

DR 63-6 - AMENDMENT TO COUNTY ZONING  
RESOLUTION REGARDING LOT AREA  
REQUIREMENTS

# ACTION

DATE

COMMITTEE

M.A.P.C.

*Moipe*

~~H.C.P./B. CO. C.A.~~

*City for pub. hearing # 463  
app for amendment 5-2-63*

*5-16-63*

*Closed*

*From*

May 15, 1963



Mr. Albert Jensen  
County Zoning Administrator  
344 County Courthouse  
Wichita, Kansas

This will verify our meeting and discussion with you and representatives from the Metropolitan Area Planning Commission on Friday, May 10, 1963, concerning the "R" zoning district classification.

We are in accord with the summary of our discussion concerning the subject matter as outlined in Mr. Edmonds' letter of May 13, 1963.


As we indicated in our discussion, the normal minimum lot area for residential property in the "R-1" zoning district classification, is 20,000 square feet. There have been a few isolated small areas in which the 15,000 square foot lot size has been applicable. There are also areas, generally in the eastern portion of the county, that would require lot sizes larger than 20,000 square feet. This determination of the lot size is made on the basis of the type of soil and its ability to absorb the sewage as it is applied in tile disposal fields under the ground.

In accordance with the County Zoning Resolution, lots existing under one ownership at the time of adoption of the County Zoning Resolution, which are smaller than the required area, may be utilized for construction of a dwelling provided that the area is sufficient for the installation of a septic tank system.

We plan to develop for your use a map depicting the lot size requirements for residential properties in the appropriate three-mile areas. We will also develop with you a means of communication concerning the installation of septic tank systems for non-residential land uses.

Mr. Albert Jenson  
County Zoning Administrator  
May 15, 1963

If you have any questions, or if you desire additional comments at this time,  
please let me know.

  
James V. Aiken, Jr.  
Environmental Health Director

JFA:rw

cc: Vernon E. Reed  
Floyd Schroeder  
Elmer S. Peters  
M. Leon Bauman, M.D., M.P.H.  
L. L. Little ✓

*Marcia*

May 13, 1963

Board of County Commissioners  
320 County Courthouse  
Wichita, Kansas

Gentlemen:

Re: DR 63-6 - Amendment to  
County Zoning Resolution re  
lot area requirements in the  
"R" zoning district

At the regular meeting of the Metropolitan Area Planning Commission held on May 2, 1963, a public hearing was held concerning an amendment to the County Zoning Resolution relating to lot area requirements in the "R" zoning district.

It was pointed out that when the "R" zoning was originally established under the County Zoning Resolution in 1958, it was used only beneath the flight zones. In 1961, the Zoning Committee and Planning Commission followed the example of the Haysville City Planning Commission and recommended that the "R" district be established in the outlying 3 mile ring areas.

During the public hearings on Case No. SCZ-0152, the first protests were heard as to the establishment of the minimum two acre zoning district.

It was pointed out that if the minimum lot area for an "R" district is reduced to less than one acre, it would result in the "R" and "R-1" districts being so similar as to provide little difference in either uses or lot area requirements.

It was pointed out that if the Commission feels there is still need for a district which discourages major development in areas such as that under flight zones, etc., then the zoning district

Board of County Commissioners  
May 13, 1963

maps should be amended to establish "R-1" zoning in lieu of the "R" zoning now established, with the exception of that in the Haysville district and that underneath the flight patterns.

It was the recommendation of the department that:

1. The "R" district continue to provide for a minimum lot area of two acres;
2. Change the zoning maps so that existing outlying "R" areas (except the Haysville area and that area under flight zones) be changed to "R-1".

It was moved, seconded and carried unanimously that the Planning Commission recommend to the Board of County Commissioners that the recommendation of the Planning Department be followed and that if the Board of County Commissioners approve, that this matter (re-establishment of districts on maps) be returned to the Metropolitan Area Planning Commission to conduct the appropriate hearings.

Respectfully submitted,

L. L. Little  
Secretary

LLL:RAL:ber

May 13, 1963

Mr. Albert Jenson  
County Zoning Administrator  
344 County Courthouse  
Wichita, Kansas

Dear Mr. Jenson:

In accordance with your suggestion made to Mr. Aiken of the City-County Health Department, we have met with you and Health Department representatives regarding the proposal to amend the Sedgwick County Zoning Resolution as it provides for lot area in the "R" zoning district classification. To conform and summarize the suggestions which we made at our luncheon meeting on Friday, May 10; three principal points appear to be important, resulting from Planning Commission action on this subject.

1. The Planning Commission is in sympathy with the expression of the people concerned with zoning case SCE-0152 and concurs that the zoning applied to residential property in that case should provide for lot areas of approximately 15,000 square feet, or such additional area as the Health Department may determine to be necessary on the basis of soil percolation and other tests.
2. It is the recommendation of the Planning Commission that the provisions of the "R" zoning classification not be changed to provide for a smaller lot area or smaller lot frontage.
3. It is the recommendation of the Planning Commission that the residential property involved in Case SCE-0152 be zoned "R-1" rather than "R" as first recommended; and that the Board of County Commissioners authorize the Planning Commission to initiate changes

Mr. Albert Jenson  
May 13, 1963

from "R" to "R-1" for other similar residential property which has been incorporated within the three mile area in Cases SCE-0099, SCE-0112, SCE-0123, SCE-0125, SCE-0135, SCE-0136, SCE-0141 and SCE-0148; and finally, that the "R" zoning district, retained as presently written, be reserved for use in designated approach zones to airport runways and other similar kinds of areas.

We believe that this series of actions by the Board of County Commissioners and the Planning Commission will fulfill the wishes of the citizens concerned in SCE-0152, and will at the same time provide for zoning in accordance with the generally accepted policy under which the County Zoning Resolution has been adopted and enforced.

If you have any questions or different interpretation of the results of our meeting, please advise at your earliest convenience.

Very truly yours,

Leland R. Edmonds  
Assistant Planning Director

LRE:ber

cc: Vernon E. Reed  
Floyd Schroeder  
Elmer S. Deters  
M. Leon Bauman, M.D., M.P.H.  
James F. Aiken, Jr.

7/16  
May 9, 1963




Mr. Albert Jensen  
Sedgwick County Zoning Administrator  
Sedgwick County Court House  
Wichita, Kansas

This will acknowledge your May 8, 1963, letter concerning a meeting in regards to the Lot requirements in the Rural Residential Zoning District.

This will also verify my telephone conversation to you of May 9, 1963, setting up a luncheon appointment with you at the court house on May 10, 1963, for myself and representatives from Mr. Little's office. We will plan to proceed with your suggested discussion concerning the subject matter at that time.

Thanks for your communication.

  
James E. Aiken, Jr.,  
Environmental Health Director

JFA:bw

cc: M. Leon Bauman, M. D., M. P. H.  
Vernon Reed  
Floyd Schroeder  
Elmer Peters  
L. L. Little ✓

May 2, 1963

TO: Metropolitan Area Planning Commission  
FROM: L. L. Little, Director of Planning  
SUBJECT: DR 63-6 - Lot Area Requirements in the "R" Zoning District

There has been considerable discussion on the subject of the minimum lot area to be required in the "R" and "R-1" zoning districts in the County. The Planning Commission has instructed the staff to advertise for amendments to the "R" district which would provide for a lower lot area requirement than now existing. The amendment has been advertised as it now appears on the agenda. It can be amended at its public hearing either to increase or decrease the amounts and areas stated.

The Department has contacted the Health Department and is advised that lot area requirements will, of course, vary from area to area within the County. The Health Department believes that 20,000 sq. ft. is probably the minimum area needed to provide septic tanks in the County. Other areas may require much more than this. However, when the minimum square footage area becomes too great, they are of the opinion that septic tanks in general are not feasible. Some soil types will not adapt to septic tank use and provide an efficient operation regardless of area utilized.

The original "R" zoning classification was established by the County in 1958. When this zoning was then established, it was used only underneath the flight cones, i.e., approaches to McConnell Air Force Base and the Municipal Airport. During 1961, the Zoning Committee and Planning Commission, following the example of the Haysville City Planning Commission, recommended that the "R" district be established in the outlying three-mile-ring areas. This was done to carry out the "intent" section of the "R" district which provides as follows:

"The intent and purpose of this section is to establish and conserve districts or areas which by general characteristics of topography, environment and location makes them not suitable for extensive development, thereby reducing to a minimum the possibility of danger to persons and damage to property, as well as the utilities, roads, schools, etc."

During the Public hearings on Case No SCZ-0152, the first protests were heard as to the establishment of the minimum two acre zoning district.

If the Planning Commission feels that the minimum lot area for an "R" district should be less than one acre, then it is the recommendation of the Planning Department that the "R" and "R-1" districts be combined inasmuch as the two districts would be so similar as to provide no appreciable difference in either uses or lot area requirements.

If the Planning Commission feels, however, that there is still need for a zoning district which discourages major development in areas such as that under flight cones, the zoning district maps could and should be amended to establish "R-1" zoning in lieu of the "R" zoning now established with the exception of that in the Haysville district and that underneath the flight patterns. If it is felt that the district map should be changed from "R" to "R-1" as outlined in this paragraph, the Planning Commission could provide a general notice in the official paper stating that all "R" zone except that in flight patterns (and then legally describe the flight patterns) will be changed to "R-1".

RECOMMENDATION:

It is the recommendation of the Planning Department that:

1. The "R" district continue to provide for a minimum lot of two acres;
2. Change the zoning maps so that existing outlying "R" areas (except the Haysville area and that area under flight cones) be changed to "R-1".

L. L. Little  
Director of Planning

LLL:RAL:an

**OFFICIAL NOTICE**

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that at 2 p.m. on the 2nd day of May, 1963, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 404 City Building Annex, 104 South Main, Wichita, Kansas will consider the following proposed change in the text of the Zoning Resolution, Sedgwick County, Kansas:

Amend Section 1.0.1 - "R" RURAL RESIDENTIAL DISTRICT to read as follows:

**D. AREA REQUIREMENTS:**

1. Lot Area: Every lot shall have a minimum width of one hundred (100) feet and a minimum area of twenty-five thousand (25,000) square feet. Provided, that where a lot has less area than required in this subsection, and was recorded under one ownership or was recorded in a subdivision at the time of the adoption of this Resolution, such lot may be occupied by a one-family dwelling.

Amend Section 1.0.3 - "R" RURAL RESIDENTIAL DISTRICT to read as follows:

3. Side Yard: There shall be a side yard of not less than ten (10) percent of the width of the lot on each side of a building, but such side yard need not exceed ten (10) feet.

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 this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the revised zoning ordinance will be considered by the Commission as by law provided.

Witness my hand and seal on this 15th day of April, 1963.

L. L. Little, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning  
Commission

(SEAL)

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OFFICIAL NOTICE

TO ALL INTERESTED PERSONS:

NOTICE IS HEREBY GIVEN that at 2 p.m. on the 4th day of April, 1963, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, will hold a public hearing on proposals to amend that portion of the County Zoning Resolution relating to area requirements in the "R" Rural Residential zoning classification (Section 3.D). Based on findings made at this public hearing, the Commission may set the time, date and place for further public hearings on specific amendments to the County Zoning Resolution of Sedgwick County, Kansas.

Any proposed amendment will be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises.

L. L. Little, Secretary  
Wichita-Sedgwick County  
Metropolitan Area Planning  
Commission