services such as barbers, beauty operators and seamstresses but only when such services were performed by the person occupying the dwelling and not including the employment of any other person. It also prohibited the use of any building for a home occupation except the use of space within the dwelling proper and no repair business of any kind was permitted.

The ordinance on home occupations was basically unchanged from 1932 to 1966 except for some language to clarify the meaning and intent of the personal services to be included and the prohibition of retail and repair businesses of any kind. In 1966, after several of the largest public hearings ever held on any amendments of the zoning ordinance, the present regulations on home occupations were adopted.

The present regulations include limitations on home occupations located in the "AA" One-family Dwelling District that do not apply to home occupations in any other dwelling district. These are as follows:

1. Does not permit any employee except those living within the dwelling.
2. Does not permit the use of an accessory structure or in a garage whether attached or detached.
3. Does not permit any manufacturing or processing, or a trade of any sort shall be performed on the premises or a type of business where stock is required to be maintained in operation of the business.

4. Signs denoting a home occupation are not permitted except those required by law. When such are permitted, they are limited to two square feet.

In addition to the special limitations of the "AA" District, home occupations for all districts are limited to the amount of area within the dwelling; the appearance as a dwelling shall not change; the equipment used must not create excessive noise, electrical interference; and not include outdoor storage of materials, equipment or vehicles. The list of permitted uses in the ordinance provides for quite a range of uses that includes most uses that are compatible in any neighborhood provided they are limited as set forth in the regulations.

GENERAL INFORMATION:

In some of the most recent planning material that was researched, there is a considerable range of uses that are permitted or prohibited under each cities' regulations. Some cities allow only professional and personal service type business and do not even include barber and beauty operators. Some cities allow only one individual to be involved in a home occupation and only as a professional person.

Other cities have provisions for a home occupations to be located only in the higher density residential areas, and some cities, like Wichita, permit an additional employee in all but the most restrictive residential areas. Some place restrictions on the size of the home occupation by setting a maximum square footage of area within the dwelling that limits the possibility of the use being too objectionable.

It is suggested by the most recent Planning Advisory Service report on Home Occupations that the most effective method of regulating home occupations is to not rely strictly on a list of permitted or prohibited uses, but to establish restrictions to apply to all possible uses to include the following:

1. Make certain the definition limits the home occupation to an accessory use to the main use, which is the dwelling or residence.
2. Limit the size of the home occupation by the number of persons in the conduct of the use.
3. Make certain that the use of equipment does not interfere with the rights of the neighbors in the enjoyment of their property, control of noise, electrical interference, odors or the excessive use of public utilities beyond normal residential demand.
4. Limit the operation of any business that generates traffic by the sale of merchandise or stock that is sold from the premises.
5. Do not permit any change in the physical appearance of the residence, and require access to the home occupation thru entrances normally used by the residence. This is to minimize the separate and distinctive business appearance of the dwelling from other residences in the neighborhood.

6. Limit the use of any accessory structure in the operation of a home occupation and prohibit the outdoor storage of equipment, materials and vehicles.
7. Limit the home occupation to those not generating traffic beyond what would normally be expected in a residential neighborhood. If a use is one that generates excessive demands for parking than is generally provided with a residence, it should not be permitted.

In comparing the above seven suggested limitations on home occupations to those of the City of Wichita regulations, the majority are covered in some way by the present ordinance. A determination must then be made as to the appropriateness of the regulations for the City of Wichita and make the changes deemed appropriate.

ALTERNATIVES FOR CONSIDERATION:

The following alternatives are submitted for consideration by the Planning Commission:

1. Leave the ordinance as is, and consider any zoning change request to evade the home occupation provisions of the ordinance strictly on the appropriateness of the zoning requested and not on the intent of the applicant to change the intensity of a home occupation.
2. Amend the ordinance to require all home occupations to comply with the same restrictions as is now permitted by the "AA" One-family Dwelling District. (This would eliminate any nonresident employee, the permitted sign except when required by law, and a greater restriction on the permitted uses by not allowing the use of an accessory structure.) It should be noted that in 1981 an amendment to the zoning ordinance was advertised for public hearing at the request of the City Commission to eliminate the permission of any nonresident employee. This amendment was requested after complaints were filed with the City Commission by a neighbor that was objecting to the intensity of a beauty shop in the "A" district that had an outside employee. This amendment was not recommended for adoption to the City Commission and was eventually denied.
3. Amend the ordinance to permit home occupations to comply with a single set of standards regardless of the location in the "AA", "A" or any other of the residential districts. This could be accomplished by providing several alternatives for the inclusion of employees, the use of accessory structures and the limitation on the size of the home occupation.

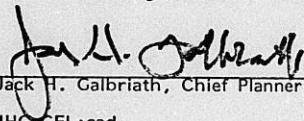
RECOMMENDATION:

It is recommended that the staff be authorized to prepare amendments to be advertised for public hearing to provide for alternative number 3. This would also include the following:

- a. Allow an employee only by exception.

Wichita-Sedgwick County Metropolitan Area Planning Commission  
5/03/84 - Page 4

- b. Permit the use of a garage or accessory structure only if it is attached as a part of the main residence.
- c. Limit the area of a home occupation to 25% of the floor area of the dwelling but not to exceed a maximum of 400 square feet.



Jack H. Galbriath, Chief Planner, Current Plans Division

JHC:GEL:sad

DRAFT  
LYTLE

April 27, 1984

Wichita-Sedgwick County Metropolitan Area Planning Commission

*Robert A. Lakin, Director*  
Robert A. Lakin, Director of Planning Department

DR-84-5 - Possible Amendment to the Zoning Ordinance  
Re: Home Occupations

On April 5, 1982, the Planning Commission deferred a zoning change request on a property from "AA" to "A" which was being requested solely for the purpose of hiring an outside employee for a home occupation. This case was deferred for four weeks so the staff could review the Home Occupation provisions of the zoning ordinance and prepare some possible recommendations for changes.

BACKGROUND OF PRESENT REGULATIONS:

When the original ordinance was adopted in 1922 the home occupation provision included only office facilities for physicians, dentists, musicians and artists, when conducted within their personal residences. In 1932 these provisions were expanded to include personal services such as barbers, beauty operators and seamstresses but only when such services were performed by the person occupying the dwelling and not including the employment of any other person. It also prohibited the use of any building for a home occupation except the use of space within the dwelling proper and no repair business of any kind was permitted.

The ordinance on home occupations was basically unchanged from 1932 to 1966 except for some language to clarify the meaning and intent of the personal services to be included and the prohibition of retail and repair businesses of any kind. In 1966, after several of the largest public hearings ever held on any amendments of the zoning ordinance, the present regulations on home occupations were adopted.

The present regulations include limitations on home occupations located in the "AA" One-family Dwelling District that do not apply to home occupations in any other dwelling district. These are as follows:

1. Does not permit any employee except those living within the dwelling.
2. Does not permit the use of an accessory structure or in a garage whether attached or detached.
3. Does not permit any manufacturing or processing, or a trade of any sort shall be performed on the premises or a type of business where stock is required to be maintained in operation of the business.
4. Signs denoting a home occupation are not permitted except those required by law. When such are permitted, they are limited to two square feet.

*districts* In addition to the special limitations of the "AA" District, home occupations *for all* are limited to the amount of area within the dwelling; the appearance as a dwelling shall not change; the equipment used must not create excessive noise, electrical interference; and not include outdoor storage of materials, equipment or vehicles. The list of permitted uses in the ordinance provides for quite a range of uses that includes most uses that are compatible in any neighborhood provided they are limited as set forth in the regulations.

GENERAL INFORMATION:

In some of the most recent planning material that was researched, there is a considerable range of uses that are permitted or prohibited under each cities' regulations. Some cities allow only professional and personal service type business and do not even include barber and beauty operators. Some cities allow only one individual to be involved in a home occupation and only as a professional person.

Other cities have provisions for a home occupation to be located only in the higher density residential areas, and some cities, like Wichita, permit an additional employee in all but the most restrictive residential areas. Some place restrictions on the size of the home occupation by setting a maximum square footage of area within the dwelling that limits the possibility of the use being too objectionable.

*by the most recent Planning Advisory Service report on Home Occupations*

It is suggested that the most effective method of regulating home occupations is to not rely strictly on a list of permitted or prohibited uses, but to establish restrictions to apply to all <sup>possible uses to include the</sup> following:

1. Make certain the definition limits the home occupation to an accessory use to the main use, which is the dwelling or residence.
2. Limit the size of the home occupation by the number of persons in the conduct of the use.
3. Make certain that the use of equipment does not interfere with the rights of the neighbors in the enjoyment of their property, control of noise, electrical interference, odors or the excessive use of public utilities beyond normal residential demand.

*Limit*  
4. Discourage the operation of any business that generates traffic by the sale of merchandise or stock that is sold from the premises.

*Prevent any change in*  
5. ~~Limit~~ the physical appearance ~~to that of~~ <sup>the</sup> residence, ~~which in some cases prevent the access to the home occupation to those~~ <sup>and require</sup> ~~entrances~~ normally used by the residence. This is to minimize the separate and distinctive business appearance of the dwelling <sup>from other residences</sup> ~~This would prohibit the outdoor storage of equipment, materials or vehicles~~

*Limit*  
6. Discourage the use of any accessory structure in the operation of a home occupation. <sup>and prohibit the outdoor storage of equipment, materials and vehicles.</sup>

7. Limit the home occupation to those not generating traffic beyond what would normally be expected in a residential neighborhood, ~~and any need for parking generated by the conduct of the home occupation should be met by off-street parking.~~ If a use is one that generates excessive demands for parking then is generally provided with a residence, it should not be permitted.

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not  
requiring

In comparing the above seven <sup>suggested limitations</sup> ~~restrictions~~ on home occupations to those of the City of Wichita regulations, <sup>the majority</sup> ~~all~~ are covered in some way by the present ordinance. A determination must then be made as to the appropriateness of the regulations for the City of Wichita and make the changes deemed appropriate.

ALTERNATIVES FOR CONSIDERATION:

The following <sup>alternatives</sup> are submitted for consideration by the Planning Commission as ~~alternatives for changes in the home occupation regulations.~~

1. Leave <sup>the</sup> ordinance as is, and consider any zoning change request to evade the home occupation provisions of the ordinance <sup>strictly</sup> on the appropriateness of the zoning requested and not on the intent of the applicant to change the intensity of a home occupation.
2. Amend the ordinance to require all home occupations to comply with the same restrictions as is now permitted by the "AA" One-family Dwelling District. (This would eliminate any nonresident employee, the permitted sign except when required by law, and a greater restriction on the permitted uses by not allowing the use of an accessory structure.) It should be noted that in 1981 an amendment to the zoning ordinance was advertised for public hearing at the request of the City Commission to eliminate the permission of any nonresident employee. This amendment was requested after complaints were filed with the City Commission by a neighbor that was objecting to the intensity of a beauty shop in the "A" district that had an outside employee. This amendment was not recommended for adoption to the City Commission and was eventually denied.

3. Amend the ordinance to permit home occupations to comply with <sup>one</sup> ~~two~~ <sup>single</sup> set of standards regardless of the location in the "AA", "A" or any other of the residential districts, ~~on the same general basis as is now permitted in the "AA" district.~~ <sup>accomplished by providing several</sup> ~~This would allow one employee other than one residing in the residence and would remove the other restrictions previously set forth as limitations of the "AA" One family Dwelling District.~~

*alternatives for the inclusion of employees, the use of accessory structures and the limitation on*

*the size of the home occupation.*

*point*  
~~4. Retain the basic provisions of the ordinance but provide a procedure for exceptions to the strict application of ordinance as it relates to a specific property and/or set of circumstances. This could be accomplished by establishing a joint administrative approval by the Superintendent of Central Inspection and the Director of Planning to accommodate temporary uses or home occupations not specifically listed in the ordinance that might be acceptable in a changing or transitional neighborhood but not in all locations, or for a long period of time. The procedure established would be appealable to the Board of Zoning Appeals by the adjoining property owners.~~

*point*  
~~5. Prepare an amendment to the ordinance that would establish limitations on home occupations that would take into consideration the location and intensity of the use and not particularly by the zoning district. Establish the limitations for a home occupation on a performance basis as deemed appropriate to the City of Wichita. Provide for an administrative procedure as is now in effect in the licensing of home occupations by Central Inspection. Permit by ordinance exceptions to the strict limitations of the home occupation provisions of the ordinance as are other exceptions in the zoning districts.~~

RECOMMENDATION:

It is recommended that the staff be authorized to prepare amendments to be advertised for public hearing to provide for alternative number ~~3~~

*This would also include the following:*

- a. Allow an employee only by exception.*
- b. Permit the use of a garage or accessory structure only if it is attached as a part of the main residence.*
- c. Limit the area of a home occupation to 25% of the floor area of the dwelling but not to exceed a maximum of 400 square feet.*

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RAM NOTES

April 27, 1984

Wichita-Sedgwick County Metropolitan Area Planning Commission  
Robert A. Lakin, Director of Planning Department

DR-84-5 - Possible Amendment to the Zoning Ordinance  
Re: Home Occupations

On April 5, 198<sup>4</sup>, the Planning Commission deferred a zoning change request on a property from "AA" to "A" which was being requested solely for the purpose of hiring an outside employee for a home occupation. This case was deferred for four weeks so the staff could review the Home Occupation provisions of the zoning ordinance and prepare some possible recommendations for changes. Z-2590

BACKGROUND OF PRESENT REGULATIONS:

When the original ordinance was adopted in 1922 the home occupation provision included only office facilities for physicians, dentists, musicians and artists, when conducted within their personal residences. In 1932 these provisions were expanded to include personal services such as barbers, beauty operators and seamstresses but only when such services were performed by the person occupying the dwelling and not including the employment of any other person. It also prohibited the use of any building for a home occupation except the use of space within the dwelling proper and no repair business of any kind was permitted.

The ordinance on home occupations was basically unchanged from 1932 to 1966 except for some language to clarify the meaning and intent of the personal services to be included and the prohibition of retail and repair businesses of any kind. In 1966, after several of the largest public hearings ever held on any amendments of the zoning ordinance, the present regulations on home occupations were adopted.

The present regulations include limitations on home occupations located in the "AA" One-family Dwelling District that do not apply to home occupations in any other dwelling district. These are as follows:

1. Does not permit any employee except those living within the dwelling.
2. Does not permit the use of an accessory structure or in a garage whether attached or detached.
3. Does not permit any manufacturing or processing, or a trade of any sort shall be performed on the premises or a type of business where stock is required to be maintained in operation of the business.
4. Signs denoting a home occupation are not permitted except those required by law. When such are permitted, they are limited to two square feet.

In addition to the special limitations of the "AA" District, home occupations <sup>for</sup> *ad districts* are limited to the amount of area within the dwelling; the appearance as a dwelling shall not change; the equipment used must not create excessive noise, electrical interference; and not include outdoor storage of materials, equipment or vehicles. The list of permitted uses in the ordinance provides for quite a range of uses that includes most uses that are compatible in any neighborhood provided they are limited as set forth in the regulations.

GENERAL INFORMATION:

In some of the most recent planning material that was researched, there is a considerable range of uses that are permitted or prohibited under each cities' regulations. Some cities allow only professional and personal service type business and do not even include barber and beauty operators. Some cities allow only one individual to be involved in a home occupation and only as a professional person.

Other cities have provisions for a home occupation to be located only in the higher density residential areas, and some cities, like Wichita, permit an additional employee in all but the most restrictive residential areas. Some place restrictions on the size of the home occupation by setting a maximum square footage of area within the dwelling that limits the possibility of the use being too objectionable.

It is suggested that the most effective method of regulating home occupations is to not rely strictly on a list of permitted or prohibited uses, but to establish restrictions to apply to all as follows:

1. Make certain the definition limits the home occupation to an accessory use to the main use, which is the dwelling or residence.
2. Limit the size of the home occupation by the number of persons in the conduct of the use.
3. Make certain that the use of equipment does not interfere with the rights of the neighbors in the enjoyment of their property, control of noise, electrical interference, odors or the excessive use of public utilities beyond normal residential demand.
4. Discourage the operation of any business that generates traffic by the sale of merchandise or stock that is sold from the premises.
5. Limit the physical appearance to that of a residence, which in some cases prevent the access to the home occupation to that normally used by the residence. This is to minimize the separate and distinctive business appearance of the dwelling. This would prohibit the outdoor storage of equipment, materials or vehicles.
6. Discourage the use of any accessory structure in the operation of a home occupation.

*or could be used  
to change?  
example:*

7. Limit the home occupation to those not generating traffic beyond what would normally be expected in a residential neighborhood, ~~and any need for parking generated by the conduct of the home occupation should be met by off street parking.~~ If a use generates traffic beyond what is generally expected in a residential neighborhood, it should not be permitted.

*Diff needs  
planning of  
should be  
in there*

*6/6  
ndk*

In comparing the above seven restrictions on home occupations to those of the City of Wichita regulations, all are covered in some way by the present ordinance. A determination must then be made as to the appropriateness of the regulations for the City of Wichita and make the changes deemed appropriate.

ALTERNATIVES FOR CONSIDERATION:

The following <sup>are</sup> ~~are~~ submitted for consideration by the Planning Commission, <sup>as</sup> ~~alternatives for~~ changes in the home occupation regulations:

1. Leave ordinance as is and consider any zoning change request to evade the home occupation provisions of the ordinance strictly on the appropriateness of the zoning requested and not on the intent of the applicant to change the intensity of a home occupation.
2. Amend the ordinance to require all home occupations to comply with the same restrictions as is now permitted by the "AA" One-family Dwelling District. (This would eliminate any nonresident employee, the permitted sign except when required by law, and a greater restriction on the permitted uses by not allowing the use of an accessory structure.) It should be noted that in 1981 an amendment to the zoning ordinance was advertised for public hearing at the request of the City Commission to eliminate the permission of any nonresident employee. This amendment was requested after complaints were filed with the City Commission by a neighbor that was objecting to the intensity of a beauty shop in the "A" district that had an outside employee. This amendment was not recommended for adoption to the City Commission and was eventually denied.
3. Amend the ordinance to permit home occupations to comply with <sup>a single</sup> ~~one~~ set of standards regardless of the location in the "AA", "A" or any other of the residential districts, on the same general basis as is now permitted in the "A" District. This would allow one employee other than those residing in the residence, and would remove the other restrictions previously set forth as limitations of the "AA" One-family Dwelling District.

4. Retain the basic provisions of the ordinance but provide a procedure for exceptions to the strict application of ordinance as it relates to a specific property and/or set of circumstances. This could be accomplished by establishing a joint administrative approval by the Superintendent of Central Inspection and the Director of Planning to accommodate temporary uses or home occupations not specifically listed in the ordinance that might be acceptable in a changing or transitional neighborhood but not in all locations, or for a long period of time. The procedure established would be appealable to the Board of Zoning Appeals by the adjoining property owners.

*Requires notice  
to landowner  
as well as  
neighborhood  
then appeals.*

*messy  
what*

5. Prepare an amendment to the ordinance that would establish limitations on home occupations that would take into consideration the location and intensity of the use and not particularly by the zoning district. Establish the limitations for a home occupation on a performance basis as deemed appropriate to the City of Wichita. Provide for an administrative procedure as is now in effect in the licensing of home occupations by Central Inspection. Permit by ordinance exceptions to the strict limitations of the home occupation provisions of the ordinance as are other exceptions in the zoning districts.

RECOMMENDATION:

It is recommended that the staff be authorized to prepare amendments to be advertised for public hearing to provide for alternatives numbered 3, 4 and 5. This should include input on possible changes from the present regulations by the Planning Commission.

\_\_\_\_\_  
Robert A. Lakin, Director of Planning

RAL:GEL:sad

cc: