

**EXCERPT MINUTES OF THE DECEMBER 17, 2015 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION HEARING**

Case No.: DER2015-00009 - Proposed amendments to Section IV-E.7. of the Wichita-Sedgwick County Unified Zoning Code regarding minimum lot size and separation requirements for rural home occupations.

Background: On September 6, 2012, the MAPC recommended amendments to the rural home occupation regulations. The recommendations included reducing the minimum lot size for a rural home occupation to two acres and reducing the required separation distance between a rural home occupation and a residence to 40 feet.

On November 21, 2012, the County Commission returned the recommended amendments to the MAPC for reconsideration of the minimum lot size and separation requirements. On March 21, 2013, the MAPC reconsidered the amendments to the rural home occupation regulations and recommended a minimum lot size of five acres and a separation requirement of 120 feet. On April 17, 2013, the County Commission approved the MAPC recommended amendments to the rural home occupation regulations.

During the review process, some County Commissioners expressed support for the minimum lot size and separation requirements originally recommended by MAPC. At a recent County Commission staff meeting, Commissioners discussed the potential to promote economic development in rural areas by making it easier to establish a rural home occupation. To that end, Chairman Ranzau asked staff to place an item on the MAPC agenda to consider amendments that would reduce the minimum lot size and separation requirements for rural home occupations.

The proposed amendments (attached) would reduce the minimum lot size for a rural home occupation from five acres to two acres by right and from two acres to 20,000 square feet with a Conditional Use. The proposed amendments also would reduce the required separation distance between a rural home occupation and a residence from 120 to 75 feet.

On November 19, 2015, the MAPC voted (12-0) to set a public hearing for December 17, 2015, to consider the proposed amendments. The MAPC also directed the Advanced Plans Committee to consider the proposed amendments and make a recommendation.

On December 3, 2015, the Advanced Plans Committee considered the proposed amendments and voted (5-0) to recommend approval. The summary of the Advanced Plans Committee meeting is attached.

Recommended Action: Based on the information available prior to the public hearing, staff recommends approval of the proposed amendments to Section IV-E.7. of the Wichita-Sedgwick County Unified Zoning Code regarding minimum lot size and separation requirements for rural home occupations. This recommendation is based on the following findings.

1. **The zoning, uses, and character of the neighborhood:** The “RR” Rural Residential and “SF-20” Single-Family Residential are the zoning districts in which rural home occupations are permitted. The purpose of these districts is to support large-lot residential development and complementary land uses. Rural home occupations are a complementary land use in rural areas.

2. The suitability of the subject property for the uses to which it has been restricted: Large lots in unincorporated areas are suitable for the types of uses permitted as rural home occupations.
3. The extent to which removal of the restrictions will detrimentally affect nearby property: While the proposed amendments reduce the minimum lot size and separation requirements for rural home occupations, additional development standards for rural home occupations such as screening requirements and limitations on building size and the number of employees should limit the detrimental affect of rural home occupations on nearby properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The Wichita and Small Cities 2030 Urban Growth Areas map indicates that rural areas are appropriate for rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.

Attachments: Proposed Amendments to Section IV-E.7.
Advanced Plans Committee Summary of Meeting, December 3, 2015

SCOTT KNEBEL, Planning Staff presented the Staff Report.

MILLER STEVENS asked if there were any changes in screening requirements.

KNEBEL responded no, just separation distance.

MILLER STEVENS asked if there was any limitation on how many of these you can have in a consecutive area.

KNEBEL replied that there were no limitations on the number of rural home occupations in any geographic area.

FOSTER asked about analysis on how this proposal relates to sewage facilities and water requirements. He asked what conditions exist in the infrastructure to allow this.

KNEBEL said the base zonings for RR and SF-20 have restrictions on minimum lot size based on the availability of water and sewer and those still apply. As an example, he said if an applicant had a lagoon, they would still be required to have a 4.5 acre lot.

FOSTER asked about minim side yard setbacks for RR.

KNEBEL said 20 feet on the side and 25 feet on the rear.

FOSTER referred to Item B. and asked if a rural home occupation would it be 55 feet from the property line to the residence or 75 feet as the crow flies.

KNEBEL said 55 feet from the subject property line would be required. He added it was a building to building separation.

There were no public comments.

MOTION: To approve subject to staff recommendation.

RICHARDSON moved, **RAMSEY** seconded the motion, and it carried (8-1).
FOSTER – No.

FOSTER said he believes this proposal is going more towards an urban condition and that is not what Rural Residential is about. He said he felt he should mention that.
