

DR 70-11 - Amendment to County Zoning Resolution to permit multi-family dwelling units in "AA" Dist. as a Conditional Use.

# ACTION

COMMITTEE	DATE
M.A.P.C.	<u>6-11-70</u>
<del>B.C.C./B. CO. C.</del>	<u>6-24-70</u>

Resolution Published 6-29-70

*Closed*

R E S O L U T I O N

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 3, 1969, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, AND THE CITY OF GODDARD, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 14. C. THEREOF.

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

SECTION I. That upon the recommendation of the Metropolitan Area Planning Commission on June 11, 1970, 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, the following section of the Sedgwick County Zoning Resolution is hereby amended to read as follows:

SECTION 5 - "AA" - ONE-FAMILY DWELLING DISTRICT

The intent and purpose of this section is to establish a use district which is applicable to those areas deemed reasonable and advisable in accordance with good planning practice, to permit a greater density of development and have municipal or community disposal facilities available.

The following regulations shall apply in all "AA" Districts:

A. USES PERMITTED

1. Agriculture.
2. One-family dwellings.
3. Churches and related church school facilities, provided a minimum thirty (30) foot side yard is maintained. Signs in relation to such use shall not exceed twelve (12) square feet in area and any lights used to illuminate said signs shall be so arranged as to reflect the light away from adjoining premises.
4. Exploration for, and extraction of, oil and natural gas.
5. Golf courses, except miniature golf courses and driving tees operated for commercial purposes and open to anyone who applies.
6. Public schools through the twelfth grade, and private schools having a curriculum equivalent to and substantially the same as that of a similar public school, but not including private kindergartens or nursery schools accommodating ten (10) or more students, provided a minimum fifty (50) foot side yard is maintained.

7. Home occupations - See Section 2-1.
  8. Accessory structures.
  9. Transitional Use: The following use shall be permitted on a lot in the "AA" district where such lot abuts upon a lot in "LC", "C", "E", or "F" District, provided such transitional use does not exceed more than one hundred (100) feet and is continuous and contiguous to the "LC", "C", "E", or "F" District:
    - a) Public parking area when located and developed as required in Section 11-B.
  10. Conditional Uses: The following uses may also be permitted if their location is first approved by the Commission as provided for in Section 11-E:
    - a) Educational or religious institutions.
    - b) Government buildings and premises.
    - c) Hospital or sanitarium, except animal hospitals.
    - d) Library or museum, public.
    - e) Nursery or greenhouse.
    - f) Public park, playground, or other outdoor recreational area.
    - g) Philanthropic institutions, homes for the aged and institutional homes.
    - h) Mobile Home Parks and Trailer Courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
    - i) Multiple-family dwellings provided that the density of dwelling units per net acre shall not exceed fifteen (15) and off-street parking requirements shall be not less than one and one-half (1 1/2) parking spaces per dwelling unit.
- B. Automobile parking space to be provided as required in Section 11-B.
- C. HEIGHT LIMIT: No building shall be erected or enlarged to exceed two and one-half (2½) stories, excluding basement, or thirty-five (35) feet; provided, however, that buildings may be erected to a height of three (3) stories or forty-five (45) feet if both required yards are increased to not less than twenty-five (25) feet each.
- D. AREA REQUIREMENTS:
1. Lot Area: For a one-family dwelling, the lot shall have a minimum lot width of 60 feet at the front building setback line; a minimum width of 40 feet

at the front lot line; and a minimum area of seventy-five hundred (7,500) square feet. Provided, that where a lot has less area than required in this subsection, and was recorded in a subdivision at the time of the adoption of this Resolution, such lot may be occupied by any use permitted in this section.

2. Front Yard: The minimum front yard setback shall be sixty (60) feet from the center line of the street.

In no case, however, shall any building be erected, reconstructed or structurally altered nearer to the center line of any of the streets or roads named in Section 11-D, upon which it fronts.

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 six (6) feet.

In the case of lots forty (40) feet to forty-nine (49) feet wide, inclusive, the width of each side yard shall be no less than four (4) feet.

4. Rear Yard: There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot, but such rear yard need not exceed twenty (20) feet, except as occupied by an accessory structure under the provisions as specified by Section 11-A.

5. Area requirements as established in paragraph D of this section shall not apply to trailer courts and mobile home parks; provided that area requirements for trailer courts and mobile home parks shall be as established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.

SECTION II. That Section 5 of the Sedgwick County Zoning Resolution, as adopted on March 3, 1958, and last amended on December 3, 1969, is hereby repealed.

SECTION III. This Resolution shall take effect and be enforced from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED this 24th day of June, 1970.

Earl E. Rush Chairman  
Earl E. Rush

Elmer S. Peters Commissioner  
Elmer S. Peters

Tom Scott Commissioner  
Tom Scott

ATTEST:

Marie Warden  
Marie Warden, County Clerk  
(SEAL)

WICHITA-SEDGWICK COUNTY

DATE  
June 22, 1970

**METROPOLITAN AREA PLANNING DEPARTMENT**



TO Board of County Commissioners  
Earl Rush, Chairman  
FROM Robert A. Lakin, Secretary *RAL*  
SUBJECT DR 70-11 - Amendment to County Zoning Resolution

Attached is a copy of a Resolution amending the County Zoning Resolution, which, after notice and public hearing before the Metropolitan Area Planning Commission on June 11, 1970, is recommended for adoption.

This Resolution provides for the following change to Section 5 of the County Zoning Resolution:

Add the following to A.10 - Conditional Uses:

- i) Multiple-family dwellings provided that the density of dwelling units per net acre shall not exceed fifteen (15) and off-street parking requirements shall be not less than one and one-half (1 1/2) parking spaces per dwelling unit.

This amendment will provide for the development of multiple-family dwellings as a Conditional Use in the "AA" One-family Dwelling District, after a public hearing before the Metropolitan Area Planning Commission and then to the Board of County Commissioners for their approval or disapproval as required for any conditional use permit under the county Zoning Resolution.

Multiple-family dwellings are now required to be located in the "IC" Light Commercial zoning district, which, under a given set of circumstances, could create an undue amount of commercial zoning in a location that would not be in accordance with a proper development plan for an area. This amendment will permit multiple-family dwellings only when such development will be connected to a municipal or community disposal facility and the density of the development will not exceed 15 dwelling units per net acre.

We would appreciate the consideration of this amendment to the County Zoning Resolution at your regular meeting of June 24, 1970.

RAL:GEL:ber  
Attachment

WICHITA-SEDGWICK COUNTY

DATE  
June 5, 1970

**METROPOLITAN AREA PLANNING DEPARTMENT**



TO The Wichita-Sedgwick County Metropolitan  
Area Planning Commission  
FROM Robert A. Lakin, Secretary *RA*  
SUBJECT DR 70-11 - Amendment to County  
Zoning Resolution

Attached is a copy of a proposed amendment to the County Zoning Resolution which has been advertised for public hearing before the Planning Commission at the regular meeting of June 11, 1970.

This amendment will provide for the development of multiple family dwellings as a Conditional Use in the "AA" One-family dwelling district, after a public hearing before the Planning Commission, as is required for any Conditional Use permit under the County Zoning Resolution.

Multiple-family dwellings are now required to be located in the "LC" Light Commercial zoning district, which, under a given set of circumstances, could create an undue amount of commercial zoning in a location that would not be in accordance with an overall development plan for an area. This amendment will permit multiple-family dwellings when such can be connected to a municipal or community disposal facility and the density of the development does not exceed 15 dwelling units per acre.

RAL:GEL:ber

Attachment - 1

WICHITA—SEDCWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

AMHERST 2-0611 — AREA CODE 316  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

June 1, 1970

Gentlemen:

Re: DR 70-11 and DR 70-12

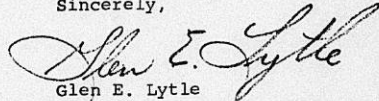
Attached you will find copies of the official notices for public hearings for changes in both the Wichita Zoning Ordinance and the County Zoning Resolution relating to multiple-family dwellings.

As you will note it is proposed to include multiple-family dwellings as a conditional use in the "AA"-One Family dwelling district in the County Zoning Resolution. This would permit multiple-family dwellings in areas where community or municipal type sewage disposal systems are available and the density of the development would be limited to fifteen dwelling units per acre.

The changes to the Wichita Zoning Ordinance are the proposal of inserting two new zoning districts to permit multiple-family dwellings, but which would not include some of the uses now permitted in the "B"-Multiple Family zoning district. It would also limit the density of multiple-family dwellings in the "R-5" and "R-6" districts to 12.4 and 29 dwelling units per acre respectively.

These proposals have been discussed with the Metropolitan Area Planning Commission and with a number of developers and we feel that these proposals are for the best interests of the community.

Sincerely,

  
Glen E. Lytle  
Special Assistant for Zoning

GEL:ls

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on June 11, 1970, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes to Title 28, the Code of the City of Wichita, Kansas:

That Section 28.04.050 be amended as follows:

Following "RB" Four-family Dwelling classification or district" add:

"R-5" — General Dwelling District

"R-6" — General Dwelling District

That the following zoning district be inserted

into the ordinance as Section 28.04.065:

28.04.065 — "R-5" — GENERAL

RESIDENCE DISTRICT. In the "R-5" General

Residence District, no building or

premises shall be used and no building shall be

hereafter erected, enlarged converted or

altered, unless otherwise provided in this

Chapter, except for one or more of the

following uses. All buildings erected, enlarged,

converted or altered in the "R-5" General

Residence District shall conform to the

following area and bulk regulations.

A. USE REGULATIONS. Permitted uses shall

include only the following:

1. Any use permitted in the "A" Two-Family

Dwelling District.

2. Multiple-family dwellings.

3. Accessory signs as permitted by Section

28.04.070 A-12.

4. Off-street parking as permitted by Section

28.04.070 A-13.

5. Accessory structures and uses when such

are located on the same lot and are traditionally

and customarily incidental to any of the

permitted uses in this zoning district.

B. AREA REGULATIONS

1. Minimum lot areas:

a. Single-family dwellings: 6,000 square

feet.

b. Two-family dwellings: 5,000 square feet

per dwelling unit.

c. Multi-family dwellings: 3,500 square

feet per dwelling unit.

d. All other permitted uses: 6,500 square

feet.

2. Minimum lot width:

a. Single-family dwellings: 60 feet.

b. Two-family dwellings: 75 feet.

c. Multi-family dwellings and all other

permitted uses: 75 feet.

3. Minimum lot depth: 100 feet.

C. BULK REGULATIONS

1. Maximum structure height: 35 feet.

2. Yard requirements:

a. Minimum front yard: 25 feet, except

that on corner lots one of the two front

yards may be reduced to no less than 15

feet.

b. Minimum side yard:

(1) Residential Buildings: 10 percent of

the lot width, but not less than six feet.

Residential buildings which have the

entrances to two or more units facing the

side yard shall have a minimum side yard

of ten feet on the side of the building on

which such entrances are located.

(2) All other permitted uses: 25 feet.

c. Minimum rear yard: 20 feet.

That the following zoning district be inserted

into the ordinance as Section 28.04.067:

28.04.067 — "R-6" — GENERAL

RESIDENCE DISTRICT. In the "R-6" General

Residence District, no building or

premises shall be used and no building shall be

hereafter erected, enlarged converted or

altered, unless otherwise provided in this

Chapter, except for one or more of the

following uses. All buildings erected, enlarged,

converted or altered in the "R-6" General

Residence District shall conform to the

following area and bulk regulations.

A. USE REGULATIONS

1. Uses permitted are identical with those of

the "R-5" General Residence District.

B. AREA REGULATIONS

1. Minimum lot area:

a. Single-family dwellings: 6,000 square

feet.

b. Two-family dwellings: 5,000 square feet

per dwelling unit.

c. Multi-family dwellings: 1,500 square

feet per dwelling unit.

d. All other permitted uses: 6,500 square

feet.

2. Minimum lot width:

a. Single-family dwellings: 60 feet.

b. Two-family dwellings: 75 feet.

c. Multi-family dwellings and all other

permitted uses: 75 feet.

3. Minimum lot depth: 100 feet.

C. BULK REGULATIONS

1. Maximum structure height: 35 feet.

2. Yard requirements:

a. Minimum front yard: 25 feet, except

that on corner lots one of the two front

yards may be reduced to no less than 15

feet.

b. Minimum side yard:

(1) Residential Buildings: 10 percent of

the lot width, but not less than six feet.

Residential buildings which have the

entrances to two or more units facing the

side yard shall have a minimum side yard of

ten feet on the side of the building on

which such entrances are located.

(2) All other permitted uses: 25 feet.

c. Minimum rear yard: 20 feet.

That Section 28.04.080 — 13c be amended as

follows:

Add "R-5" and "R-6" to the Residential

districts listed.

That Section 28.04.090 — 1.25 be amended

as follows:

Add "R-5" and "R-6" to the residential

districts listed.

That Section 28.04.120 — B — 2b be

amended as follows:

Add "R-5" and "R-6" to the zoning districts

listed.

That Section 28.04.183 — 4.2 be amended as

follows:

Add "R-5" and "R-6" to the residential

zoning districts listed.

That Section 28.04.210 — 3.2 be amended as

follows:

Following "RB" Four-family Dwelling

District §70 add:

"R-5" — General Dwelling District §140

"R-6" — General Dwelling District §140

The proposed amendments will there 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 changes to the zoning

ordinance will be considered by the Commission

as by law provided.

WITNESS my hand and seal this 18th day of

May, 1970.

ROBERT A. LAKIN,

Secretary,

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA

PLANNING COMMISSION.

(SEAL)

(Published in The Wichita Beacon on May 21, 1970)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on June 11, 1970, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes to the Zoning Resolution of Sedgwick County, Kansas:

That Section 5 be amended as follows:

Add the following to A-10 - Conditional Uses:

- 1) Multiple-family dwellings provided that the density of dwelling units per acre shall not exceed fifteen (15) and off-street parking requirements shall be not less than one and one-half (1 1/2) parking spaces per dwelling unit.

The proposed amendment will there 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 changes to the Sedgwick County Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my hand and seal this 18th day of May, 1970.

Robert A. Lokin, Secretary  
Wichita-Sedgwick County Metro-  
politan Area Planning Commission

(SEAL)

MAILING LIST FOR ZONING ORDINANCE  
AMENDMENTS DR 70-11 and DR 70-12

Wichita Assoc. of Home Builders  
730 North Main 67214

J. P. Weigand & Sons  
110 N. Main 67202

Wichita Board of Realtors  
1015A East 2nd Street 67214

Frank Malone  
221 N. Market 67202

Ralph Lightner Company  
219 N. Market 67202

Jack P. Deboer Assoc.  
Attn: John Baird  
201 S. Oliver 67218

Robert M. Moore & Sons  
1959 S. Oliver 67218

Jack Hoerner  
Amortibanc Inc.  
300 West Douglas 67202

Sandlian Realty  
435 N. Broadway 67202

Wheeler, Kelly, Hagny  
216 S. Market 67202

Arthur Schreck  
3800 East 21st St. 67208

L. E. Gardner, Inc.  
3902 East 13th St. 67208

Casado Realty Co.  
302 N. Main 67202

Womer Investment Co.  
434 Ohio Street 67214

Jerald R. Jones  
6629 East Kellogg 67207

G. S. Baltzley  
511½ N. Hillside 67214

G. Edmond Hayes, Attorney  
Colorado Derby Building 67202

Robert Nelson, Attorney  
Suite 630 - 200 West Douglas 67202

(Published in The Wichita Beacon on May 21, 1970)

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The proposed amendment will there 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 changes to the Sedgwick County Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my hand and seal this 18th day of May, 1970.

Robert A. Lakin, Secretary  
Wichita-Sedgwick County Metro-  
politan Area Planning Commission

(SEAL)