

ACTION

DATE

COMMITTEE

M.A.P.C. Approved/Amend. 4-26-79

B.C.C./B.C.C. Deferred 2 weeks 5-22-79

BCC Approved 6-5-79

Ord. #36-107 Publ 6-15-79

DR 79-8 - Possible Amendment to Zoning Ordinance Re: Establishment of Zoning on Annexed territory.

ORD 36-107

WICHITA-SEDGWICK COUNTY

DATE

May 14, 1979

METROPOLITAN AREA PLANNING DEPARTMENT

TO E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning

SUBJECT Subject: DR - 79-8 - Possible amendment to Zoning Ordinance
Re: Establishment of Zoning on Annexed Areas

Attached hereto is a delineated copy of an amendment to the zoning ordinance. Please place this item on the agenda of May 22, 1979, for consideration by the City Commission.

BACKGROUND:

Until 1961, any territory annexed to the City of Wichita was placed in the "AA" Single Family Dwelling District. In 1961, the ordinance was amended to place comparable zoning classifications on properties when annexed that was on the property in the County. In 1964, when the "G" Mobile Home District was created, a provision was added to accommodate mobile home parks that had been approved as conditional uses under the terms of the Sedgwick County Zoning Resolution.

Over the past several years, there has been an increase in two-family and multiple family development in the unincorporated areas. This has required conditional use permits in the "AA" District for most of these developments. At the present time, such areas being annexed are brought into the City as "AA" Single Family and become nonconforming uses if developed. If vacant, they "lose" their conditional use approval.

In order to eliminate the creation of a large number of nonconforming uses upon annexation, and to accommodate previously approved development areas, it is proposed to place the areas approved for two-family dwellings in the "A" District and the areas approved for multiple-family dwellings in the "R-5" General Residence District. The County zoning resolution establishes a maximum density of 15 dwelling units per acre for multiple-family dwellings. Since the "R-5" District presently has a maximum density of 12.4 dwelling units per acre, we are recommending that a companion amendment (DR 79-9) be adopted to increase the "R-5" density to 17.4 dwelling units per acre.

Under the County Zoning Resolution prior to 1975, multiple-family dwellings were not permitted in any district except the "LC" District. Therefore, "LC" zoning was established in some instances for the express purpose of developing multiple-family dwellings. In those particular instances, we are suggesting that those portions of "LC" Districts be placed in the "R-6" District upon annexation.

In the Sedgwick County Zoning Resolution there are provisions for conditional uses within the "R", "R-1" and "AA" Districts for special uses such as cemeteries, hospitals, airports, etc., that are not permitted in the "AA" District under the City of Wichita zoning regulations. For these particular types of uses, a provision is made to honor the conditions of the conditional use permit for a period of one year and during that year allow the owner to

E. H. Denton, City Manager
Page 2
May 14, 1979

request a change of zoning at no fee. This will permit the governing body, after public hearing, to establish the appropriate zoning on the property under the terms of the City of Wichita's ordinance.

Copies of the proposed amendments were furnished to the Wichita Area Builders Association, Wichita Board of Realtors and others prior to the public hearing before the Planning Commission on April 26, 1979. Copies of excerpts of the minutes of that meeting are attached for your information.

SUMMARY

This amendment will provide the following changes:

1. Establish "A" Two-Family zoning for previously approved conditional use permit areas for two-family dwellings, in lieu of "AA" Single Family zoning.
2. Establish "R-5" General Residence zoning for previously approved conditional use permit areas for multiple-family dwellings, in lieu of "AA" Single Family zoning.
3. Establish "R-6" General Residence zoning on areas of "LC" zoned property that have been approved for multiple-family dwellings when the official minutes and records of the Planning Commission and County Commission show that "LC" zoning was established for the express purpose of permitting residential development. This would be in lieu of "LC" zoning.
4. The honoring of the provisions of any conditional use permit, granted under the provisions of the Sedgwick County Zoning Resolution, for a period of one year from the date of annexation. It will also permit the owner of a property, included within a conditional use permit, to file a zoning change request at no fee any time within one year of the date of annexation.
5. A provision is also included to permit the establishment of comparable zoning on annexed territory that has been approved for a change of zoning under the terms of the Sedgwick County Zoning Resolution, but the publication of the resolution has been withheld pending compliance with conditions of approval. Once the conditions have been complied with, the resolution would be published and the zoning established under the City regulation.

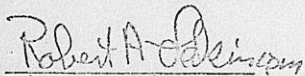
It was the unanimous recommendation of the Planning Commission that this ordinance be adopted.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.
2. Return the amendment to the Planning Commission for reconsideration.

E. H. Denton, City Manager
Page 2
May 14, 1979

The City Commission states the following reasons for such reconsideration.



Robert A. Lakin
Director of Planning

RAL:GL:bh

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE PROVISIONS OF SECTION 28.04.160(A) OF THE CODE OF THE CITY OF WICHITA, KANSAS: PERTAINING TO THE ESTABLISHMENT OF ZONING ON TERRITORIES ANNEXED TO THE CITY OF WICHITA, KANSAS, AND REPEALING THE ORIGINAL OF SAID SECTION 28.04.160(A) 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. 160 (A) of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"28.04.160 General Regulations. A. ANNEXATIONS.

Any territory hereafter annexed to the city of Wichita shall simultaneous with annexation, be initially assigned that zoning district designation as set forth immediately below:

Those territories zoned "R", "R-1" or "AA" under the terms of the Sedgwick County Zoning Resolution shall be zoned "AA" under the terms of this chapter; provided however, residential subdivisions for two-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "A" under the terms of this chapter; and further provided, residential subdivision for multiple-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "R-5" under the terms of this chapter;

Those territories zoned "BB" under the terms of the Sedgwick County Zoning Resolution shall be zoned "BB" under the terms of this chapter.

Those territories zoned "LC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "LC" under the terms of this chapter; provided, however, residential subdivisions where "LC" zoning was granted for the express purpose of permitting multi-family residential development as reflected in the official minutes and records of the planning commission and county commission, shall be zoned "R-6" under the terms of this chapter;

Those territories zoned "C" under the terms of the Sedgwick County Zoning Resolution shall be zoned "C" under the terms of this chapter;

Those territories zoned "E" under the terms of the Sedgwick County Zoning Resolution shall be zoned "E" under the terms of this chapter;

Those territories zoned "F" under the terms of the Sedgwick County Zoning Resolution shall be zoned "F" under the terms of this chapter.

Mobile home parks provided they have first been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution by the planning commission and county commission and have complied with the county trailer code shall be zoned equal "G" mobile home district, under the terms of this chapter.

Notwithstanding any other provisions of this chapter, the conditions of a conditional use permit, approved under the terms of the Sedgwick County Zoning Resolution, shall be honored for a period of one year from the date of annexation or until a public hearing is held to act on any zoning change request. The owner of any property included in a conditional use permit may file an application for a change of zoning at no fee at any time within one year of the date of annexation.

Whenever annexed territory has been approved for a change of zoning under the terms of the Sedgwick County Zoning Resolution, but the publication of the resolution has been withheld pending compliance with conditions established by the Board of County Commissioners, comparable zoning as set forth under the terms of this ordinance shall be placed on the property upon completion of the conditions as set forth in the annexation ordinance.

Such zoning classification initially established simultaneous with annexation under the terms of this section shall remain in full force and effect until the governing body of the city of Wichita shall have, by ordinance, resolution, amended such zoning classification. Provided, however, that the governing body

shall not amend such zoning classification until a public hearing shall have been held as provided in Section 28.04.210 of the Code of the City of Wichita."

The original section 28.04.160(A) of the Code of the City of Wichita, Kansas, is 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 _____,

Mayor

ATTEST:

Donald Gisick, City Clerk

Approved as to form:

John Dekker, Director of Law

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 26, 1979:

26. Case No. DR 79-8 - Possible Amendment to Zoning Ordinance
Re: Establishment of Zoning on Annexed Territory

GLEN LYTLE, Special Assistant for Zoning, stated that this amendment was a proposal to try to eliminate some of the problems with some of the areas that are subject to annexation. The amendment would accommodate previous actions by the Planning Commission and the County Commission when they have granted zoning for the "AA" Single Family District and approved development for duplexes and multiple family dwellings as conditional uses. At the present time when they are annexed, they would come in as "AA" and become nonconforming if developed and would lose their rights to develop under the previous approval if undeveloped. In order to eliminate this possibility, the staff has proposed an amendment that would place the proper zoning for those residential areas that have been approved for two family dwellings and also for multiple family dwellings by placing those properties in the "A" Two Family Dwelling, and the "R-5" Districts. At the present time, multiple family dwellings as a conditional use in the "AA" district are limited to 15 dwelling units per acre. It is proposed to place multiple-family development in the "R-5" District which limits the number of dwellings units to 12.4 per acre. However, as a companion amendment, (DR-79-9) it is proposed to increase this district to 17.4 dwelling units per acre.

LYTLE stated that prior to 1975 Multiple Family dwellings in the County were permitted only as a conditional use in the Light Commercial zoning district. When "LC" zoning was granted strictly for apartment development under the County Zoning Resolution and it is so reflected by the official records, then upon annexation such areas would be placed in the "R-5" district.

LYTLE further stated that in the Sedgwick County Zoning Resolution there are provisions for conditional uses within the "R", "R-1" and "AA" Districts for special uses such as cemeteries, hospitals, airports, etc., that are not permitted in the "AA" District under the City of Wichita zoning regulations. For these particular types of uses, a provision is made to honor the conditions of the conditional use permit for a period of one year and during that year allow the owner to request a change of zoning at no fee. This will permit the governing body, after public hearing, to establish the appropriate zoning on the property under the terms of the City of Wichita's ordinance. He said that this amendment would provide the following changes:

1. Establish "A" Two-Family zoning for previously approved conditional use permit areas for two-family dwellings, in lieu of "AA" Single Family zoning.
2. Establish "R-5" General Residence zoning for previously approved conditional use permit areas for multiple-family dwellings, in lieu of "AA" Single Family zoning.
3. Establish "R-5" General Residence zoning on areas of "LC" zoned property that have been approved for multiple-family dwellings when the official minutes and records of the Planning Commission and County Commission show that "LC" zoning was established for the express purpose of permitting residential development. This would be in lieu of "LC" zoning.
4. The honoring of the provisions of any conditional use permit granted under the provisions of the Sedgwick County Zoning Resolution, for a period of one year from the date of annexation. It will also permit the owner of a property, included within a conditional use permit, to file a zoning change request at no fee any time within one year of the date of annexation.

BELL asked for clarification that when they have a right to file a "no fee" for one year, that does not mean at no cost, they would still have to provide a ownership list. LYTLE stated yes, they would have to provide an ownership list.

JOEL POLLACK, said that he was speaking as the only owner at Crestview that has property that falls into this category. He said that he agreed with the amendments with the exception of "provided, however, residential subdivisions where "LC" zoning was granted for the express purpose of permitting multi-family residential development as reflected in the official minutes and records of the planning commission and county commission, shall be zoned "R-5" under the terms of this chapter". He said that they were suggesting the modification of that to "R-6", and cover their case. The density, with the understanding that they bought the property under, was that "LC" zoning was a higher density than "R-5" would provide them. He felt that if the "LC" zoning was to be modified to a residential district, it would be more compatible with the "R-6" rather than the "R-5".

POLLACK again speaking on behalf of the Legislative Council of the Wichita Area Builders Association, he was appearing on the overall amendment as well to advise that they don't always appear in a negative manner on issues that they oppose, but also appear positively, and this is a case where they think the general amendment was fair and would help clean up compatibility between County and City zoning matters, and was recommending approval of the amendments with the one modification.

BELL commended both Lytle and Pollack for their patience and perseverance.

MOTION: That the amendment to the zoning ordinance be adopted with the change from "R-5" to "R-6". Bell moved, Bayouth seconded and it carried unanimously. Jones, Taylor and Hennessy were absent.

~~Little~~ - 5

When did CPD get the
info Same time as MAPC?
earlier
later

RM

Same time as MAPC

~~Little~~
TALKED TO RAY TRAIL - SAID PUT ON
AGENDA ANNUAL
Meeting again with CPD

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE May 10, 1979

TO E.H. Denton, City Manager
FROM Evelyn Pittman, Assistant CP Coordinator

SUBJECT Request For Deferral Of May 22
Agenda Item

According to the April 26, 1979, Metropolitan Area Planning Commission minutes, two possible amendments to the zoning ordinance (DR 79-8 and DR 79-9) are scheduled for consideration by the City Commission on May 22. The Central Council, on May 8, asked that these items be deferred until June 12, 1979.

The Neighborhood Councils did not receive the information in advance and were unable to make recommendations to the Planning Commission on April 26. Because of the magnitude of the proposed amendments, many Neighborhood Councils are unable to make recommendations to the City Commission prior to May 22. A 3-week deferral would allow time for more careful consideration of and better informed recommendations on the proposed amendments.

If a deferral cannot be granted, please advise so that preliminary comments from some of the Neighborhood Councils can be provided for consideration on May 22.

Evelyn Pittman
Evelyn Pittman
Assistant CP Coordinator

EP:ml

cc Robert Lakin, Planning Department



THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE May 17, 1979

TO E.H. Denton, City Manager

FROM Evelyn Pittman, Assistant CPO Coordinator

SUBJECT DR 79-8 Possible Amendment to
the Zoning Ordinance
Re: Establishment of Zoning on
Annexed Areas

The Central Council requested a deferral of this item to allow the organization more time to consider the possible amendment (May 10, 1979, memo). In the event the deferral is not granted the following comments from the Citizen Participation Organization neighborhood councils are provided for consideration by the City Commission.

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Five of the councils (A, F, G, I and J) recommend unconditional approval of DR 79-8. Council N recommended approval with the stipulation that all undeveloped land be annexed in the "AA" Single Family District and with a maximum of 15 dwelling units per acre in "R-5". Council M approved DR 79-8 but was concerned about the increased density in "R-5" (12.4 to 17.4 dwelling units per acre). Council H recommended approval of DR 79-8 but with an increased density in "R-5" from 12.4 dwelling units per acre to 15.1 units which is more consistent with existing County zoning resolution.

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Councils C, D and E were opposed to DR 79-8 because of the increased density permitted in the "R-5" district.

The remaining councils discussed the possible amendment and concluded that more time is needed to consider proposal before making recommendations.

Your assistance in providing this information to the City Commission for consideration on May 22, 1979, will be appreciated.

Evelyn Pittman
Evelyn Pittman
Assistant CPO Coordinator

EP:al

✓cc: Robert A. Lakin, Director of Planning



WICHITA-SEDGWICK COUNTY

FS
3

DATE
May 14, 1979

METROPOLITAN AREA PLANNING DEPARTMENT

5/22/79 BCC Ref 2 WKS

TO E. H. Denton, City Manager

FROM Robert A. Lakin, Director of Planning

SUBJECT Subject: DR - 79-8 - Possible amendment to Zoning Ordinance
Re: Establishment of Zoning on Annexed Areas

Attached hereto is a delineated copy of an amendment to the zoning ordinance. Please place this item on the agenda of May 22, 1979, for consideration by the City Commission.

BACKGROUND:

Until 1961, any territory annexed to the City of Wichita was placed in the "AA" Single Family Dwelling District. In 1961, the ordinance was amended to place comparable zoning classifications on properties when annexed that was on the property in the County. In 1964, when the "G" Mobile Home District was created, a provision was added to accommodate mobile home parks that had been approved as conditional uses under the terms of the Sedgwick County Zoning Resolution.

Over the past several years, there has been an increase in two-family and multiple family development in the unincorporated areas. This has required conditional use permits in the "AA" District for most of these developments. At the present time, such areas being annexed are brought into the City as "AA" Single Family and become nonconforming uses if developed. If vacant, they "lose" their conditional use approval.

In order to eliminate the creation of a large number of nonconforming uses upon annexation, and to accommodate previously approved development areas, it is proposed to place the areas approved for two-family dwellings in the "A" District and the areas approved for multiple-family dwellings in the "R-5" General Residence District. The County zoning resolution establishes a maximum density of 15 dwelling units per acre for multiple-family dwellings. Since the "R-5" District presently has a maximum density of 12.4 dwelling units per acre, we are recommending that a companion amendment (DR 79-9) be adopted to increase the "R-5" density to 17.4 dwelling units per acre.

Under the County Zoning Resolution prior to 1975, multiple-family dwellings were not permitted in any district except the "LC" District. Therefore, "LC" zoning was established in some instances for the express purpose of developing multiple-family dwellings. In those particular instances, we are suggesting that those portions of "LC" Districts be placed in the "R-6" District upon annexation.

In the Sedgwick County Zoning Resolution there are provisions for conditional uses within the "R", "R-1" and "AA" Districts for special uses such as cemeteries, hospitals, airports, etc., that are not permitted in the "AA" District under the City of Wichita zoning regulations. For these particular types of uses, a provision is made to honor the conditions of the conditional use permit for a period of one year and during that year allow the owner to

G. H. Denton, City Manager
Page 2
May 14, 1979

#3 DR 79-8

request a change of zoning at no fee. This will permit the governing body, after public hearing, to establish the appropriate zoning on the property under the terms of the City of Wichita's ordinance.

Copies of the proposed amendments were furnished to the Wichita Area Builders Association, Wichita Board of Realtors and others prior to the public hearing before the Planning Commission on April 26, 1979. Copies of excerpts of the minutes of that meeting are attached for your information.

SUMMARY

This amendment will provide the following changes:

1. Establish "A" Two-Family zoning for previously approved conditional use permit areas for two-family dwellings, in lieu of "AA" Single Family zoning.
2. Establish "R-5" General Residence zoning for previously approved conditional use permit areas for multiple-family dwellings, in lieu of "AA" Single Family zoning.
3. Establish "R-6" General Residence zoning on areas of "LC" zoned property that have been approved for multiple-family dwellings when the official minutes and records of the Planning Commission and County Commission show that "LC" zoning was established for the express purpose of permitting residential development. This would be in lieu of "LC" zoning.
4. The honoring of the provisions of any conditional use permit, granted under the provisions of the Sedgwick County Zoning Resolution, for a period of one year from the date of annexation. It will also permit the owner of a property, included within a conditional use permit, to file a zoning change request at no fee any time within one year of the date of annexation.
5. A provision is also included to permit the establishment of comparable zoning on annexed territory that has been approved for a change of zoning under the terms of the Sedgwick County Zoning Resolution, but the publication of the resolution has been withheld pending compliance with conditions of approval. Once the conditions have been complied with, the resolution would be published and the zoning established under the City regulation.

It was the unanimous recommendation of the Planning Commission that this ordinance be adopted.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.
2. Return the amendment to the Planning Commission for reconsideration.

*Parsons /
MC-40
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*usually
planning*

E. H. Denton, City Manager
Page 2
May 14, 1979

The City Commission states the following reasons for such reconsideration.

Robert A. Lakin

Robert A. Lakin
Director of Planning

RAL:GL:hh

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE PROVISIONS OF SECTION 28.04.160 (A) OF THE CODE OF THE CITY OF WICHITA, KANSAS: PERTAINING TO THE ESTABLISHMENT OF ZONING ON TERRITORIES ANNEXED TO THE CITY OF WICHITA, KANSAS, AND REPEALING THE ORIGINAL OF SAID SECTION 28.04.160 (A) OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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Any territory hereafter annexed to the city of Wichita shall simultaneous with annexation, be initially assigned that zoning district designation as set forth immediately below:

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Those territories zoned "BB" under the terms of the Sedgwick County Zoning Resolution shall be zoned "BB" under the terms of this chapter.

Those territories zoned "LC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "LC" under the terms of this chapter; provided, however, residential subdivisions where "LC" zoning was granted for the express purpose of permitting multi-family residential development as reflected in the official minutes and records of the planning commission and county commission, shall be zoned "R-6" under the terms of this chapter;

Those territories zoned "C" under the terms of the Sedgwick County Zoning Resolution shall be zoned "C" under the terms of this chapter;

Those territories zoned "E" under the terms of the Sedgwick County Zoning Resolution shall be zoned "E" under the terms of this chapter;

Those territories zoned "F" under the terms of the Sedgwick County Zoning Resolution shall be zoned "F" under the terms of this chapter.

Mobile home parks provided they have first been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution by the planning commission and county commission and have complied with the county trailer code shall be zoned equal "G" mobile home district under the terms of this chapter.

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shall not amend such zoning classification until a public hearing shall have been held as provided in Section 28.04.210 of the Code of the City of Wichita."

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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 _____,

Mayor

ATTEST:

Donald Gisick, City Clerk

Approved as to form:

John Dekker, Director of Law

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 26, 1979:

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BELL commended both Lytle and Pollack for their patience and perseverance.

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WICHITA-SEDGWICK COUNTY

DATE
May 14, 1979

METROPOLITAN AREA PLANNING DEPARTMENT

TO E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning

SUBJECT Subject: DR - 79-8 - Possible amendment to Zoning Ordinance
Re: Establishment of Zoning on Annexed Areas

Attached hereto is a delineated copy of an amendment to the zoning ordinance. Please place this item on the agenda of May 22, 1979, for consideration by the City Commission.

BACKGROUND:

Until 1961, any territory annexed to the City of Wichita was placed in the "AA" Single Family Dwelling District. In 1961, the ordinance was amended to place comparable zoning classifications on properties when annexed that was on the property in the County. In 1964, when the "G" Mobile Home District was created, a provision was added to accommodate mobile home parks that had been approved as conditional uses under the terms of the Sedgwick County Zoning Resolution.

Over the past several years, there has been an increase in two-family and multiple family development in the unincorporated areas. This has required conditional use permits in the "AA" District for most of these developments. At the present time, such areas being annexed are brought into the City as "AA" Single Family and become nonconforming uses if developed. If vacant, they "lose" their conditional use approval.

In order to eliminate the creation of a large number of nonconforming uses upon annexation, and to accommodate previously approved development areas, it is proposed to place the areas approved for two-family dwellings in the "A" District and the areas approved for multiple-family dwellings in the "R-5" General Residence District. The County zoning resolution establishes a maximum density of 15 dwelling units per acre for multiple-family dwellings. Since the "R-5" District presently has a maximum density of 12.4 dwelling units per acre, we are recommending that a companion amendment (DR 79-9) be adopted to increase the "R-5" density to 17.4 dwelling units per acre.

Under the County Zoning Resolution prior to 1975, multiple-family dwellings were not permitted in any district except the "LC" District. Therefore, "LC" zoning was established in some instances for the express purpose of developing multiple-family dwellings. In those particular instances, we are suggesting that those portions of "LC" Districts be placed in the "R-5" District upon annexation.

In the Sedgwick County Zoning Resolution there are provisions for conditional uses within the "R", "R-1" and "AA" Districts for special uses such as cemeteries, hospitals, airports, etc., that are not permitted in the "AA" District under the City of Wichita zoning regulations. For these particular types of uses, a provision is made to honor the conditions of the conditional use permit for a period of one year and during that year allow the owner to

E. H. Denton, City Manager
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request a change of zoning at no fee. This will permit the governing body, after public hearing, to establish the appropriate zoning on the property under the terms of the City of Wichita's ordinance.

Copies of the proposed amendments were furnished to the Wichita Area Builders Association, Wichita Board of Realtors and others prior to the public hearing before the Planning Commission on April 26, 1979. Copies of excerpts of the minutes of that meeting are attached for your information.

SUMMARY

This amendment will provide the following changes:

1. Establish "A" Two-Family zoning for previously approved conditional use permit areas for two-family dwellings, in lieu of "AA" Single Family zoning.
2. Establish "R-5" General Residence zoning for previously approved conditional use permit areas for multiple-family dwellings, in lieu of "AA" Single Family zoning.
3. Establish "R-6" General Residence zoning on areas of "LC" zoned property that have been approved for multiple-family dwellings when the official minutes and records of the Planning Commission and County Commission show that "LC" zoning was established for the express purpose of permitting residential development. This would be in lieu of "LC" zoning.
4. The honoring of the provisions of any conditional use permit, granted under the provisions of the Sedgwick County Zoning Resolution, for a period of one year from the date of annexation. It will also permit the owner of a property, included within a conditional use permit, to file a zoning change request at no fee any time within one year of the date of annexation.
5. A provision is also included to permit the establishment of comparable zoning on annexed territory that has been approved for a change of zoning under the terms of the Sedgwick County Zoning Resolution, but the publication of the resolution has been withheld pending compliance with conditions of approval. Once the conditions have been complied with, the resolution would be published and the zoning established under the City regulation.

It was the unanimous recommendation of the Planning Commission that this ordinance be adopted.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.
2. Return the amendment to the Planning Commission for reconsideration.

E. H. Denton, City Manager
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May 14, 1979

The City Commission states the following reasons for such reconsideration.

Robert A. Lakin
Robert A. Lakin
Director of Planning

RAL:GL:bh

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE PROVISIONS OF SECTION 28.04.160(A) OF THE CODE OF THE CITY OF WICHITA, KANSAS: PERTAINING TO THE ESTABLISHMENT OF ZONING ON TERRITORIES ANNEXED TO THE CITY OF WICHITA, KANSAS, AND REPEALING THE ORIGINAL OF SAID SECTION 28.04.160(A) 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. 160 (A) of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"28.04.160 General Regulations. A. ANNEXATIONS.

Any territory hereafter annexed to the city of Wichita shall simultaneous with annexation, be initially assigned that zoning district designation as set forth immediately below:

Those territories zoned "R", "R-1" or "AA" under the terms of the Sedgwick County Zoning Resolution shall be zoned "AA" under the terms of this chapter; provided however, residential subdivisions for two-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "A" under the terms of this chapter; and further provided, residential subdivision for multiple-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "R-5" under the terms of this chapter;

Those territories zoned "BB" under the terms of the Sedgwick County Zoning Resolution shall be zoned "BB" under the terms of this chapter.

Those territories zoned "LC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "LC" under the terms of this chapter; provided, however, residential subdivisions where "LC" zoning was granted for the express purpose of permitting multi-family residential development as reflected in the official minutes and records of the planning commission and county commission, shall be zoned "R-6" under the terms of this chapter;

Those territories zoned "C" under the terms of the Sedgwick County Zoning Resolution shall be zoned "C" under the terms of this chapter;

Those territories zoned "E" under the terms of the Sedgwick County Zoning Resolution shall be zoned "E" under the terms of this chapter;

Those territories zoned "F" under the terms of the Sedgwick County Zoning Resolution shall be zoned "F" under the terms of this chapter.

Mobile home parks provided they have first been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution by the planning commission and county commission and have complied with the county trailer code shall be zoned equal "G" mobile home district under the terms of this chapter.

Notwithstanding any other provisions of this chapter, the conditions of a conditional use permit, approved under the terms of the Sedgwick County Zoning Resolution, shall be honored for a period of one year from the date of annexation or until a public hearing is held to act on any zoning change request. The owner of any property included in a conditional use permit may file an application for a change of zoning at no fee at any time within one year of the date of annexation.

Whenever annexed territory has been approved for a change of zoning under the terms of the Sedgwick County Zoning Resolution, but the publication of the resolution has been withheld pending compliance with conditions established by the Board of County Commissioners, comparable zoning as set forth under the terms of this ordinance shall be placed on the property upon completion of the conditions as set forth in the annexation ordinance.

Such zoning classification initially established simultaneous with annexation under the terms of this section shall remain in full force and effect until the governing body of the city of Wichita shall have, by ordinance, resolution, amended such zoning classification. Provided, however, that the governing body

shall not amend such zoning classification until a public hearing shall have been held as provided in Section 28.04.210 of the Code of the City of Wichita."

The original section 28.04.160(A) of the Code of the City of Wichita, Kansas, is 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 _____,

Mayor

ATTEST:

Donald Gisick, City Clerk

Approved as to form:

John Dekker, Director of Law

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 26, 1979:

26. Case No. DR 79-8 - Possible Amendment to Zoning Ordinance
Re: Establishment of Zoning on Annexed Territory

GLEN LYTLE, Special Assistant for Zoning, stated that this amendment was a proposal to try to eliminate some of the problems with some of the areas that are subject to annexation. The amendment would accommodate previous actions by the Planning Commission and the County Commission when they have granted zoning for the "AA" Single Family District and approved development for duplexes and multiple family dwellings as conditional uses. At the present time when they are annexed, they would come in as "AA" and become nonconforming if developed and would lose their rights to develop under the previous approval if undeveloped. In order to eliminate this possibility, the staff has proposed an amendment that would place the proper zoning for those residential areas that have been approved for two family dwellings and also for multiple family dwellings by placing those properties in the "A" Two Family Dwelling, and the "R-5" Districts. At the present time, multiple family dwellings as a conditional use in the "AA" district are limited to 15 dwelling units per acre. It is proposed to place multiple-family development in the "R-5" District which limits the number of dwellings units to 12.4 per acre. However, as a companion amendment, (DR-79-9) it is proposed to increase this district to 17.4 dwelling units per acre.

LYTLE stated that prior to 1975 Multiple Family dwellings in the County were permitted only as a conditional use in the Light Commercial zoning district. When "LC" zoning was granted strictly for apartment development under the County Zoning Resolution and it is so reflected by the official records, then upon annexation such areas would be placed in the "R-5" district.

LYTLE further stated that in the Sedgwick County Zoning Resolution there are provisions for conditional uses within the "R", "R-1" and "AA" Districts for special uses such as cemeteries, hospitals, airports, etc., that are not permitted in the "AA" District under the City of Wichita zoning regulations. For these particular types of uses, a provision is made to honor the conditions of the conditional use permit for a period of one year and during that year allow the owner to request a change of zoning at no fee. This will permit the governing body, after public hearing, to establish the appropriate zoning on the property under the terms of the City of Wichita's ordinance. He said that this amendment would provide the following changes:

1. Establish "A" Two-Family zoning for previously approved conditional use permit areas for two-family dwellings, in lieu of "AA" Single Family zoning.
2. Establish "R-5" General Residence zoning for previously approved conditional use permit areas for multiple-family dwellings, in lieu of "AA" Single Family zoning.
3. Establish "R-5" General Residence zoning on areas of "LC" zoned property that have been approved for multiple-family dwellings when the official minutes and records of the Planning Commission and County Commission show that "LC" zoning was established for the express purpose of permitting residential development. This would be in lieu of "LC" zoning.
4. The honoring of the provisions of any conditional use permit granted under the provisions of the Sedgwick County Zoning Resolution, for a period of one year from the date of annexation. It will also permit the owner of a property, included within a conditional use permit, to file a zoning change request at no fee any time within one year of the date of annexation.

BELL asked for clarification that when they have a right to file a "no fee" for one year, that does not mean at no cost, they would still have to provide a ownership list. LYTLE stated yes, they would have to provide an ownership list.

JOEL POLLACK, said that he was speaking as the only owner at Crestview that has property that falls into this category. He said said that he agreed with the amendments with the exception of "provided, however, residential subdivisions where "LC" zoning was granted for the express purpose of permitting multi-family residential development as reflected in the official minutes and records of the planning commission and county commission, shall be zoned "R-5" under the terms of this chapter". He said that they were suggesting the modification of that to "R-6", and cover their case. The density, with the understanding that they bought the property under, was that "LC" zoning was a higher density than "R-5" would provide them. He felt that if the "LC" zoning was to be modified to a residential district, it would be more compatible with the "R-6" rather than the "R-5".

POLLACK again speaking on behalf of the Legislative Council of the Wichita Area Builders Association, he was appearing on the overall amendment as well to advise that they don't always appear in a negative manner on issues that they oppose, but also appear positively, and this is a case where they think the general amendment was fair and would help clean up compatibility between County and City zoning matters, and was recommending approval of the amendments with the one modification.

BELL commended both Lytle and Pollack for their patience and perseverance.

MOTION: That the amendment to the zoning ordinance be adopted with the change from "R-5" to "R-6". Bell moved, Bayouth seconded and it carried unanimously. Jones, Taylor and Hennessy were absent.

May 14, 1979

E. H. Denton, City Manager

Robert A. Lakin, Director of Planning

Subject: DR - 79-8 - Possible amendment to Zoning Ordinance
Re: Establishment of Zoning on Annexed Areas

Attached hereto is a delineated copy of an amendment to the zoning ordinance. Please place this item on the agenda of May 22, 1979, for consideration by the City Commission.

BACKGROUND:

Until 1961, any territory annexed to the City of Wichita was placed in the "AA" Single Family Dwelling District. In 1961, the ordinance was amended to place comparable zoning classifications on properties when annexed that was on the property in the County. In 1964, when the "G" Mobile Home District was created, a provision was added to accommodate mobile home parks that had been approved as conditional uses under the terms of the Sedgwick County Zoning Resolution.

Over the past several years, there has been an increase in two-family and multiple family development in the unincorporated areas. This has required conditional use permits in the "AA" District for most of these developments. At the present time, such areas being annexed are brought into the City as "AA" Single Family and become nonconforming uses if developed. If vacant, they "lose" their conditional use approval.

In order to eliminate the creation of a large number of nonconforming uses upon annexation, and to accommodate previously approved development areas, it is proposed to place the areas approved for two-family dwellings in the "A" District and the areas approved for multiple-family dwellings in the "R-5" General Residence District. The County zoning resolution establishes a maximum density of 15 dwelling units per acre for multiple-family dwellings. Since the "R-5" District presently has a maximum density of 12.4 dwelling units per acre, we are recommending that a companion amendment (DR 79-9) be adopted to increase the "R-5" density to 17.4 dwelling units per acre.

Under the County Zoning Resolution prior to 1975, multiple-family dwellings were not permitted in any district except the "LC" District. Therefore, "LC" zoning was established in some instances for the express purpose of developing multiple-family dwellings. In those particular instances, we are suggesting that those portions of "LC" Districts be placed in the "R-6" District upon annexation.

In the Sedgwick County Zoning Resolution there are provisions for conditional uses within the "R", "R-1" and "AA" Districts for special uses such as cemeteries, hospitals, airports, etc., that are not permitted in the "AA" District under the City of Wichita zoning regulations. For these particular types of uses, a provision is made to honor the conditions of the conditional use permit for a period of one year and during that year allow the owner to

E. H. Denton, City Manager
Page 2
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request a change of zoning at no fee. This will permit the governing body, after public hearing, to establish the appropriate zoning on the property under the terms of the City of Wichita's ordinance.

Copies of the proposed amendments were furnished to the Wichita Area Builders Association, Wichita Board of Realtors and others prior to the public hearing before the Planning Commission on April 26, 1979. Copies of excerpts of the minutes of that meeting are attached for your information.

SUMMARY

This amendment will provide the following changes:

1. Establish "A" Two-Family zoning for previously approved conditional use permit areas for two-family dwellings, in lieu of "AA" Single Family zoning.
2. Establish "R-5" General Residence zoning for previously approved conditional use permit areas for multiple-family dwellings, in lieu of "AA" Single Family zoning.
3. Establish "R-6" General Residence zoning on areas of "LC" zoned property that have been approved for multiple-family dwellings when the official minutes and records of the Planning Commission and County Commission show that "LC" zoning was established for the express purpose of permitting residential development. This would be in lieu of "LC" zoning.
4. The honoring of the provisions of any conditional use permit, granted under the provisions of the Sedgwick County Zoning Resolution, for a period of one year from the date of annexation. It will also permit the owner of a property, included within a conditional use permit, to file a zoning change request at no fee any time within one year of the date of annexation.
5. A provision is also included to permit the establishment of comparable zoning on annexed territory that has been approved for a change of zoning under the terms of the Sedgwick County Zoning Resolution, but the publication of the resolution has been withheld pending compliance with conditions of approval. Once the conditions have been complied with, the resolution would be published and the zoning established under the City regulation.

It was the unanimous recommendation of the Planning Commission that this ordinance be adopted.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.
2. Return the amendment to the Planning Commission for reconsideration.

E. H. Denton, City Manager
Page 2
May 14, 1979

The City Commission states the following reasons for such reconsideration.

Robert A. Lakin
Director of Planning

RAL:GL:bh

CITIZEN PARTICIPATION ORGANIZATION
CENTRAL COUNCIL

AGENDA
Tuesday, May 8, 1979



CPO Central Council
Page 2
May 8, 1979

[Handwritten signature]
J. E. Myers

The regular meeting of the CPO Central Council will begin at 7:00 p.m. in the Board Room of City Hall, 455 North Main.

Call to order.

Invocation.

Approval of minutes.

Approval of agenda.

PUBLIC AGENDA

No items have been submitted for discussion at this time.

SECRETARIAT AGENDA

1. REVIEW OF AREA ENERGY POLICY

This item is scheduled from 7:05 to 7:25

J. E. Myers, City Energy Office, will be present to review the Area Energy Policy. A limited number of copies have been provided for your review prior to the meeting.

The presentation will take approximately 15 minutes after which the Energy Office staff will respond to questions.

Presentation of the Policy at neighborhood council meetings are planned for late May and June. For this reason Central Council Delegates may wish to brief their questions.

ACTION: Respond to the presentation.

2. PROHIBITION OF CONSECUTIVE TERMS

On April 10, the Central Council referred discussion of this item to the neighborhood councils.

The Council has been provided a report summarizing the neighborhood council comments.

ACTION: Take such action as the Council deems to be in the best interest of the public.

COUNCIL AGENDA

1. DISCUSSION OF DRAINAGE CANAL

On March 26, CPO Neighborhood Council "D" met with representatives of Neighborhood Councils "L" and "K" to discuss the common problems shared by all Councils and residents in areas affected by the drainage canal.

These representatives noted together to request that an item appear on the Central Council Agenda to discuss the maintenance of the drainage canal and to request that a task force be formed to study this problem and make recommendations for improved maintenance of the canal.

ACTION:

Discuss and designate a Task Force to study the problem and make recommendations for improved maintenance of the canal.

2. PROPOSED AMENDMENT OF ZONING ORDINANCES DR 79-8 AND DR 79-9

On May 2 Neighborhood Council "E" considered the subject item. The Council was concerned about the reduction in lot size and therefore were opposed to the recommendations of DR 79-8 and DR 79-9 as presented. Council also expressed concern that Neighborhood Councils did not receive items in time to review and submit recommendations to the MAPC. Council "E" requested that the item be referred to Central Council for review and comments on the proposed recommendations. Delegate from Council "E" will present this item.

ACTION:

Take such action as the Council deems to be in the best interest of the public.

3. DISCUSSION OF LOSS OF AMTRAK RAIL SERVICE TO WICHITA

Requested by Council "H". The Delegate from Council "H" will present this item.

4. PREPARATION OF JOINT MEETING AGENDA

An opportunity is provided for the Council to specify items for discussion at the May 22 Joint Meeting with the Board of City Commission.

ACTION:

Specify items.

Adjourn.

EP:m1

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

April 18, 1979

TO Wichita-Sedgwick County Metropolitan Area Planning Commission
FROM Glen E. Lytle, Special Assistant for Zoning
SUBJECT DR 79-8 Possible Amendment to Zoning Ordinance
Re: Establishment of Zoning on Annexed Areas

Attached hereto is a delineated copy of a possible amendment to the zoning ordinance that has been advertised for public hearing for the Planning Commission meeting on April 26, 1979.

BACKGROUND

Until 1961, any territory annexed to the City of Wichita was placed in the "AA" Single Family Dwelling District. In 1961, the ordinance was amended to place comparable zoning classifications on properties when annexed that was on the property in the County. In 1964, when the "G" Mobile Home District was created, a provision was added to accommodate mobile home parks that had been approved as conditional uses under the terms of the Sedgwick County Zoning Resolution.

Over the past several years, we have had an increase in two-family and multiple-family development in the unincorporated areas. This has required conditional use permits in the "AA" District for most of these developments. At the present time, such areas being annexed are brought into the City as "AA" Single Family and become nonconforming uses if developed. If vacant, they "lose" their conditional use approval.

In order to eliminate the creation of a large number of nonconforming uses upon annexation, and to accommodate previously approved development areas, it is proposed to place the areas approved for two-family dwellings in the "A" District and the areas approved for multiple-family dwellings in the "R-5" General Residence District. The County zoning resolution establishes a maximum density of 15 dwelling units per acre for multiple-family dwellings. Since the "R-5" District presently has a maximum density of 12.4 dwelling units per acre, we are recommending that a companion amendment (DR 79-9) be adopted to increase the "R-5" density to 17.4 dwelling units per acre.

You will also note that prior to 1975, multiple-family dwellings were not permitted in any district except the "LC" District. We have, therefore, established "LC" zoning in some instances for the express purpose of developing multiple-family dwellings. In those particular instances, we are suggesting that those portions of "LC" Districts be placed in the "R-5" District upon annexation.

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April 18, 1979
MAPC
Re: DR 79-8

In the Sedgwick County Zoning Resolution there are provisions for conditional uses within the "R", "R-1" and "AA" Districts for special uses such as cemeteries, hospitals, airports, etc., that are not permitted in the "AA" District under the City of Wichita zoning regulations. For these particular types of uses, a provision is made to honor the conditions of the conditional use permit for a period of one year and during that year allow the owner to request a change of zoning at no fee. This will permit the governing body, after public hearing, to establish the appropriate zoning on the property under the terms of the City of Wichita's ordinance.

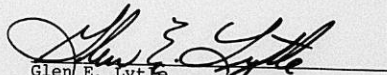
SUMMARY

This amendment will provide the following changes:

1. Establish "A" Two-Family zoning for previously approved conditional use permit areas for two-family dwellings, in lieu of "AA" Single Family zoning.
2. Establish "R-5" General Residence zoning for previously approved conditional use permit areas for multiple-family dwellings, in lieu of "AA" Single Family zoning.
3. Establish "R-5" General Residence zoning on areas of "LC" zoned property that have been approved for multiple-family dwellings when the official minutes and records of the Planning Commission and County Commission show that "LC" zoning was established for the express purpose of permitting residential development. This would be in lieu of "LC" zoning.
4. The honoring of the provisions of any conditional use permit, granted under the provisions of the Sedgwick County Zoning Resolution, for a period of one year from the date of annexation. It will also permit the owner of a property, included within a conditional use permit, to file a zoning change request at no fee any time within one year of the date of annexation.

RECOMMENDATION:

Make any changes deemed to be in the best interest of the public and forward the amendment to the Governing Body with a recommendation for adoption.


Glen E. Lytle
Special Assistant for Zoning

GEL:bbc

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April 18, 1979
MAPC
Re: DR 79-8

cc: Robert A. Lakin, Director of Planning
Don Anderson, Director of Housing & Economic Development
Robert Feldner, Superintendent of Central Inspection
Wichita Area Builders Assn., 730 N. Main 67203
Wichita Board of Realtors, 717 N. Emporia 67214

Additions underlined
Deletions ~~marked-thru~~

DR 79-8
April 2, 1979

Possible Amendment to the
Zoning Ordinance of the
City of Wichita, Kansas
Scheduled for public hearing before
the MAPC on Thursday, April 26, 1979

It is proposed to amend Section 28.04.160(A) to establish appropriate zoning, on territory annexed to the city of Wichita, that have been previously approved for development as set forth in conditional use permits under the terms of the Sedgwick County Zoning Resolution.

Section 28.04.160(A) shall be amended to read as follows:

28.04.160 General Regulations. A. ANNEXATIONS.

Any territory hereafter annexed to the city of Wichita shall simultaneous with annexation, be initially assigned that zoning district designation as set forth immediately below:

Those territories zoned "R", "R-1" or "AA" under the terms of the Sedgwick County Zoning Resolution shall be zoned "AA" under the terms of this chapter; provided, however, residential subdivisions for two-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "A" under the terms of this chapter; and further provided, residential subdivisions for multiple-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "R-5" under the terms of this chapter;

Those territories zoned "BB" under the terms of the Sedgwick County Zoning Resolution shall be zoned "BB" under the terms of this chapter;

Those territories zoned "LC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "LC"

under the terms of this chapter; provided, however, residential subdivisions where "LC" zoning was granted for the express purpose of permitting multi-family residential development as reflected in the official minutes and records of the planning commission and county commission, shall be zoned "R-5" under the terms of this chapter;

Those territories zoned "C" under the terms of the Sedgwick County Zoning Resolution shall be zoned "C" under the terms of this chapter;

Those territories zoned "E" under the terms of the Sedgwick County Zoning Resolution shall be zoned "E" under the terms of this chapter;

Those territories zoned "F" under the terms of the Sedgwick County Zoning Resolution shall be zoned "F" under the terms of this chapter.

Mobile home parks provided they have first been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution by the planning commission and county commission and have complied with the county trailer code shall be zoned equal "G" mobile home district, under the terms of this chapter.

Notwithstanding any other provisions of this chapter, the conditions of a conditional use permit, approved under the terms of the Sedgwick County Zoning Resolution, shall be honored for a period of one year from the date of annexation or until a public hearing is held to act on any zoning change request. The owner of any property included in a conditional use permit may file an application for a change of zoning at no fee at anytime within one year of the date of annexation.

Such zoning classification initially established simultaneous with annexation under the terms of this section shall remain in full force and effect until the governing body of the city of Wichita shall have, by ordinance resolution, amended such zoning classification. Provided, however, that the governing body shall not amend such zoning classification until a public hearing shall have been held as provided in Section 28.04.210 of the Code of the City of Wichita.

May 1, 1979

John Oliphant, Executive Director
Wichita Area Builders Association
730 North Main Street, Suite 1
Wichita, Kansas 67203

Re: DR's 79-8 & 79-9

Dear John:

The proposed amendments to the zoning ordinance, that were discussed by the Planning Commission at their meeting of April 26, 1979, will be forwarded to the Board of City Commissioners with a recommendation for adoption. These amendments will be discussed by the City Commission at their meeting of May 22, 1979.

I wish to thank your organization for the support given by Mr. Joel Pollack who appeared in favor of the amendments.

Sincerely,

Glen E. Lytle
Special Assistant
for Zoning

GEL:el

April 18, 1979

Wichita-Sedgwick County Metropolitan Area Planning Commission

Glen E. Lytle, Special Assistant for Zoning

DR 79-8 Possible Amendment to Zoning Ordinance
Re: Establishment of Zoning on Annexed Areas

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You will also note that prior to 1975, multiple-family dwellings were not permitted in any district except the "LC" District. We have, therefore, established "LC" zoning in some instances for the express purpose of developing multiple-family dwellings. In those particular instances, we are suggesting that those portions of "LC" Districts be placed in the "R-5" District upon annexation.

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April 18, 1979
MAPC
Re: DR 79-8

In the Sedgwick County Zoning Resolution there are provisions for conditional uses within the "R", "R-1" and "AA" Districts for special uses such as cemeteries, hospitals, airports, etc., that are not permitted in the "AA" District under the City of Wichita zoning regulations. For these particular types of uses, a provision is made to honor the conditions of the conditional use permit for a period of one year and during that year allow the owner to request a change of zoning at no fee. This will permit the governing body, after public hearing, to establish the appropriate zoning on the property under the terms of the City of Wichita's ordinance.

SUMMARY

This amendment will provide the following changes:

1. Establish "A" Two-Family zoning for previously approved conditional use permit areas for two-family dwellings, in lieu of "AA" Single Family zoning.
2. Establish "R-5" General Residence zoning for previously approved conditional use permit areas for multiple-family dwellings, in lieu of "AA" Single Family zoning.
3. Establish "R-5" General Residence zoning on areas of "LC" zoned property that have been approved for multiple-family dwellings when the official minutes and records of the Planning Commission and County Commission show that "LC" zoning was established for the express purpose of permitting residential development. This would be in lieu of "LC" zoning.
4. The honoring of the provisions of any conditional use permit, granted under the provisions of the Sedgwick County Zoning Resolution, for a period of one year from the date of annexation. It will also permit the owner of a property, included within a conditional use permit, to file a zoning change request at no fee any time within one year of the date of annexation.

RECOMMENDATION:

Make any changes deemed to be in the best interest of the public and forward the amendment to the Governing Body with a recommendation for adoption.

Glen E. Lytle
Special Assistant for Zoning

GEL:bbc

Page 3
April 18, 1979
MAPC
Re: DR 79-8

cc: Robert A. Lakin, Director of Planning
Don Anderson, Director of Housing & Economic Development
Robert Feldner, Superintendent of Central Inspection
Wichita Area Builders Assn., 730 N. Main 67203
Wichita Board of Realtors, 717 N. Emporia 67214

Additions underlined
Deletions marked-~~thru~~

DR 79-8
April 2, 1979

Possible Amendment to the
Zoning Ordinance of the
City of Wichita, Kansas
Scheduled for public hearing before
the MAPC on Thursday, April 26, 1979

It is proposed to amend Section 28.04.160(A) to establish appropriate zoning, on territory annexed to the city of Wichita, that have been previously approved for development as set forth in conditional use permits under the terms of the Sedgwick County Zoning Resolution.

Section 28.04.160(A) shall be amended to read as follows:

28.04.160 General Regulations. A. ANNEXATIONS.

Any territory hereafter annexed to the city of Wichita shall simultaneous with annexation, be initially assigned that zoning district designation as set forth immediately below:

Those territories zoned "R", "R-1" or "AA" under the terms of the Sedgwick County Zoning Resolution shall be zoned "AA" under the terms of this chapter; provided, however, residential subdivisions for two-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "A" under the terms of this chapter; and further provided, residential subdivisions for multiple-family dwellings in the "AA" district that have been approved as a conditional use under the terms of the Sedgwick County Zoning Resolution, shall be zoned "R-5" under the terms of this chapter;

Those territories zoned "BB" under the terms of the Sedgwick County Zoning Resolution shall be zoned "BB" under the terms of this chapter;

Those territories zoned "LC" under the terms of the Sedgwick County Zoning Resolution shall be zoned "LC"

under the terms of this chapter; provided, however, residential subdivisions where "LC" zoning was granted for the express purpose of permitting multi-family residential development as reflected in the official minutes and records of the planning commission and county commission, shall be zoned "R-5" under the terms of this chapter;

Those territories zoned "C" under the terms of the Sedgwick County Zoning Resolution shall be zoned "C" under the terms of this chapter;

Those territories zoned "E" under the terms of the Sedgwick County Zoning Resolution shall be zoned "E" under the terms of this chapter;

Those territories zoned "F" under the terms of the Sedgwick County Zoning Resolution shall be zoned "F" under the terms of this chapter.

Mobile home parks provided they have first been approved as a conditional use under the terms of the ~~Sedgwick County Zoning Resolution by the planning commission and county commission and have complied with the county trailer code~~ shall be zoned equal "G" mobile home district ~~under the terms of this chapter.~~

Notwithstanding any other provisions of this chapter, the conditions of a conditional use permit, approved under the terms of the Sedgwick County Zoning Resolution, shall be honored for a period of one year from the date of annexation or until a public hearing is held to act on any zoning change request. The owner of any property included in a conditional use permit may file an application for a change of zoning at no fee at anytime within one year of the date of annexation.

Such zoning classification initially established simultaneous with annexation under the terms of this section shall remain in full force and effect until the governing body of the city of Wichita shall have, by ordinance ~~resolution~~, amended such zoning classification. Provided, however, that the governing body shall not amend such zoning classification until a public hearing shall have been held as provided in Section 28.04.210 of the Code of the City of Wichita.

April 23, 1979

Ted Hill, County Counselor

Glen E. Lytle, Special Assistant for Zoning

DR's 79-8 and 79-9 - Amendments to City of Wichita
Zoning Ordinance.

For your information, attached hereto are two proposed amendments to the City of Wichita zoning ordinance that are scheduled for public hearing before the MAPC at their meeting of April 26, 1979. Although these amendments do not affect the County Zoning Resolution, it will better accommodate existing development, or proposed development, when such territories are annexed into the City of Wichita by honoring previous zoning commitments made by the MAPC and the Board of County Commissioners.

Glen E. Lytle
Special Assistant
for Zoning

GEL:el

Attachments

April 10, 1979

Mr. John Oliphant, Exec. Director
Wichita Area Builders Association
730 North Main, Suite 1
Wichita, Kansas 67203

Re: ✓ DR 79-8 and
DR 79-9

Dear Mr. Oliphant:

Enclosed herewith are two proposed amendments to the City of Wichita Zoning Ordinance that have been advertised for public hearing before the Wichita-Sedgwick County Metropolitan Area Planning Commission at their meeting of April 26, 1979. I am sending these amendments to you earlier than usual so that your organization might consider the amendments and make some comment on them at the public hearing.

DR 79-8 is an amendment that particularly relates to establishing appropriate zoning on territory annexed to the City of Wichita that has previously been approved for development under a conditional use permit under the County zoning resolution. At the present time, two-family and multi-family dwellings are permitted in the "AA" single family district in the county as conditional uses. The present City of Wichita ordinance places "AA" single-family zoning on all territory annexed that was in the "AA" district in the county. The proposed amendment will give consideration to the type of development and place the areas for two-family dwellings in the "A" two-family district and the areas for multiple-family dwellings in the "R-5" general residence district when such territory has been approved for same as a conditional use under the terms of the Sedgwick County Zoning Resolution. The amendment will also permit the owner of a property covered by a conditional use permit to apply for a zoning change at no fee for a period of one year from the date of annexation. This provision is included to accommodate those uses, such as airports, cemeteries, hospitals, etc., that the owner may wish to request a heavier use district than the zoning district placed on the property at the time of annexation.

Page Two
Mr. John Oliphant
April 10, 1979

DR 79-9 is an amendment to the "R-5" and "R-6" General Residence Districts, providing for an increase in the permitted density for two-family dwellings in both districts and an increase in the permitted density for multiple-family dwellings in the "R-5" district. This is a companion amendment to DR 79-8 so that the density of the "R-5" district will be compatible to the permitted maximum density (15 d.u./acre) that can be developed as a conditional use under the terms of the Sedgwick County Zoning Resolution.

This amendment will also reduce the required lot area for two-family dwellings from 5,000 square feet to 3,000 square feet per dwelling, and reduce the required lot width from 60 feet to 50 feet. It also will reduce the required lot area for multiple-family dwellings in the "R-5" district from 3,500 square feet to 2,500 square feet per dwelling which relates to a permitted density increase from 12.4 to 17.4 dwelling units per net acre.

These changes in the "R-5" and "R-6" General Residence Districts are those that were discussed with your zoning committee approximately one year ago. Although your organization did not endorse the adoption of a new zoning ordinance, the committee gave us the impression that these changes in the "R-5" and "R-6" Districts were in the best interest of the community. Should you or those of your organization wish to discuss these changes prior to the public hearing, please let us know and we will be happy to meet with you at your convenience.

Sincerely,

Glen E. Lytle
Special Assistant
for Zoning

GEL:el

Enclosures

(89454 First Published in The Daily Record April 3, 1979)
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**OFFICIAL NOTICE
TO WHOM IT MAY CONCERN AND TO ALL PERSONS
INTERESTED.**

NOTICE IS HEREBY GIVEN, that on Thursday, April 26, 1979, 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 change in Title 28, the Code of the City of Wichita, Kansas:

An amendment to Section 28 04:160 (A) of the Zoning Ordinance providing for the establishment of zoning on territory annexed to the City of Wichita, Kansas.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

The proposed amendment will be discussed and considered by the 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 provision of the proposed changes of the zoning ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 2nd day of April, 1979.

ROBERT A. LAKIN, Secretary Wichita-Sedgwick County Metropolitan Area Planning Commission
(SEAL)

(Published in The Daily Record on April 3, 1979.)

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Robert A. Lakin, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
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