

DR60-1 - LETTER FROM CLAY COX ASKING
FOR CONSIDERATION OF AMENDMENT OF
ITEM A, PARAGRAPH 7-A, SECTION 5,
COUNTY ZONING RESOLUTION

ACTION

DATE

COMMITTEE

MAPC. *Revisited & tentatively 2-11-60
Staff to prepare amendments*

~~MAPC~~
MAPC 3-17-60 *St. Pallen Hearing*

MAPC 4-21-60 *Approved as amended*

BDC 4-28-60 *Approved*

— Closed —

APRIL 22, 1960

BOARD OF COUNTY COMMISSIONERS
COURT HOUSE
WICHITA, KANSAS

GENTLEMEN:

RE: DR60-1 - AMENDMENTS TO
COUNTY ZONING RESOLUTION
CONCERNING HOME OCCUPATIONS

AT THE REGULAR MEETING OF THE METROPOLITAN AREA PLANNING COMMISSION HELD ON APRIL 21, 1960 THE ABOVE PROPOSED AMENDMENTS TO THE SEDGWICK COUNTY ZONING RESOLUTION WERE CONSIDERED AND THE FOLLOWING ACTION TAKEN:

IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS THAT THE FOLLOWING AMENDMENTS TO THE COUNTY ZONING RESOLUTION BE ADOPTED:

SECTION 3.A.5

AMEND TO READ AS FOLLOWS:

5. HOME OCCUPATIONS, PROVIDED THAT:

- A) NO MORE THAN ONE SHALL BE PERMITTED PER DWELLING OR ACCESSORY BUILDING ASSOCIATED THEREWITH.
- B) SUCH USE IS NOT OBJECTIONABLE DUE TO NOISE, HOURS OF OPERATION, TRAFFIC GENERATED, OR HAZARDOUS OR NOXIOUS PROCESS.
- C) A SIGN ADVERTISING SUCH USE SHALL BE PERMITTED, PROVIDED THAT SUCH SIGN SHALL NOT EXCEED TWELVE (12) SQUARE FEET IN TOTAL AREA; SHALL HAVE A VERTICAL DIMENSION NO GREATER THAN TWICE ITS HORIZONTAL DIMENSION AND NO LESS THAN HALF ITS HORIZONTAL DIMENSION; AND SHALL NOT BE ILLUMINATED BY ARTIFICIAL LIGHT OF ANY KIND.

SECTION 4.A.7

AMEND TO READ AS FOLLOWS:

- A) NO MORE THAN ONE SHALL BE PERMITTED PER DWELLING OR ACCESSORY BUILDING ASSOCIATED THEREWITH.
- B) SUCH USE IS NOT OBJECTIONABLE DUE TO NOISE, HOURS OF OPERATION, TRAFFIC GENERATED, OR HAZARDOUS OR NOXIOUS PROCESS.
- C) A SIGN ADVERTISING SUCH USE SHALL BE PERMITTED, PROVIDED THAT SUCH SIGN SHALL NOT EXCEED SIX (6) SQUARE FEET IN TOTAL AREA; SHALL HAVE A VERTICAL DIMENSION NO GREATER THAN TWICE ITS HORIZONTAL DIMENSION AND NO LESS THAN HALF ITS HORIZONTAL DIMENSION; AND SHALL NOT BE ILLUMINATED BY ARTIFICIAL LIGHT OF ANY KIND.

SECTION 5.A.7

AMEND TO READ AS FOLLOWS:

- A) NO MORE THAN ONE SHALL BE PERMITTED PER DWELLING OR ACCESSORY BUILDING ASSOCIATED THEREWITH.
- B) SUCH USE IS NOT OBJECTIONABLE DUE TO NOISE, HOURS OF OPERATION, TRAFFIC GENERATED, OR HAZARDOUS OR NOXIOUS PROCESS.
- C) A SIGN ADVERTISING SUCH USE SHALL BE PERMITTED, PROVIDED THAT SUCH SIGN SHALL NOT EXCEED THREE (3) SQUARE FEET IN TOTAL AREA; SHALL NOT BE ILLUMINATED BY ARTIFICIAL LIGHT OF ANY KIND; NOR SHALL BE LOCATED NOT LESS THAN 20 FEET FROM THE FRONT PROPERTY LINE.

RESPECTFULLY SUBMITTED,

L. L. LITTLE
DIRECTOR OF PLANNING

LLL:RAL:BER

OR 60-1

LEGAL PUBLICATIONS

(W-221) (Published in The Wichita Beacon on April 1, 1960.)

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that at 2 p.m. on the 21st day of April, 1960, the Wichita-Sedgewick County Metropolitan Area Planning Commission, in Room 401 City Building Annex, 100 South Main Street, Wichita, Kansas, will consider the following proposed changes in the text of the Zoning Resolution, Sedgewick County, Kansas, adopted by the Board of County Commissioners on February 19, 1958, and which became effective on March 3, 1958, and subsequent amendments thereto:

SECTION 2.4.5
Amend to read as follows:
6. Home occupations, provided that:
a) No more than one sign be permitted per dwelling or accessory building associated therewith;
b) Such use is not objectionable due to noise, hours of operation, traffic generated, or hazardous or noxious process;
c) A sign advertising such use shall be permitted, provided that such sign shall not exceed twelve (12) square feet in total area; shall have a vertical dimension no greater than twice its horizontal dimension, and no less than half its horizontal dimension; and shall not be illuminated by artificial light of any kind.

SECTION 4.4.7
Amend to read as follows:
7. Home occupations, provided that:
a) No more than one sign be permitted per dwelling or accessory building associated therewith;
b) Such use is not objectionable due to noise, hours of operation, traffic generated, or hazardous or noxious process;
c) A sign advertising such use shall be permitted, provided that such sign shall not exceed twelve (12) square feet in total area; shall have a vertical dimension no greater than twice its horizontal dimension, and no less than half its horizontal dimension; and shall not be illuminated by artificial light of any kind.

SECTION 5.4.1
Amend to read as follows:
7. Home occupations, provided that:
a) No more than one shall be permitted per dwelling or accessory building associated therewith;
b) Such use is not objectionable due to noise, hours of operation, traffic generated, or hazardous or noxious process;
c) A sign advertising such use shall be permitted, provided that such sign shall not exceed three (3) square feet in total area; shall not be illuminated by artificial light of any kind; nor shall be located on the front property line.

The above proposed amendments will be discussed and considered by the Wichita-Sedgewick County Metropolitan Area Planning Commission at the time and place above stated, 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 changes to the Zoning Resolution, Sedgewick County, Kansas, will be considered by the Commission as by law provided. Witness my hand and seal on this 29th day of March, 1960.

(SEAL) *L. A. LITTLE*, Secretary,
Wichita-Sedgewick County Metropolitan Area Planning Commission.

PR 60-1

() (PUBLISHED IN THE WICHITA BEACON ON APRIL 1, 1960)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT AT 2 P.M. ON THE 21ST DAY OF APRIL, 1960, THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN STREET, WICHITA, KANSAS, WILL CONSIDER THE FOLLOWING PROPOSED CHANGES IN THE TEXT OF THE ZONING RESOLUTION, SEDGWICK COUNTY, KANSAS, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON FEBRUARY 19, 1958, AND WHICH BECAME EFFECTIVE ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO:

SECTION 3.A.5

AMEND TO READ AS FOLLOWS:

5. HOME OCCUPATIONS, PROVIDED THAT:

- A) NO MORE THAN ONE SHALL BE PERMITTED PER DWELLING OR ACCESSORY BUILDING ASSOCIATED THEREWITH.
- B) SUCH USE IS NOT OBJECTIONABLE DUE TO NOISE, HOURS OF OPERATION, TRAFFIC GENERATED, OR HAZARDOUS OR NOXIOUS PROCESS.
- C) A SIGN ADVERTISING SUCH USE SHALL BE PERMITTED, PROVIDED THAT SUCH SIGN SHALL NOT EXCEED TWELVE (12) SQUARE FEET IN TOTAL AREA; SHALL HAVE A VERTICAL DIMENSION NO GREATER THAN TWICE ITS HORIZONTAL DIMENSION AND NO LESS THAN HALF ITS HORIZONTAL DIMENSION; AND SHALL NOT BE ILLUMINATED BY ARTIFICIAL LIGHT OF ANY KIND.

SECTION 4.A.7

AMEND TO READ AS FOLLOWS:

7. HOME OCCUPATIONS, PROVIDED THAT:

- A) NO MORE THAN ONE SHALL BE PERMITTED PER DWELLING OR ACCESSORY BUILDING ASSOCIATED THEREWITH.
- B) SUCH USE IS NOT OBJECTIONABLE DUE TO NOISE, HOURS OF OPERATION, TRAFFIC GENERATEX, OR HAZARDOUS OR NOXIOUS PROCESS.
- C) A SIGN ADVERTISING SUCH USE SHALL BE PERMITTED, PROVIDED THAT SUCH SIGN SHALL NOT EXCEED TWELVE (12) SQUARE FEET IN TOTAL AREA; SHALL HAVE A VERTICAL DIMENSION NO GREATER THAN TWICE ITS HORIZONTAL DIMENSION AND NO LESS THAN HALF ITS HORIZONTAL DIMENSION; AND SHALL NOT BE ILLUMINATED BY ARTIFICIAL LIGHT OF ANY KIND.

SECTION 5.A.7

AMEND TO READ AS FOLLOWS:

7. HOME OCCUPATIONS, PROVIDED THAT:

- A) NO MORE THAN ONE SHALL BE PERMITTED PER DWELLING OR ACCESSORY BUILDING ASSOCIATED THEREWITH.
- B) SUCH USE IS NOT OBJECTIONABLE DUE TO NOISE, HOURS OF OPERATION, TRAFFIC GENERATED, OR HAZARDOUS OR NOXIOUS PROCESS.
- C) A SIGN ADVERTISING SUCH USE SHALL BE PERMITTED, PROVIDED THAT SUCH SIGN SHALL NOT EXCEED THREE (3) SQUARE FEET IN TOTAL AREA; SHALL NOT BE ILLUMINATED BY ARTIFICIAL LIGHT OF ANY KIND; NOR SHALL BE LOCATED NOT LESS THAN 20 FEET FROM THE FRONT PROPERTY LINE.

THE ABOVE PROPOSED AMENDMENTS WILL BE DISCUSSED AND CONSIDERED BY THE SAID WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION AT THE TIME AND PLACE ABOVE STATED, 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 ZONING RESOLUTION, SEDGWICK COUNTY, KANSAS, WILL BE CONSIDERED BY THE COMMISSION AS BY LAW PROVIDED.

WITNESS MY HAND AND SEAL ON THIS 29TH DAY OF MARCH, 1960.

L. L. LITTLE, SECRETARY
WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING
COMMISSION

(SEAL)

(1-7)

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

RE: AGENDA ITEM NO. 10

OFFICE OF: METROPOLITAN PLANNING

DATE: MARCH 16, 1960

To: METROPOLITAN PLANNING COMMISSION

FROM: L. L. LITTLE

SUBJECT: HOME OCCUPATIONS
SEDGWICK COUNTY
ZONING RESOLUTION

ON JANUARY 19, 1960, MR. CLAY COX, COUNTY ZONING ADMINISTRATOR, ADDRESSED THE PLANNING COMMISSION WITH RESPECT TO PROVISIONS FOR HOME OCCUPATIONS AS CONTAINED IN THE SEDGWICK COUNTY ZONING RESOLUTION. HE REPORTED THAT THE SEDGWICK COUNTY BOARD OF ZONING APPEALS HAS SUGGESTED A POSSIBLE AMENDMENT OF PARAGRAPH 7A OF SECTION 5 OF THE RESOLUTION, WHICH READS AS FOLLOWS:

"SUCH OCCUPATION IS CONDUCTED WHOLLY WITHIN THE DWELLING OR GARAGE LOCATED NOT NEARER THAN FIFTY (50) FEET TO ANY EXISTING DWELLING ON ADJOINING LOTS".

THE ABOVE QUOTATION REFERS TO THE HOME OCCUPATION PROVISION IN THE "AA" ZONING DISTRICT.

IN THE "R" ZONING DISTRICT, WHERE MINIMUM LOT FRONTAGES ARE 200 FEET, THE COMPARABLE RESTRICTION IS 100 FEET. IN THE "R-1" ZONING DISTRICT, WHERE MINIMUM LOT FRONTAGES ARE 100 FEET, THE DISTANCE REQUIRED BETWEEN A HOME OCCUPATION AND THE NEAREST DWELLING IS 50 FEET.

IT WOULD APPEAR THAT IT WAS THE INTENTION OF THE COUNTY PLANNING COMMISSION TO PROVIDE FOR A HOME OCCUPATION TO BE PERMITTED ON EACH LOT OR BUILDING SITE MEETING THE MINIMUM LOT FRONTAGE REQUIREMENT IN THE PARTICULAR ZONING DISTRICT CONCERNED.

IN THE "AA" ZONING DISTRICT MINIMUM LOT FRONTAGES AT THE BUILDING SET-BACK LINE IS 60 FEET. A MINIMUM DISTANCE BETWEEN A HOME OCCUPATION AND ANOTHER DWELLING IS 50 FEET. THUS, IT WOULD NOT BE POSSIBLE FOR EACH LOT OR BUILDING SITE MEETING THE MINIMUM FRONTAGE REQUIREMENT TO HAVE THE RIGHT TO BE USED AS A HOME OCCUPATION AS APPEARS TO HAVE BEEN INTENDED BY THE COUNTY PLANNING COMMISSION.

THE PLANNING DEPARTMENT HAS EXAMINED THE COUNTY PLANNING COMMISSION MINUTES REFLECTING THE DISCUSSIONS WHICH PRECEDED THE ADOPTION OF THE COUNTY ZONING RESOLUTION. WHILE THERE ARE NUMEROUS REFERENCES TO HOME OCCUPATION PROVISIONS, THERE IS NO INDICATION IN ANY OF THE REFERENCES AS TO THE SPECIFIC THINKING BEHIND THE MINIMUM DISTANCES APPLIED TO THIS FEATURE OF LAND USE. REFERENCES WERE MADE, HOWEVER, TO THE FEELING EXPRESSED BY SEVERAL MEMBERS OF THE STUDY GROUP, THAT EACH INDIVIDUAL HOME OWNER SHOULD BE ENTITLED TO CONDUCT A "HOME OCCUPATION" ON HIS PROPERTY IF HE SO DESIRED.

IN VIEW OF THE FOREGOING, AND IN VIEW OF THE FACT THAT THE CITY ZONING ORDINANCE ALLOWS A HOME OCCUPATION IN EACH DWELLING UNIT, AND FINALLY IN VIEW OF THE PLANNING COMMISSION'S INTENTION TO INCREASE THE COMPARABILITY OF THE CITY AND COUNTY ZONING REGULATIONS, THE PLANNING DEPARTMENT RECOMMENDS:

1. THAT THE PLANNING COMMISSION DIRECT THE DEPARTMENT TO PREPARE APPROPRIATE AMENDMENTS TO THE "R", "R-1" AND "AA" ZONING DISTRICT SECTIONS OF THE ZONING RESOLUTION, TO PROVIDE THAT THERE SHALL BE NO MORE THAN ONE HOME OCCUPATION PER SINGLE BUILDING SITE
2. THAT SUCH PROPOSED AMENDMENTS BE SUBMITTED TO THE COUNTY COUNSEL FOR APPROVAL AS TO FORM
3. THAT THE DEPARTMENT BE DIRECTED TO ADVERTISE FOR APPROPRIATE PUBLIC HEARING IN ACCORDANCE WITH THE ABOVE AT THE EARLIEST POSSIBLE DATE.

L. L. LITTLE
DIRECTOR OF PLANNING

RE AGENDA ITEM NO. 17

JANUARY 19, 1960

MR. LESTER WILKINSON, CHAIRMAN
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX
104 SOUTH MAIN STREET
WICHITA, KANSAS

DEAR MR. WILKINSON:

THE SEDGWICK COUNTY BOARD OF ZONING APPEALS, AFTER RECENTLY CONSIDERING A VARIANCE REQUEST, HAS DIRECTED THIS OFFICE TO ASK YOUR CONSIDERATION FOR A POSSIBLE AMENDMENT TO ITEM A, PARAGRAPH 7-A OF SECTION 5.

"SUCH OCCUPATION IS CONDUCTED WHOLLY WITHIN THE DWELLING OR GARAGE LOCATED NOT NEARER THAN FIFTY (50) FEET TO ANY EXISTING DWELLING ON ADJOINING LOTS."

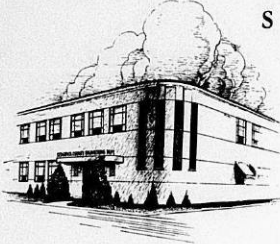
THE BOARD NOTES THAT IN THE "R", RURAL RESIDENTIAL DISTRICT, THE RELEVANT RESTRICTION IS ONE HUNDRED (100) FEET, WHILE IN THE "R-1", SUBURBAN RESIDENTIAL DISTRICT, THERE IS A SUBSTANTIAL DEDUCTION OF THE SPECIFICATION TO FIFTY (50) FEET. THEREFORE, THE BOARD WONDERS IF THE PLANNING COMMISSION SHOULD GIVE CONSIDERATION IN REDUCING THE REQUIRED FOOTAGE IN THE "AA", ONE FAMILY DWELLING DISTRICT.

IF THIS OFFICE CAN PROVIDE ADDITIONAL INFORMATION ON THIS MATTER, PLEASE ADVISE.

SINCERELY YOURS,

CLAY COX
COUNTY ZONING ADMINISTRATOR

CC/JW



SEDGWICK COUNTY

WICHITA . KANSAS

OFFICE OF
COUNTY ZONING ADMINISTRATOR
1015 STILLWELL

P. O. BOX 2485

January 19, 1960

Date _____ By _____
Answered _____
Filed _____

Mr. Lester Wilkinson, Chairman
Metropolitan Area Planning Commission
City Building Annex
104 South Main Street
Wichita, Kansas

Dear Mr. Wilkinson:

The Sedgwick County Board of Zoning Appeals, after recently considering a variance request, has directed this office to ask your consideration for a possible amendment to Item A, Paragraph 7-A of Section 5.

"Such occupation is conducted wholly within the dwelling or garage located not nearer than fifty (50) feet to any existing dwelling on adjoining lots."

The Board notes that in the "R", Rural Residential District, the relevant restriction in one hundred (100) feet, while in the "R-1", Suburban Residential District, there is a substantial deduction of the specification to fifty (50) feet. Therefore, the Board wonders if the Planning Commission should give consideration in reducing the required footage in the "AA", One Family Dwelling District.

If this office can provide additional information on this matter, please advise.

Sincerely yours,

Clay Cox
Clay Cox
County Zoning Administrator



cc/jw