

73-8 Amendment to the Zoning Ordinance RE: Childrens' Day Care Centers by Board of Zoning Appeals Approval

# ACTION

COMMITTEE	DATE
BZA <i>no action taken</i>	<u>3-27-73</u>
M.A.P.C. <del>Approved</del>	<del>4-26-73</del>
B.C.C. <del>75-00-C</del> BCC	<u>5-18-73</u> <u>5-22-73</u> <i>Referred and receiving review</i>
BCC*	<u>5-29-73</u> <i>Adopted</i>

ORDINANCE NO. 32-702-

AN ORDINANCE RELATING TO CHILD CARE CENTERS AS "EXCEPTIONS" IN THE "AA" ONE-FAMILY DWELLING DISTRICT, THE "A" TWO-FAMILY DWELLING DISTRICT, THE "RB" FOUR-FAMILY DWELLING DISTRICT, THE "R-5" GENERAL RESIDENCE DISTRICT, AND THE "R-6" GENERAL RESIDENCE DISTRICT, AMENDING SECTIONS 28.04.020, 28.04.040 AND 28.04.185 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 28.04.020 of the Code of the City of Wichita, Kansas shall be amended to include the following definitions:

**CHILD CARE CENTER.** A building or portion of a building used as a day nursery providing care for seven or more children, for part or all of a day or night, away from the home of the parent or legal guardian; and includes full day child care, nursery schools, play groups, Head Start centers giving emphasis to programming for special children, kindergartens not operated by the public schools, and other establishments offering care to groups of children for part or all of the day or night.

**FAMILY DAY CARE HOME.** A building or portion of a building in which care is given for less than 24 hours a day to six or less children away from their own homes, who are not related to the persons giving care.

SECTION 28.04.040 A.4 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

4. Public schools, elementary schools and high schools, and private schools having a curriculum equivalent to and substantially the same as that of a public elementary school or public high school, but not including private kindergartens, nursery schools or child care centers accommodating seven or more students.

SECTION 28.04.070 A.9 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.

SECTION 28.04.185 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

2. Child Care Centers. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize child care centers to be located in the "AA", "A", "RB", "R-5" and "R-6" residential zoning districts subject to the following conditions and requirements.

2.1 All centers shall comply with the licensing requirements of the Kansas State Department of Health, including all building and fire safety regulations of the State of Kansas and the City of Wichita, Kansas.

2.2 Outdoor play shall be limited to the hours between 7:30 a.m. and 6:30 p.m. when any part of the fenced play area is within 100 feet of any occupied residence.

2.3 One off-street parking space shall be provided on the premises for each teacher and employee plus one off-street parking space for each vehicle used in the operation of the child care center.

2.4 When the capacity of the child care center exceeds twelve, one off-street loading space shall be provided for each ten children or major fraction thereof.

2.5 Before applying for an exception, evidence of being able to comply with all the standards must be submitted for review.

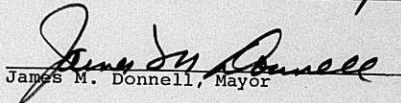
2.6 The Board of Zoning Appeals shall take into consideration the proximity and location of other such facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses.

2.7 The Board of Zoning Appeals may include additional conditions as deemed necessary to provide for orderly development.

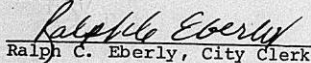
The original of Sections 28.04.040 A.4 and 28.04.070 A.9 of the Code of the City of Wichita, Kansas, are hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 29<sup>th</sup> day of May, 1973.

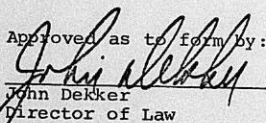
  
James M. Donnell, Mayor

ATTEST:

  
Ralph C. Eberly, City Clerk

(SEAL)

Approved as to form by:

  
John Dekker  
Director of Law

**RE: AGENDA ITEM NO. 5a**

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

April 19, 1973

TO Wichita-Sedgwick County Metropolitan Area Planning Commission

FROM Jack H. Galbraith, Chief Planner

*BCC  
May 15, 1973*

SUBJECT DR 73-8 - Amendment to the Zoning Ordinance  
Re: Childrens Day Care Centers

The Board of City Commissioners in considering a request for "B" Multiple Family zoning at the corner of Oliver and Vesta Drive returned the case to the Planning Commission, suggesting that they consider an exception approach through the Board of Zoning Appeals for day care facilities.

Attached is a copy of the legal notice of the proposed amendment defining a Child Care Center and authorizing the Board of Zoning Appeals to consider as an "exception" this use to be located in the "AA", "A", "RB", "R-5" and "R-6" residential zoning districts, subject to certain conditions.

Consideration of this proposed amendment has been advertised for a public hearing for consideration at your regular meeting of April 26, 1973.

JHG:ber

Attachment

*Mr. Clark*

*Herbert B Co  
856*

*Norma Johnson  
Head Start and Home  
Start Program*

*Dorothy Hobson -  
Ruton*

*Maryann Ann Fadden  
Social Welfare -*

*Keith Swings  
Taft - West St.*

*Legal Opinion on whether or  
not this takes them out of  
tax exemption -  
Hemerson*

( ) Published in the Daily Record on April 4, 1973.

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on THURSDAY, APRIL 26, 1973, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m. will consider the following change to Title 28, the Code of the City of Wichita, Kansas:

*Burnett  
Approved  
J. Brown  
Legal  
Open  
7-1  
Albata  
Blaker*

The following definitions shall be added to Section 28.04.020 Definitions:

**CHILD CARE CENTER.** A building or portion of a building used as a day nursery providing care for seven or more children, for part or all of a day or night, away from the home of the parent or legal guardian; and includes full day child care, nursery schools, play groups, Head Start centers giving emphasis to programming for special children, kindergartens not operated by the public schools, and other establishments offering care to groups of children for part or all of the day or night.

*Parental*

~~CHILDRENS DAY CARE CENTER.~~ <sup>Home</sup> A building or portion of a building in which care is given for less than 24 hours a day to six or less children away from their own homes, who are not related to the persons giving care.

Section 28.04.040 A.4 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

4. Public schools, elementary schools and high schools, and private schools having a curriculum equivalent to and substantially the same as that of a public elementary school or public high school, but not including private kindergartens, nursery schools or child care centers accommodating seven or more students.

Section 28.04.070 A.9 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.

Section 28.04.185 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

# 2. Child Care Centers. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize child care centers, to be located in the "AA", "A", "RB", "R-5" and "R-6" residential zoning districts subject to the following conditions and requirements.

2.1 All centers shall comply with the licensing requirements of the Kansas State Department of Health, including all building and fire safety regulations of the State of Kansas and the City of Wichita, Kansas.

2.2 Outdoor play shall be limited to the hours between 7:30 a.m. and 6:30 p.m. when any part of the fenced play area is within 100 feet of any occupied residence.

2.3 One off-street parking space shall be provided on the premises for each teacher and employee plus one off-street parking space for each vehicle used in the operation of the child care center.

2.4 When the capacity of the child care center exceeds twelve, one off-street loading space shall be provided for each ten children or major fraction thereof.

2.5 Before applying for an exception, evidence of being able to comply with all the standards must be submitted for review.

2.6 The Board of Zoning Appeals shall take into consideration the proximity and location of other such facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses.

2.7 The Board of Zoning Appeals may include additional conditions as deemed necessary to provide for orderly development.

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, 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 3rd day of April, 1973.

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

(SEAL)

AN ORDINANCE RELATING TO CHILD CARE CENTERS AS "EXCEPTIONS" IN THE "AA" ONE-FAMILY DWELLING DISTRICT, THE "A" TWO-FAMILY DWELLING DISTRICT, THE "RB" FOUR-FAMILY DWELLING DISTRICT, THE "R-5" GENERAL RESIDENCE DISTRICT, AND THE "R-6" GENERAL RESIDENCE DISTRICT, AMENDING SECTIONS 28.04.020, 28.04.040 AND 28.04.185 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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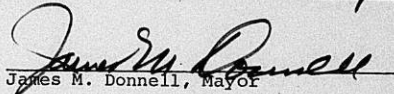
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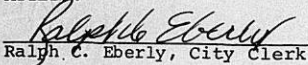
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ADOPTED at Wichita, Kansas, this 29<sup>th</sup> day of May, 1973.

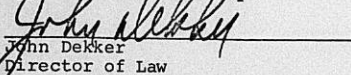
  
James M. Donnell, Mayor

ATTEST:

  
Ralph C. Eberly, City Clerk

(SEAL)

Approved as to form by:

  
John Dekker  
Director of Law

ORDINANCE NO. 32-702

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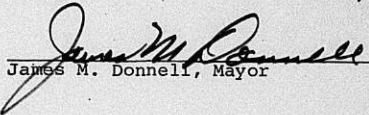
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1973.

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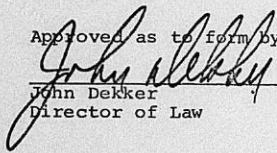
  
James M. Donnell, Mayor

ATTEST:

  
Ralph C. Eberly, City Clerk

(SEAL)

Approved as to form by:

  
John Dekker  
Director of Law

May 15, 1973

G. Lynn Shirkey, Junior Planner  
Jack H. Galbraith, Chief Planner

DR 73-8 - Amendment to the Zoning Ordinance - RE: Childrens'  
Day Care Centers

The Board of City Commissioners on May 15, 1973, approved the above captioned amendment to the zoning ordinance. Would you please proceed to have prepared, copies of this amendment which can be inserted in the zoning ordinance for sale to the public. Upon the completion of the inserts, would you please forward adequate copies to Bob Feldner for his staff as well as providing all office staff with copies for their zoning ordinances.

JHG:rw

DELINEATED COPY

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO CHILD CARE CENTERS AS "EXCEPTIONS" IN THE "AA" ONE-FAMILY DWELLING DISTRICT, THE "A" TWO-FAMILY DWELLING DISTRICT, THE "RB" FOUR-FAMILY DWELLING DISTRICT, THE "R-5" <sup>General Residence</sup> ~~MULTIPLE FAMILY DWELLING DISTRICT~~, AND THE "R-6" <sup>General Residence</sup> ~~MULTIPLE FAMILY DWELLING DISTRICT~~, AMENDING SECTIONS 28.04.020, 28.04.040 AND 28.04.185 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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SECTION 28.04.070 A.9 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

9. Private kindergartens, nurseries, ~~children's-homes~~ child care centers and homes for the aged, accommodating ~~ten~~ seven or more persons.

SECTION 28.04.185 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

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2.7 The Board of Zoning Appeals may include additional conditions as deemed necessary to provide for orderly development.

The original of Sections 28.04.040 A.4 and 28.04.070 A.9 of the Code of the City of Wichita, Kansas, are hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1973.

\_\_\_\_\_  
James M. Donnell, Mayor

ATTEST:

\_\_\_\_\_  
Ralph C. Eberly, City Clerk

(SEAL)

Approved as to form by:

\_\_\_\_\_  
John Dekker  
Director of Law

May 9, 1973

Board of City Commissioners

Robert A. Lakin, Director of Planning

DR 73-8 - Amendment to the Zoning  
Ordinance Re: Children's Day Care  
Centers

As requested by the City Commission on March 13, 1973, the attached amendment to the Zoning Ordinance has been prepared which will permit, as an "exception" in the "AA", "A", "RB", "R-5" and "R-6" residential zoning districts, the establishment of children's day care centers, subject to the conditions of the ordinance and the approval of the Board of Zoning Appeals.

This amendment was considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission at a public hearing on April 26, 1973, and was recommended for approval.

This amendment was prepared on the basis that there is a need to provide children's day care centers in areas other than in the "B" Multiple-family dwelling district and the commercial districts. Definitions have been introduced into the ordinance that are compatible with the Kansas State Department of Health licensing regulations. This will not only permit the establishment of such facilities in new buildings, but also in existing buildings that can comply with all State and City regulations governing such uses. This will resolve some of the problems that are now pending where a zoning change to the "B" Multiple Family District would be necessary.

Consideration of this amendment is scheduled for your meeting of May 15, 1973.

RAL:JHG:ber

Attachment

cc: Ralph Wulz, City Manager, w/a  
John Dekker, Director of Law, w/a

April 30, 1973

Mr. Bernard A. Clark  
4715 Vesta Drive  
Wichita, Kansas 67208

Re: DR 73-8 - Amendment to the  
Zoning Ordinance Re: Childrens  
Day Care Centers

Dear Mr. Clark:

At its regular meeting on April 26, 1973, the Metropolitan Area Planning Commission considered the above-captioned proposed amendment to the Zoning Ordinance relative to Child Care Centers. The action of the Commission was to recommend the approval of the amendment as advertised, except that "Child Day Care Center" was changed to "Family Day Care Home."

This amendment will be forwarded to the Board of City Commissioners for consideration at the regular meeting on May 15, 1973, the meeting to start at 9:00 a.m. in Room 201 City Building, 204 South Main.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:ber

cc: Mrs. Dorothy Hodson, 134 South Rutan 67208  
Mrs. Margaret McFadden, Department of Social Welfare,  
Sedgwick County Courthouse, 525 North Main 67203  
Keith Schrag, Minister, Lorraine Avenue Mennonite Church,  
655 South Lorraine 67211  
Mrs. Melva Smith, Community Planning Council,  
420 Insurance Building 67202  
Herbert B. Cockerill, 856 South Green 67214  
Norma Tolson, Head Start Coordinator, 352 North Broadway 67202

KANSAS STATE DEPARTMENT OF HEALTH  
TOPEKA

DIVISION OF MATERNAL AND CHILD HEALTH

April 13, 1973

M E M O R A N D U M

To: Robert Lakin, Secretary, Wichita-Sedgwick County Metropolitan  
Area Planning Commission  
From: (Mrs.) Shirley A. Norris, Child Care Licensing Supervisor  
State Department of Health  
Subject: Mr. Bernard A. Clark - CHILD CARE CENTER  
4715 Vesta Drive  
Wichita, Kansas 67208 - (SEDGWICK COUNTY)

The official notice relative to a zoning change to Title 28 in Wichita contains an error which we would like to call to your attention. The categorical name for a facility caring for 6 or fewer children for less than 24 hours a day is a Family Day Care Home, not a "Childrens Day Care Center" as listed in the official notice. To avoid confusion, we urge that this correction be made.

We are very pleased that the proposed amendments are being considered, and we wish to encourage their adoption. Child Care services should be neighborhood - based in order to best serve the child and his family. A recent "model code" on zoning for child care facilities includes the following statement:

"For purposes of the zoning ordinance, location of child development day care facilities should be considered comparable to elementary schools, children are present for a specific period of time under the supervision of adult staff. There is a greater degree of supervision in a day care facility, and in the majority of them there are fewer children than in an elementary school. Consequently, there will be less likelihood of negative effects upon neighboring property.

Treating child development day care uses as community facilities means that day care should be permitted to locate in any zoning district as long as need has been demonstrated, licensing requirements have been met, and no physical hazard can be reasonably anticipated. Treating day care facilities in the same manner as elementary schools means that they could be established without the lengthy processing time involved in obtaining a conditional or special use permit."

The State Health Department Licensing Section strongly supports this position.

*Shirley Norris*  
SAN:bss

cc: Services to Children, Youth, and Their Families  
Health Department



Definitions - Addition to 28.04.020

Child Care Center. A building or portion of a building used as a day nursery providing care for seven or more children, for part or all of a day or night, away from the home of the parent or legal guardian; and includes full day child care, nursery schools, play groups, Head Start, centers giving emphasis to programming for special children, kindergartens not operated by the public schools, and other establishments offering care to groups of children for part or all of the day or night.

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Revise Section 28.04.040 A-4. to read as follows:

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Add to 28.04.185

2. Child Care Centers. The Board of Zoning Appeals may permit, as an exception, child care centers in any residential zoning district subject to the following conditions and requirements.

2.1 All centers shall comply with the licensing requirements of the Kansas State Department of Health, including all building and fire safety regulations of the State of Kansas and the City of Wichita, Kansas.

2.2 Outdoor play shall be limited to the hours between 7:30 a.m. and 6:30 p.m. when any part of the fenced play area is within 100 feet of any occupied residence.

2.3 One off-street parking space shall be provided on the premises for each teacher and employee.

2.4 When the capacity of the child care center exceeds twelve, one off-street loading space shall be provided for each ten children or major fraction thereof.

2.5 Before applying for an exception, evidence of being able to comply with all the standards must be submitted for review.

2.6 The Board of Zoning Appeals shall take into consideration the proximity and location of other such facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses.

2.7 The Board of Zoning Appeals may include additional conditions as deemed necessary to provide for orderly development.

BOARD OF ZONING APPEALS

AGENDA

MARCH 27, 1973

The regular meeting of the Board of Zoning Appeals will be held on Tuesday, March 27, 1973, at 1:30 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas. The following items will be considered:

1. Approval of Minutes of December 19, 1972, and January 23, 1973.

2. Case No. BZA 3-73

Request: Exception

Reason: To permit U-Haul trailer agency providing limited U-Haul trailer display

Existing zoning: "LC" Light Commercial

Location: On the South side of 47th Street South in an area East of Interstate 235.

- 
3. Discussion of amendment of Zoning Ordinance to allow BZA to grant exception to permit children's day care centers in the "AA", "A" and "RB" classifications. (Proposal will be submitted at the meeting).

- 
4. Other Matters

Jack H. Galbraith  
Secretary

THE CITY OF WICHITA  
OFFICE OF CITY MANAGER

DATE April 18, 1973



TO Robert Feldner, Superintendent of Central Inspection  
FROM Ralph Wulz, City Manager

SUBJECT Pre School Operation at  
3406 Taft

You are aware of the action taken by the City Commission on April 17, 1973,  
to defer further consideration of the above subject to May 15, 1973.

Please withhold the code action pending on this property until the matter has  
again been heard by the Commission on May 15, 1973.

Ralph Wulz  
City Manager

RW/fmp

cc: Ray W. Bruggeman, Director of Public Works  
Robert A. Lakin, Director of Planning ✓

*Jack - Check & see if the new text will  
handle this (B2T)*



MELVIN D. SCHMIDT  
PASTOR 682-2272  
KEITH G. SCHRAG  
COMMUNITY MINISTER 67211 (316) 942-6493

86

REFERENCE ITEM: PUBLIC  
AGENDA FOR: APR 17 1973

**LORRAINE  
AVENUE  
MENNONITE  
CHURCH**



Ralph Wulz, Manager  
City of Wichita  
Wichita, Kansas

655 SOUTH LORRAINE  
WICHITA KANSAS  
67211

11 April, 1973

Dear Mr. Wulz:

On behalf of the Eureka Gardens Community Ministry of the Lorraine Avenue Mennonite Church I am requesting to be placed on the public agenda of the next City Commission meeting, Tuesday, April 17, 1973.

We have been operating a preschool for 3- and 4-year-olds in our Community Center at 3406 Taft for about four years. This has been almost entirely on a volunteer basis and has given needed educational experiences to many families in our immediate community. Both the principal, Robert Macey, and the kindergarten teacher at our local elementary school, Lawrence, have repeatedly indicated to us their awareness of the value our preschool has been to the students we have served.

We applied for a license for our preschool but have been denied because of the zoning of the land. Although we have been visited by personnel from welfare, health, inspection, and fire offices and have met their conditions we have been unable to move further because of zoning.

Two years ago we consulted with the Metropolitan Area Planning Department at which time it was assumed that the city's zoning study would be ready for action within a year. Our problem would be handled in that action, I was told. However, that action has taken longer than anticipated.

We received word a couple of days ago that we will be closed down as of April 19 (or drastically reduced in size) unless we comply with the zoning code of Wichita. We are in a crisis situation and NEED YOUR HELP.

Because our building is a church building it has been zoned AA. Our community is considered deteriorating already. We believe it would be irresponsible to the residents if we added further to that deterioration by zoning down to comply with present zoning regulations. We have been a service, not a liability, to the community and we are committed to continue as such. So we dare not betray their trust in us now.

Therefore, we respectfully request that you grant us a waiver to the zoning regulation as it applies to us, in light of the above information. We are grateful to you for your part in contributing further to the growth of our neighbors in this way.

Yours very sincerely,

*Keith G. Schrag*

Keith G. Schrag, Community Minister





## COMMUNITY PLANNING COUNCIL

420 Insurance Building • Wichita, Kansas 67202 • 267-4327 Area Code 316

Health Planning Division  
420 Insurance Bldg. - 264-2861

Coalition Planning Division  
420 Insurance Bldg. - 267-7333

4-C Division  
420 Insurance Bldg. - 267-4327

Community Information and Referral Services  
263-7205

Voluntary Action Center  
352 N. Broadway - 264-9301

April 24, 1973

### M E M O

TO: M.A.P.C. Staff

FROM: Melva Smith, 4-C Coordinator

The 4-C Program and the Community Planning Council are interested in agenda item 5a DR 73-8. This item is in regard to the public hearing on the amendment to the zoning ordinance for Children's Day Care Centers.

Please send a copy of the proposed ordinance change to us.

*Picked up copy this date,  
4/24/73 JSL*



WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

April 19, 1973

TO Wichita-Sedgwick County Metropolitan  
Area Planning Commission

FROM Jack H. Galbraith, Chief Planner *JHG*

SUBJECT DR 73-8 - Amendment to the Zoning Ordinance  
Re: Childrens Day Care Centers

The Board of City Commissioners in considering a request for "B" Multiple Family zoning at the corner of Oliver and Vesta Drive returned the case to the Planning Commission, suggesting that they consider an exception approach through the Board of Zoning Appeals for day care facilities.

Attached is a copy of the legal notice of the proposed amendment defining a Child Care Center and authorizing the Board of Zoning Appeals to consider as an "exception" this use to be located in the "AA", "A", "RB", "R-5" and "R-6" residential zoning districts, subject to certain conditions.

Consideration of this proposed amendment has been advertised for a public hearing for consideration at your regular meeting of April 26, 1973.

JHG:ber

Attachment

( ) Published in the Daily Record on April 4, 1973.

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on THURSDAY, APRIL 26, 1973, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m. will consider the following change to Title 28, the Code of the City of Wichita, Kansas:

The following definitions shall be added to Section 28.04.020 Definitions:

**CHILD CARE CENTER.** A building or portion of a building used as a day nursery providing care for seven or more children, for part or all of a day or night, away from the home of the parent or legal guardian; and includes full day child care, nursery schools, play groups, Head Start centers giving emphasis to programming for special children, kindergartens not operated by the public schools, and other establishments offering care to groups of children for part or all of the day or night.

**CHILDRENS DAY CARE CENTER.** A building or portion of a building in which care is given for less than 24 hours a day to six or less children away from their own homes, who are not related to the persons giving care.

Section 28.04.040 A.4 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

4. Public schools, elementary schools and high schools, and private schools having a curriculum equivalent to and substantially the same as that of a public elementary school or public high school, but not including private kindergartens, nursery schools or child care centers accommodating seven or more students.

Section 28.04.070 A.9 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

9. Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.

Section 28.04.185 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

2. Child Care Centers. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize child care centers, to be located in the "AA", "A", "RB", "R-5" and "R-6" residential zoning districts subject to the following conditions and requirements.

2.1 All centers shall comply with the licensing requirements of the Kansas State Department of Health, including all building and fire safety regulations of the State of Kansas and the City of Wichita, Kansas.

2.2 Outdoor play shall be limited to the hours between 7:30 a.m. and 6:30 p.m. when any part of the fenced play area is within 100 feet of any occupied residence.

2.3 One off-street parking space shall be provided on the premises for each teacher and employee plus one off-street parking space for each vehicle used in the operation of the child care center.

2.4 When the capacity of the child care center exceeds twelve, one off-street loading space shall be provided for each ten children or major fraction thereof.

2.5 Before applying for an exception, evidence of being able to comply with all the standards must be submitted for review.

2.6 The Board of Zoning Appeals shall take into consideration the proximity and location of other such facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses.

2.7 The Board of Zoning Appeals may include additional conditions as deemed necessary to provide for orderly development.

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, 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 3rd day of April, 1973.

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

(SEAL)

April 19, 1973

Wichita-Sedgwick County Metropolitan  
Area Planning Commission

Jack H. Galbraith, Chief Planner

DR 73-8 - Amendment to the Zoning Ordinance  
Re: Childrens Day Care Centers

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2.7 The Board of Zoning Appeals may include additional conditions as deemed necessary to provide for orderly development.

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, 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 3rd day of April, 1973.

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

(SEAL)

April 3, 1973

Mrs. Harry Hobson  
134 South Rutan  
Wichita, Kansas 67208

Subject: DR 73-8 - Childrens Day Care Centers

Dear Mrs. Hobson:

As we discussed yesterday by phone, attached for your information and review is a copy of the proposed amendment to the City Zoning Ordinance relative to Childrens Day Care Centers. As you are aware, it has been necessary for Childrens day care center homes to be operated out of the "B" Multiple Family Dwelling zoning classification. This proposed amendment, if approved, would authorize the Board of Zoning Appeals to consider as an exception this use in any residential zoning district subject to these suggested conditions.

This amendment has been advertised for public hearing before the Planning Commission on April 26, 1973, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. We would appreciate any comments you have relative to this proposal; also, if you know of others who should be made aware of this proposed amendment we would appreciate your providing their names.

If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:rw  
attachment

April 3, 1973

Mr. Bernard A. Clark  
4715 Vesta Drive  
Wichita, Kansas 67208

Subject: DR 73-8 - Childrens Day Care Centers

Dear Mr. Clark:

Attached for your information and review is a copy of the proposed amendment to the City Zoning Ordinance relative to Childrens Day Care Centers. This amendment has been advertised for a public hearing before the Planning Commission at their regular meeting of April 26, 1973, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. Inasmuch as your associated zoning case, Z-1492, was returned to the Planning Commission for reconsideration along with this proposed amendment, we will also reschedule the zone case at that same meeting. If you have any comments on this proposed amendment we would appreciate hearing from you.

Sincerely,

Jack H. Galbraith  
Chief Planner

JHG:rw  
attachment

( ) Published in the Daily Record on April 4, 1973.

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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, 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 3rd day of April, 1973.

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

(SEAL)

WICHITA-SEDGWICK COUNTY

DATE March 13, 1973

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO Glen Lytle, Special Assistant for Zoning  
FROM Robert A. Lakin, Director of Planning *m*  
SUBJECT Z-1492 - "AA" to "B" - On the South side of Vesta Drive  
in an area West of Oliver

The City Commission in considering "B" zoning for Z-1492 at the corner of Vesta and Oliver returned the case to the MAPC suggesting that they consider an exception approach through the BZA for day care facilities. Please prepare a text amendment for consideration by the Planning Commission. I believe there are some standards that have been furnished us by the State. There is also, I believe, a PAS report on this subject.

RAL:rw

CC: Bob Feldner, Central Inspection  
James Aiken, Director of Environmental Health