

DR 85-2 - AMENDMENT TO ZONING REGULATIONS  
FOR UNINCORPORATED AREA OF SEDGWICK CO.:  
RESOURCE RECOVERY FACILITIES

ACTION

COMMITTEE	DATE
M.A.P.C.	2/21/85
<del>R.R.C./B. CO. C.</del>	3-20-85

To: DR 87-19 file and DR 85-2 file  
From: Louise Clivney, Principal Planner

Sometime in July 1988, I was trying to track down any amendments or proposed amendments to the County zoning text regarding resource recovery facilities. I recalled that several years ago this matter was discussed. I discovered that in March 1985, County Resolution # 75-1985 was adopted and published which added this provision to section 13.F of the zoning text. However, no one presently in the office had a copy of this amendment and they were not being provided as inserts in the texts which we sell, as were later amendments. (See DR 85-2). The 1985 amendment which added resource recovery facilities to the list of special uses also changed the format of section 13.F to put the wording about requiring MAPC review & hearing prior to BOC granting the permit in the opening paragraph rather than in ~~the~~ <sup>the</sup> 3.

In <sup>late 1987 and 1988</sup> January 1988, when working about utility cabinets being permitted outright was added to the text (DR 87-19), that resolution used the all wording in its introductory paragraph and since only sub-paragraph #1 was re-written in the resolution, sub-paragraphs #2 & #3 from the 1985 amendment (regarding asphalt mixing plants and <sup>minerals</sup> resource recovery facilities) are still valid but the 1985 introductory ~~it~~ has inadvertently been omitted.

This problem was discussed with Jack Galbreith, and I prepared a "corrected resolution" which we hoped the County Counselor's office would agree to processing through the BOC. Discussions with Rich Eason, Asst County Counselor, resulted in his determination that a new

over

public hearing would be required, not just  
a corrected resolution.

Rather than hold a special public hearing  
to correct this situation and realizing that,  
as a matter of policy, the BOC would probably  
refer such special permit matters to MAPC for  
hearing and recommendation anyway, it was  
decided that nothing would be done about  
this matter at this time. At some future  
time, perhaps when some other part of section 13  
is being amended, this can be cleared up.

R# 421-1987

( ) Published in The Daily Reporter on Jan 18, 1988

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985; BY AMENDING SECTIONS 13-F-1, and 14-C-4 OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS": ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF

*from  
DR 87-19  
file*

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

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on November 23, 1987, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 12, 1984, SECTION 13-F-1 "SPECIAL PERMIT" shall be amended to read as follows:

F. SPECIAL PERMIT. The Governing Body may, by special permit and subject to such restrictions as it deems necessary, permit the following uses to be located in any district.

1. Any public structure, installation or use erected and used by any department of a City, County, the State, or the Federal Government, or any building or other structure erected and used by any public utility or improvement district, subject to F.3 below, except that service panels, cabinets, vaults and other minor structures accessory to public entities and utilities, the above ground portion of which does not exceed 150 cubic feet in size and six feet in height, are permitted in any district without a special permit provided the structural surfaces are not used for advertising/display purposes and all required setbacks are observed.

SECTION II. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on November 23, 1987, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 12, 1984, SECTIONS 14-C-4 "Projections Allowed into Yards and Courts" shall be amended to read as follows:

4. Projections Allowed Into Yards and Courts:


- a. Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; may extend or project into a required front yard not more than three (3) feet; and may extend or project into the required rear yard.
- b. Chimneys may also project into a required front or side yard not more than one (1) foot, provided that the width of such yard is not reduced to less than three (3) feet, and may project into the required rear yard.
- c. Open, unenclosed stairways, or balconies, not covered by a roof or canopy, may extend or project not more than four (4) feet into any required rear yard or front yard, and into a side yard of not less than fifteen (15) feet in width.
- d. Raised open, unenclosed porches, platforms or landing places, not covered by a roof or canopy and not extending above the height of the first story of the building, may extend or project into a front, rear or side yard not more than six (6) feet.
- e. Detached unenclosed canopy structures over service station gasoline pump islands may be erected in front of required setback lines, provided the supports for the structures shall not be located closer than ten feet to the public right-of-way; and provided further, no portion of the canopy shall project over the public right-of-way, utility easements, or closer to any adjacent property than five feet. Whenever this property is abandoned as a service station, all canopies shall be removed within ninety days or prior to conversion of the property to another use, whichever occurs first.


SECTION III. That Sections 13-F-1 and 14-C-4 of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 12, 1984, are hereby repealed.


SECTION IV. This resolution shall take effect and be enforced from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED THE 30th day of December, 1987.

  
TOM SCOTT, Chairman

  
MARK P. SCHROEDER, Chairman Pro Tem

  
DAVID BAYOUK, Commissioner

  
BERNARD A. HENTZEN, Commissioner

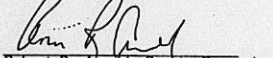
  
BILLY O. MCCRAY, Commissioner

ATTEST:

  
Don Wright, County Clerk

(SEAL)

APPROVED AS TO FORM BY:

  
Robert R. Arnold, County Counselor

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985: BY AMENDING SECTION 13-(F) OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS": ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

R#75-1985

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

SECTION 1. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on February 21, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14<sup>12</sup>, 1984, SECTION 13 - "SUPPLEMENTAL REGULATIONS"; SUBSECTION F. "SPECIAL PERMITS" shall be amended to read as follows:

F. Special Permits. The Governing Body may, by special permit and subject to such restrictions as it deems appropriate, in addition to the conditions as set forth herein, permit the following uses to be located in any zoning district. The Governing Body shall not issue a special permit for any of the uses listed herein until the Metropolitan Area Planning Commission holds a public hearing and makes a recommendation to the Governing Body; and until the provisions of Section 17 A and 17 C of the Zoning Regulations have been complied with.

1. Any public structure, installation or use erected and used by any department of the City, County, State or Federal Government, or any building or other structure erected and used by any public utility or improvement district.
2. As a temporary use, not to exceed the life of the contract, concrete and asphalt mixing plants, and accessory construction yards and buildings, provided they are associated with a contract with any department of the City, County, State or Federal Government.

3. Resource recovery facilities. Notwithstanding any other provisions of this zoning resolution, the installation of a resource recovery facility shall not be permitted in any zoning district, as a principal or accessory use, unless such use is approved by the Governing Body as a special permit as set forth herein. Any resource recovery facility shall conform to the document entitled "Standards for Development of Resource Recovery Facilities" as published in June, 1984 by the Wichita-Sedgwick County Metropolitan Area Planning Department, 455 North Main, Wichita, Kansas.

SECTION 11. That Section 13.F of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 14, 1984, is hereby repealed.

SECTION 111. This resolution shall take effect and be enforced from and after its adoption and publication in the official County paper.

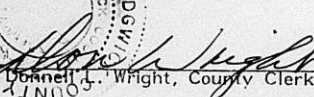
PASSED AND ADOPTED THE 20<sup>th</sup> day of March, 1985.

  
Donald E. Gragg, Chairman

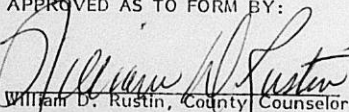
  
Bernard A. Hentzen, Commissioner

  
Tom Scott, Commissioner



  
Donnell L. Wright, County Clerk  
(SEAL)

APPROVED AS TO FORM BY:

  
William D. Rustin, County Counselor

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

March 8, 1985

TO: Board of County Commissioners  
FROM: Robert A. Lakin, Director of Planning  
SUBJECT: DR 85-2 - Amendment to County Zoning Regulations  
Re: Resource Recovery Facilities

Attached is a delineated copy of an amendment to the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County" that is recommended by the Planning Commission for adoption. Also included is the document entitled "Standards for Development of Resource Recovery Facilities" that would be adopted by reference in the amendment. Please place this on your agenda for consideration at the meeting of March 20, 1985.

BACKGROUND:

This amendment to the zoning regulations is significantly the same as the amendment adopted by the County Commission in August 1984 that was applicable only within the zoning jurisdictional area on that date. The subsequent adoption of countywide zoning that became effective on January 1, 1985, did not include this amendment in the regulation. In order to continue the regulations for resource recovery facilities and assure that such facilities will be properly located and constructed, this amendment is necessary.

SUMMARY:

The amendment to the Sedgwick County Zoning Regulation will provide for the development of resource recovery facilities in conformance with the following standards and procedures:

1. A special permit application shall be submitted and heard by the Wichita-Sedgwick County Metropolitan Area Planning Commission who shall make a recommendation to the governing body for approval.
2. Any resource recovery facility shall be in conformance with the document entitled "Standards for Development of Resource Recovery Facilities" dated June 1984.

Without this amendment any resource recovery facility would be required to have "F" Heavy Industrial zoning and a special permit. This will permit the development of said facilities by special permit when approved by the Board of County Commissioners in compliance with said standards.

Board of County Commissioners  
March 8, 1985

The Planning Commission considered this amendment at the meeting of February 21, 1985, and by a unanimous vote recommended that this resolution be adopted.

RECOMMENDED ACTION:

Concur in the recommendation of the Planning Commission and adopt the resolution.

  
Robert A. Lakin, Director of Planning

RAL:GEL:sad

cc: William Rustin, County Counselor  
Tim Witsman, County Administrator  
Dr. Doug Hahn, Director of County Environmental Resources  
Mike Everhart, Director of Environmental Health  
David Spears, Acting Director of County Public Works  
Ron Worley, Director of County Building & Zoning  
Chamber of Commerce, 350 West Douglas, Wichita 67202  
Wichita Board of Realtors, 727 North Emporia, Wichita 67214  
Wichita Area Builders Association, 730 North Main, Wichita 67203

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985: BY AMENDING SECTION 13-(F) OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS": ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

SECTION 1. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on February 21, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 13 - "SUPPLEMENTAL REGULATIONS"; SUBSECTION F. "SPECIAL PERMITS" shall be amended to read as follows:

F. Special Permits. The Governing Body may, by special permit and subject to such restrictions as it deems necessary appropriate, in addition to the conditions as set forth herein, permit the following uses to be located in any zoning district. The Governing Body shall not issue a special permit for any of the uses listed herein until the Metropolitan Area Planning Commission holds a public hearing and makes a recommendation to the Governing Body; and until the provisions of Section 17 A and 17 C of the Zoning Regulations have been complied with.

1. Any public structure, installation or use erected and used by any department of the City, County, State or Federal Government, or any building or other structure erected and used by any public utility or improvement district. ~~subject to F-3--below.~~
2. As a temporary use, not to exceed the life of the contract, concrete and asphalt mixing plants, and accessory construction yards and buildings, provided they are associated with a contract with any department of the City, County, State or Federal Government. ~~and--subject-to-F-3--below.~~

~~3.- The Governing Body shall not issue a special permit for the uses in F.1. and F.2. above until after the Metropolitan Area Planning Commission reviews the request and makes a recommendation to the Governing Body, and until the provisions of Section 14.A.2 of this Resolution have been complied with.~~

3. Resource recovery facilities. Notwithstanding any other provisions of this zoning resolution, the installation of a resource recovery facility shall not be permitted in any zoning district, as a principal or accessory use, unless such use is approved by the Governing Body as a special permit as set forth herein. Any resource recovery facility shall conform to the document entitled "Standards for Development of Resource Recovery Facilities" as published in June, 1984 by the Wichita-Sedgwick County Metropolitan Area Planning Department, 455 North Main, Wichita, Kansas.

SECTION 11. That Section 13.F of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 14, 1984, is hereby repealed.

SECTION 111. This resolution shall take effect and be enforced from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED THE \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Donald E. Cragg, Chairman

\_\_\_\_\_  
Bernard A. Hentzen, Commissioner

\_\_\_\_\_  
Tom Scott, Commissioner

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

APPROVED AS TO FORM BY:

William D. Rustin, County Counselor

*Hen*

(Published in The Wichita Eagle-Beacon on January 29, 1985)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on February 21, 1985, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes to the Zoning Regulations for the unincorporated areas of Sedgwick County, Kansas.

That Section 13 (SUPPLEMENTAL REGULATIONS) be amended to regulate the installation of resource recovery facilities and establishing the development standards for such facilities.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department, Tenth Floor, 455 North Main, Wichita, Kansas.

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, 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 22nd day of January, 1985.

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

(SEAL)

**OFFICIAL COPY**

AS INCORPORATED BY  
ORDINANCE NO. 38-857  
AND  
RESOLUTION NO. 59-1984

STANDARDS FOR DEVELOPMENT  
OF  
RESOURCE RECOVERY FACILITIES  
JUNE 1984  
FIRST EDITION

DEVELOPED AND PUBLISHED  
BY THE

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA  
PLANNING DEPARTMENT

10th FLOOR  
455 NORTH MAIN  
WICHITA, KANSAS 67202

STANDARDS FOR DEVELOPMENT OF  
RESOURCE RECOVERY FACILITIES

**Section 1. Statement of policy.** Any public or private entity may construct and operate a refuse incineration system for the purposes of resource recovery provided that all conditions established herein are met by such system.

**Section 2. Definitions.** In addition to the definitions included in the building and zoning regulations applicable in the jurisdictional location, the following definitions shall be included:

**Modular incinerator:** a self-contained, prefabricated combustion unit capable of performing mass burning of solid waste in a controlled air (stoichiometric) mode. The incinerator should consist of at least primary and secondary refractory-lined combustion chambers, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned and for meeting all applicable air pollution standards. The heat generated from such incinerators may be vented or may be used to generate steam, hot water, hot air, hot oil, electricity, or some other useful form of energy or material. The desired incineration capacity may be achieved by combining modules.

**Person:** any individual, employee, subcontractor, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, any incorporated city or town or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

Resource recovery: the extraction and utilization of materials and energy from the waste stream.

**Section 3. Types of allowable refuse incineration systems.** Any refuse incineration system installed for the purpose of resource recovery within any incorporated city or within the unincorporated area of Sedgwick County must be a modular incinerator system. Each modular incineration system must be approved by the Governing Body having primary jurisdiction of the location of the facility, before construction may begin. Locations within the jurisdictional area regulated by a zoning ordinance or resolution must comply in all respects to requirements and processes for approval as set forth therein. In addition, each modular incineration system must be constructed and operated in accordance with all other applicable federal, state, and local laws and regulations. The system must also be issued a solid waste processing or disposal permit by the Kansas Department of Health and Environment prior to construction. When such a facility is to be located in an area not regulated by zoning, the issuance of any construction permit for any system shall be subject to administrative review by all departments having jurisdiction over said facilities who shall make a recommendation to the Governing Body as to compliance with the regulations and the compatibility of the use in relation to adjoining properties. The Governing Body shall then make a determination that the facility can be operated without being a nuisance and approve the issuance of the permit subject to appropriate conditions. If the Governing Body determines that the operation of the facility would not be in the best interests of the public, the permit shall be denied.

**Section 4. Experience requirements for applications.** Any person, as defined herein, applying for a permit to construct and operate a modular incineration system must demonstrate a minimum of five years experience in the construction, operation, and maintenance of such modular incineration equipment and have a documented record of success in such construction, operation, and maintenance.

**Section 5. Site requirements.**

- A. **Development Plan Required:** Each application for the construction or installation of a resource recovery facility shall be accompanied by a development plan, drawn to a scale of not less than 1 inch equal 30 feet, and not less than 6 copies for review by all departments or agencies having a jurisdictional interest. The site plan shall be of sufficient detail to show all existing and proposed buildings and on-site circulation of vehicles and the relation of the docks or unloading area to surrounding properties.
- B. **Lot Area Requirements:** Under no circumstance shall the lot area be less than set forth in the following table based on the plant capacity in tons per day (TPD):

<u>Size of Facility (TPD)</u>	<u>Minimum Lot Width (Feet)</u>	<u>Minimum Lot Area (Feet<sup>2</sup>)</u>	<u>Building Size (Feet<sup>2</sup>)</u>
100	230	92,000	16,200
200	280	123,200	25,600
300	270	116,100	22,500
400	280	126,000	27,200
500	280	137,200	33,600

Note: For plants having capacities not listed in the above table, the minimum lot area requirements shall be determined by extrapolation. Also, whenever a facility is to be installed with another use, adjustment in the lot area requirement must be considered to accommodate each use on the property.

- C. **Setback Requirements:** Under no circumstance shall the setbacks for a resource recovery facility be less than as set forth herein, even though the administration building or other uses may be permitted by other regulations (zoning, building or subdivision) at a lesser setback.
1. **Front yard:** The minimum front yard setback for the portion of the structure housing a resource recovery facility shall be 100 feet.
  2. **Side yard:** The minimum side yard setback for any portion of the structure housing a resource recovery facility shall be 50 feet. However, should the facility be located in a residential zoning district; be located immediately adjacent to a residential zoning district; or be located within 200 feet from an existing residence; the minimum side yard setback shall not be less than 100 feet. Driveways and circulation aisles for vehicular access to the facility shall be located not closer than one-half the distances set forth above.
  3. **Rear yard:** The minimum rear yard setback for any portion of the structure housing a resource recovery facility shall be 50 feet. However, should the facility be located in a residential zoning district; be located immediately adjacent

to a residential zoning district; or be located within 200 feet from an existing residence; the minimum rear yard setback shall not be less than 75 feet.

D. Height limitations: Under no circumstance shall the height of the exhaust stacks on the incinerator be less than 75 feet or exceed a height of 100 feet. The height of the building shall not exceed the limitations of the zoning district, when applicable.

E. Off-street parking, loading and circulation drives:

1. Off-street parking spaces shall be provided on the basis of one space for each employee in the largest working shift of the resource recovery facility. This parking shall be in addition to the off-street parking for any other use that may be established on the property.
2. Off-street loading and circulation drives shall be of sufficient width and area to provide adequate on-site circulation and queuing of vehicles to prevent interference with on-street traffic. This shall be determined by requiring not less than 60 linear feet of holding space for any facility up to 100 (TPD) and 30 additional feet for each additional 100 (TPD) capacity or major fraction thereof. The first 60 linear feet of holding space and not less than 50% of the required space shall be outside of any fenced enclosure of the facility.
3. All parking spaces, loading spaces, circulation drives and the holding spaces shall be surfaced with asphalt, asphaltic concrete or concrete.

4. Any lights used to illuminate the parking or circulation drives shall be so arranged as to deflect light away from any residential zoning district on any existing residences.

F. Building and system design:

1. The building design must be of the same general character or compatible with the surrounding neighborhood.
2. All incineration equipment and the tipping area shall be placed within a building with the exception of the ash removal system which may be located outside providing such removal will not create a nuisance to the area.
3. All refuse and other storage on the property shall be kept within an enclosed building.
4. Concrete or masonry walls shall be constructed around the perimeter of tipping floor and shall be designed to withstand the superimposed load of the refuse and the pressure of equipment used to move the refuse.
5. Design provisions shall be made to separate commercial and non-commercial traffic in the facility.
6. A tipping floor shall be utilized by the facility as opposed to tipping pits. The waste tipping floor should be designed to permit a complete turnover of waste within seven days. Adequate storage or handling provisions must be provided in the event of equipment malfunction or breakdown. The tipping floor shall be

concrete with steel or other similar aggregate added to enhance the service life of the floor and minimize the corrosive effects from waste leachate and/or equipment.

7. Standardized systems and equipment with easily replaceable spare parts should be utilized in system design whenever and wherever possible.
8. The system design should be as simple as possible and should minimize moving parts to minimize points of system failure.
9. The system design should be redundant so that at least some operations can continue in the event of equipment breakdown.
10. Systems which minimize waste processing prior to incineration should be utilized.
11. Systems which minimize the need for air pollution equipment for stack emissions should be utilized.
12. Starter motors, electrical switches, and electrical junctions should be centralized in instrument panels away from the incineration equipment for easy access and maintenance.
13. Make-up water for the boiler system should be pretreated and de-aerated to enhance equipment life and heat transfer efficiency.
14. The resource recovery facility shall be fenced and gated to provide security and create an appearance compatible with the surrounding area. Such fence shall be sufficient to prevent

off-hours dumping and to reduce the possibility of scavenging of waste materials by animals or persons.

15. Landscaped yards shall be provided as required by any applicable zoning regulations, but in no case shall a facility be located adjacent to a residence without a minimum of 25 foot landscaped yard; and provided further, a 6 to 8 foot wood, metal or masonry screening fence, or landscape screening materials of at least six feet in height shall be installed. Whenever a screening fence is not required due to the location within a commercial or industrial area, a 6 to 8 foot chain link fence may be utilized.
16. All non-paved areas shall be maintained with lawn and landscaped with deciduous and coniferous plant materials. The landscaping plan shall be approved by the Wichita-Sedgwick County Metropolitan Area Planning Department. Maintenance of the landscaping shall be sufficient to maintain it in good condition.
17. The resource recovery facility shall provide an approved automatic sprinkler system or other similar system for fire control approved by the fire department wherein the facility is located. Such fire control system shall encompass the tipping floor as well as the incineration and boiler equipment area of the facility.

G. Plant Construction and Operation:

1. The incineration system shall be constructed and operated in accordance with all applicable federal, state, and local environmental laws

and regulations so as to prevent air and water pollution.

2. The incineration system shall be constructed and operated in accordance with all applicable federal, state, and local health, sanitation, and safety laws and regulations.
3. The plant site shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash, debris, and blowing litter. Salvage materials shall not be stored or handled outside of an enclosed building.
4. The incineration system shall be maintained and operated so that there are no discernible odors or noise beyond the site boundaries.

H. Revocation of Permit:

Failure to comply with these regulations, or any other applicable regulations, or any conditions specified in the special permit, may result in the revocation of such permit. The revocation of the permit shall occur only after a hearing by the governing body for failure to comply with said conditions for compliance after notice has been given to the owner or operator of the facility by the enforcement agency with a specific compliance date.

RE: AGENDA ITEM NO. //

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

February 14, 1985

TO: Wichita-Sedgwick County Metropolitan Area Planning Commission  
FROM: Robert A. Lakin, Director of Planning

SUBJECT: DR-85-2 - Amendment to County Zoning Regulations  
Re: Resource Recovery Facilities

*Dr Ham present -*

*Gardner Approve Bd Co Co  
Crockett - 8-0 20*

Attached hereto is a proposed amendment to the Sedgwick County Zoning Regulations that has been advertised for public hearing at the Planning Commission meeting of February 21, 1985. Also included is a copy of the document entitled "Standards for Development of Resource Recovery Facilities" that would be adopted by reference by this amendment.

BACKGROUND:

This amendment to the zoning regulations is significantly the same as the amendment adopted by the County Commission in August 1984 that was applicable only within the zoning jurisdictional area on that date. The subsequent adoption of countywide zoning that became effective on January 1, 1985, did not include this amendment in the regulation. In order to continue the regulations for resource recovery facilities and assure that such facilities will be properly located and constructed, this amendment is necessary.

SUMMARY:

The amendment to the Sedgwick County Zoning Regulation will provide for the development of resource recovery facilities in conformance with the following standards and procedures:

1. A special permit application shall be submitted and heard by the Wichita-Sedgwick County Metropolitan Area Planning Commission who shall make a recommendation to the governing body for approval.
2. Any resource recovery facility shall be in conformance with the document entitled "Standards for Development of Resource Recovery Facilities" dated June 1984.

Without this amendment any resource recovery facility would be required to have "F" Heavy Industrial zoning and a special permit. This will permit the development of said facilities by special permit when approved by the Board of County Commissioners in compliance with said standards.

*Permitted in "F" with Special Permit  
Special Permit in all other*

Page 2

RECOMMENDATION:

It is recommended that the Planning Commission approve the amendment and instruct the staff to prepare a resolution to be forwarded to the Board of County Commissioners for adoption.



Robert A. Lakin

RAL:GEL:sad

Attachment

cc: Wichita Board of Realtors, 717 N. Emporia, Wichita  
Wichita Area Builders Association, 730 N. Main, Wichita  
Dr. Doug Hahn, Director of Environmental Resources, County  
David Spear, Acting Director, Sedgwick County Public Works  
Ron Worley, Director, Building & Zoning, County  
Mike Everhart, Director of Environmental Health, Wichita-Sedgwick  
County Health Department

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

February 14, 1985

TO: Wichita-Sedgwick County Metropolitan Area Planning Commission  
FROM: Robert A. Lakin, Director of Planning  
SUBJECT: DR-85-2 - Amendment to County Zoning Regulations  
Re: Resource Recovery Facilities

Attached hereto is a proposed amendment to the Sedgwick County Zoning Regulations that has been advertised for public hearing at the Planning Commission meeting of February 21, 1985. Also included is a copy of the document entitled "Standards for Development of Resource Recovery Facilities" that would be adopted by reference by this amendment.

BACKGROUND:

This amendment to the zoning regulations is significantly the same as the amendment adopted by the County Commission in August 1984 that was applicable only within the zoning jurisdictional area on that date. The subsequent adoption of countywide zoning that became effective on January 1, 1985, did not include this amendment in the regulation. In order to continue the regulations for resource recovery facilities and assure that such facilities will be properly located and constructed, this amendment is necessary.

SUMMARY:

The amendment to the Sedgwick County Zoning Regulation will provide for the development of resource recovery facilities in conformance with the following standards and procedures:

1. A special permit application shall be submitted and heard by the Wichita-Sedgwick County Metropolitan Area Planning Commission who shall make a recommendation to the governing body for approval.
2. Any resource recovery facility shall be in conformance with the document entitled "Standards for Development of Resource Recovery Facilities" dated June 1984.

Without this amendment any resource recovery facility would be required to have "F" Heavy Industrial zoning and a special permit. This will permit the development of said facilities by special permit when approved by the Board of County Commissioners in compliance with said standards.

RECOMMENDATION:

It is recommended that the Planning Commission approve the amendment and instruct the staff to prepare a resolution to be forwarded to the Board of County Commissioners for adoption.



Robert A. Lakin

RAL:GEL:sad

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Possible Amendments to the  
"Zoning Regulations For The Unincorporated  
Area of Sedgwick County, Kansas, and Dated  
October 5, 1983," and Scheduled for  
Public Hearing before the MAPC - Thursday, February 21, 1985

Recommended that Section 13-(F) be amended to read as follows:

F. Special Permits. The Governing Body may, by special permit and subject to such restrictions as it deems ~~necessary~~ appropriate, in addition to the conditions as set forth herein, permit the following uses to be located in any zoning district. The Governing Body shall not issue a special permit for any of the uses listed herein until the Metropolitan Area Planning Commission holds a public hearing and makes a recommendation to the Governing Body; and until the provisions of Section 17 A and 17 C of this Zoning Regulations have been complied with.

1. Any public structure, installation or use erected and used by any department of the City, County, State or Federal Government, or any building or other structure erected and used by any public utility or improvement district. ~~subject to F-3.-below.~~
2. As a temporary use, not to exceed the life of the contract, concrete and asphalt mixing plants, and accessory construction yards and buildings, provided they are associated with a contract with any department of the City, County, State or Federal Government. ~~and subject to F-3.-below.~~

~~3.- The Governing Body shall not issue a special permit for the uses in F.1. and F.2. above until after the Metropolitan Area Planning Commission reviews the request and makes a recommendation to the Governing Body, and until the provisions of Section 14.A.2 of this Resolution have been complied with.~~

3. Resource recovery facilities. Notwithstanding any other provisions of this zoning resolution, the installation of a resource recovery facility shall not be permitted in any zoning district, as a principal or accessory use, unless such use is approved by the Governing Body as a special permit as set forth herein. Any resource recovery facility shall conform to the document entitled "Standards for Development of Resource Recovery Facilities" as published in June, 1984 by the Wichita-Sedgwick County Metropolitan Area Planning Department, 455 North Main, Wichita, Kansas.

**OFFICIAL COPY**  
AS INCORPORATED BY  
ORDINANCE NO. 38-857  
AND  
RESOLUTION NO. 159-1984

STANDARDS FOR DEVELOPMENT  
OF  
RESOURCE RECOVERY FACILITIES  
JUNE 1984  
FIRST EDITION

DEVELOPED AND PUBLISHED  
BY THE

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA  
PLANNING DEPARTMENT

10th FLOOR  
455 NORTH MAIN  
WICHITA, KANSAS 67202

STANDARDS FOR DEVELOPMENT OF  
RESOURCE RECOVERY FACILITIES

**Section 1. Statement of policy.** Any public or private entity may construct and operate a refuse incineration system for the purposes of resource recovery provided that all conditions established herein are met by such system.

**Section 2. Definitions.** In addition to the definitions included in the building and zoning regulations applicable in the jurisdictional location, the following definitions shall be included:

**Modular incinerator:** a self-contained, prefabricated combustion unit capable of performing mass burning of solid waste in a controlled air (stoichiometric) mode. The incinerator should consist of at least primary and secondary refractory-lined combustion chambers, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned and for meeting all applicable air pollution standards. The heat generated from such incinerators may be vented or may be used to generate steam, hot water, hot air, hot oil, electricity, or some other useful form of energy or material. The desired incineration capacity may be achieved by combining modules.

**Person:** any individual, employee, subcontractor, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, any incorporated city or town or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

Resource recovery: the extraction and utilization of materials and energy from the waste stream.

**Section 3. Types of allowable refuse incineration systems.** Any refuse incineration system installed for the purpose of resource recovery within any incorporated city or within the unincorporated area of Sedgwick County must be a modular incinerator system. Each modular incineration system must be approved by the Governing Body having primary jurisdiction of the location of the facility, before construction may begin. Locations within the jurisdictional area regulated by a zoning ordinance or resolution must comply in all respects to requirements and processes for approval as set forth therein. In addition, each modular incineration system must be constructed and operated in accordance with all other applicable federal, state, and local laws and regulations. The system must also be issued a solid waste processing or disposal permit by the Kansas Department of Health and Environment prior to construction. When such a facility is to be located in an area not regulated by zoning, the issuance of any construction permit for any system shall be subject to administrative review by all departments having jurisdiction over said facilities who shall make a recommendation to the Governing Body as to compliance with the regulations and the compatibility of the use in relation to adjoining properties. The Governing Body shall then make a determination that the facility can be operated without being a nuisance and approve the issuance of the permit subject to appropriate conditions. If the Governing Body determines that the operation of the facility would not be in the best interests of the public, the permit shall be denied.

Section 4. Experience requirements for applications. Any person, as defined herein, applying for a permit to construct and operate a modular incineration system must demonstrate a minimum of five years experience in the construction, operation, and maintenance of such modular incineration equipment and have a documented record of success in such construction, operation, and maintenance.

Section 5. Site requirements.

- A. Development Plan Required: Each application for the construction or installation of a resource recovery facility shall be accompanied by a development plan, drawn to a scale of not less than 1 inch equal 30 feet, and not less than 6 copies for review by all departments or agencies having a jurisdictional interest. The site plan shall be of sufficient detail to show all existing and proposed buildings and on-site circulation of vehicles and the relation of the docks or unloading area to surrounding properties.
- B. Lot Area Requirements: Under no circumstance shall the lot area be less than set forth in the following table based on the plant capacity in tons per day (TPD):

<u>Size of Facility (TPD)</u>	<u>Minimum Lot Width (Feet)</u>	<u>Minimum Lot Area (Feet<sup>2</sup>)</u>	<u>Building Size (Feet<sup>2</sup>)</u>
100	230	92,000	16,200
200	280	123,200	25,600
300	270	116,100	22,500
400	280	126,000	27,200
500	280	137,200	33,600

Note: For plants having capacities not listed in the above table, the minimum lot area requirements shall be determined by extrapolation. Also, whenever a facility is to be installed with another use, adjustment in the lot area requirement must be considered to accommodate each use on the property.

- C. Setback Requirements: Under no circumstance shall the setbacks for a resource recovery facility be less than as set forth herein, even though the administration building or other uses may be permitted by other regulations (zoning, building or subdivision) at a lessor setback.
1. Front yard: The minimum front yard setback for the portion of the structure housing a resource recovery facility shall be 100 feet.
  2. Side yard: The minimum side yard setback for any portion of the structure housing a resource recovery facility shall be 50 feet. However, should the facility be located in a residential zoning district; be located immediately adjacent to a residential zoning district; or be located within 200 feet from an existing residence; the minimum side yard setback shall not be less than 100 feet. Driveways and circulation aisles for vehicular access to the facility shall be located not closer than one-half the distances set forth above.
  3. Rear yard: The minimum rear yard setback for any portion of the structure housing a resource recovery facility shall be 50 feet. However, should the facility be located in a residential zoning district; be located immediately adjacent

to a residential zoning district; or be located within 200 feet from an existing residence; the minimum rear yard setback shall not be less than 75 feet.

D. Height limitations: Under no circumstance shall the height of the exhaust stacks on the incinerator be less than 75 feet or exceed a height of 100 feet. The height of the building shall not exceed the limitations of the zoning district, when applicable.

E. Off-street parking, loading and circulation drives:

1. Off-street parking spaces shall be provided on the basis of one space for each employee in the largest working shift of the resource recovery facility. This parking shall be in addition to the off-street parking for any other use that may be established on the property.
2. Off-street loading and circulation drives shall be of sufficient width and area to provide adequate on-site circulation and queuing of vehicles to prevent interference with on-street traffic. This shall be determined by requiring not less than 60 linear feet of holding space for any facility up to 100 (TPD) and 30 additional feet for each additional 100 (TPD) capacity or major fraction thereof. The first 60 linear feet of holding space and not less than 50% of the required space shall be outside of any fenced enclosure of the facility.
3. All parking spaces, loading spaces, circulation drives and the holding spaces shall be surfaced with asphalt, asphaltic concrete or concrete.

4. Any lights used to illuminate the parking or circulation drives shall be so arranged as to deflect light away from any residential zoning district on any existing residences.

F. Building and system design:

1. The building design must be of the same general character or compatible with the surrounding neighborhood.
2. All incineration equipment and the tipping area shall be placed within a building with the exception of the ash removal system which may be located outside providing such removal will not create a nuisance to the area.
3. All refuse and other storage on the property shall be kept within an enclosed building.
4. Concrete or masonry walls shall be constructed around the perimeter of tipping floor and shall be designed to withstand the superimposed load of the refuse and the pressure of equipment used to move the refuse.
5. Design provisions shall be made to separate commercial and non-commercial traffic in the facility.
6. A tipping floor shall be utilized by the facility as opposed to tipping pits. The waste tipping floor should be designed to permit a complete turnover of waste within seven days. Adequate storage or handling provisions must be provided in the event of equipment malfunction or breakdown. The tipping floor shall be

concrete with steel or other similar aggregate added to enhance the service life of the floor and minimize the corrosive effects from waste leachate and/or equipment.

7. Standardized systems and equipment with easily replaceable spare parts should be utilized in system design whenever and wherever possible.
8. The system design should be as simple as possible and should minimize moving parts to minimize points of system failure.
9. The system design should be redundant so that at least some operations can continue in the event of equipment breakdown.
10. Systems which minimize waste processing prior to incineration should be utilized.
11. Systems which minimize the need for air pollution equipment for stack emissions should be utilized.
12. Starter motors, electrical switches, and electrical junctions should be centralized in instrument panels away from the incineration equipment for easy access and maintenance.
13. Make-up water for the boiler system should be pretreated and de-aerated to enhance equipment life and heat transfer efficiency.
14. The resource recovery facility shall be fenced and gated to provide security and create an appearance compatible with the surrounding area. Such fence shall be sufficient to prevent

off-hours dumping and to reduce the possibility of scavenging of waste materials by animals or persons.

15. Landscaped yards shall be provided as required by any applicable zoning regulations, but in no case shall a facility be located adjacent to a residence without a minimum of 25 foot landscaped yard; and provided further, a 6 to 8 foot wood, metal or masonry screening fence, or landscape screening materials of at least six feet in height shall be installed. Whenever a screening fence is not required due to the location within a commercial or industrial area, a 6 to 8 foot chain link fence may be utilized.

16. All non-paved areas shall be maintained with lawn and landscaped with deciduous and coniferous plant materials. The landscaping plan shall be approved by the Wichita-Sedgwick County Metropolitan Area Planning Department. Maintenance of the landscaping shall be sufficient to maintain it in good condition.

17. The resource recovery facility shall provide an approved automatic sprinkler system or other similar system for fire control approved by the fire department wherein the facility is located. Such fire control system shall encompass the tipping floor as well as the incineration and boiler equipment area of the facility.

G. Plant Construction and Operation:

1. The incineration system shall be constructed and operated in accordance with all applicable federal, state, and local environmental laws

and regulations so as to prevent air and water pollution.

2. The incineration system shall be constructed and operated in accordance with all applicable federal, state, and local health, sanitation, and safety laws and regulations.
3. The plant site shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash, debris, and blowing litter. Salvage materials shall not be stored or handled outside of an enclosed building.
4. The incineration system shall be maintained and operated so that there are no discernible odors or noise beyond the site boundaries.

H. Revocation of Permit:

Failure to comply with these regulations, or any other applicable regulations, or any conditions specified in the special permit, may result in the revocation of such permit. The revocation of the permit shall occur only after a hearing by the governing body for failure to comply with said conditions for compliance after notice has been given to the owner or operator of the facility by the enforcement agency with a specific compliance date.

*HL*

(Published in The Wichita Eagle-Beacon on January 29, 1985)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on February 21, 1985, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes to the Zoning Regulations for the unincorporated areas of Sedgwick County, Kansas.

That Section 13 (SUPPLEMENTAL REGULATIONS) be amended to regulate the installation of resource recovery facilities and establishing the development standards for such facilities.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department, Tenth Floor, 455 North Main, Wichita, Kansas.

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, 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 22nd day of January, 1985.

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

(SEAL)