

ACTION

DATE

COMMITTEE

M.A.P.C. *Approved as recommended 7-1-88*

~~B.C.C.B. CO. C.~~ *Approved as recommended 8-3-88*
5-0

DR 87-16 - Possible amendment to the Sedg. Co. zoning resolution concerning kennels as a conditional use.

ADDITIONS UNDERLINED OR CIRCLED

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R# 198-1988

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985; BY AMENDING SECTIONS 2, 4-A, 4-A-8, 5-A-10, 9-A-66, AND 10-A OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS"; ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

SECTION 1. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 2- "DEFINITIONS" shall be amended to read as follows:

SECTION 2
DEFINITIONS

For the purpose of these regulations, certain terms and words are hereby defined as follows:

The phrase "used for" includes "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot" and the word "shall" is mandatory and not directory.

Any word defined in the building code of Sedgwick County and not specifically defined herein, shall be construed as defined in the building code. Any word not defined herein or in the building code of Sedgwick County shall have its usual meaning.

ACCESSORY STRUCTURE: - Any construction, production or piece of work built up or composed of parts joined together and affixed

to the land or real property excluding poles, fences, walks and other such minor incidental improvements.

ADULT DOG: A dog over 12 months of age.

AGRICULTURE: Includes farming, dairying, pasturage, apiculture, horticulture, viticulture, animal and poultry husbandry, and the sale of such products by one engaged in agriculture as herein defined.

AIRPORT OR AIRCRAFT LANDING FIELD: Any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings and open spaces.

ALLEY: A minor public thoroughfare less than thirty (30) feet wide, generally providing a secondary means of access.

ALTERATION, STRUCTURAL: Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

APARTMENT: Same as "Dwelling Unit".

APARTMENT HOTEL: A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

AUTOMOBILE: Any vehicle designed for passenger transportation, including but not limited to cars, motorcycles, mopeds, pickup trucks, vans or recreational vehicles.

AUTOMOBILE SERVICE STATION: Any premises used for supplying gasoline and oil at retail, direct to the customer, including minor accessories and minor services (not to include body work and radiator repair) for automobiles, trucks, tractors, etc.

AUTOMOBILE AND TRAILER SALES AREA: An open area, other than a street, used for the display or sale of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

AUTOMOBILE WRECKING: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining ground.

BILLBOARD OR POSTER PANEL: Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from said display.

BOARD: Shall mean the Board of Zoning Appeals.

BOARDING HOUSE: A building or portion thereof, other than a hotel, where meals or lodging and meals for five (5) or more persons are provided for compensation.

BUILDING: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, horticultural products, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

BUILDING, COMMUNITY: A building for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain.

BUILDING, MAIN: The building on a lot in which the principal use of the lot is conducted.

BUILDING, UNIT GROUP: Two or more buildings (other than dwellings) grouped upon a lot and held under one ownership, such as universities, hospitals and institutions.

BUILDING HEIGHT: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the decline of a mansard roof; and to the mean height level between eaves and ridges for a gable, hip or gambrel roof, provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

CAMP GROUND: Same as "Tourist Camp".

CAMP, TRAILER: Same as "Tourist Camp".

COMMISSION: Shall mean the Wichita-Sedgwick County Metropolitan Area Planning Commission.

COURT: An open, unoccupied space other than a yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

CURB GRADE: The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the County Engineer shall establish such curb grade or its equivalent for the purpose of these regulations.

DWELLING: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple-family but not including hotels, boarding and rooming houses.

DWELLING UNIT: One or more rooms in a dwelling or apartment hotel designed for occupancy by one (1) family for living purposes and having cooking facilities.

DWELLING, ONE-FAMILY: A detached building designed exclusively for occupancy by one (1) family.

DWELLING, TWO-FAMILY (Duplex): A residential building containing two units only.

DWELLING, MULTIPLE-FAMILY: A building or portion of a building designed for or occupied by more than two families living independently of each other.

FAMILY: An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

FRONTAGE: All the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, or other natural barriers.

GARAGE, PRIVATE: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises, and wherein (a) not more than one space is rented for parking to persons not resident on the premises; (b) not more than one (1) commercial vehicle per dwelling unit is parked or stored; and (c) the commercial vehicles permitted do not exceed five (5) tons capacity.

GARAGE, PUBLIC: A building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

GOVERNING BODY: Board of Commissioners, Sedgwick County, Kansas.

GUEST HOUSE: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters are not rented or otherwise used as a separate dwelling.

HOME OCCUPATION: See Section 3.

HOTEL: Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy, or which are occupied by ten (10) or more

individuals for compensation, whether it be paid directly or indirectly.

INSTITUTIONAL HOME: A place for the care of babies, children, pensioners or senior citizens, but does not include correctional or mental institutions.

KENNEL: (a) Hobby - Premises housing five to ten adult dogs owned by the property resident.

(b) Board/Breeding/Training - Premises housing five or more adult dogs, three or more of which are owned by someone other than the property resident and premises housing over 10 adult dogs.

KENNEL SCREENING: Screening shall be provided by structure, solid or semi-solid fencing, landscape materials, earth berms or natural site features maintained for the purpose of concealing the view of the animals behind such fence, landscape material, berm or natural feature from activities on adjoining properties. If fencing is used, it shall not be less than four (4) nor more than eight (8) feet in height. If fences over six (6) feet in height, landscape materials or earth berms are used, a plan shall be submitted for approval to the Director of Planning and Sedgwick County Zoning Administrator. Fences used for screening may have no more than 5% open surface. Landscape materials must provide the desired screening effect within the first growing season following installation and throughout the year every year thereafter.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

LOT: Land occupied or to be occupied by a building, or unit group of buildings, and accessory buildings, together with such yards and lot area as are required by these regulations, and having its principal frontage upon a street.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CORNER: A lot or portion thereof not greater than one hundred (100) feet in width and situated at the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty-five degrees (135°).

LOT DEPTH: The horizontal distance between the front and rear lot lines measured along the median between the two side lot lines.

LOT LINES: The lines bounding a lot as defined herein.

LOT, WIDTH: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MOBILE HOME: Any portable structure or vehicle of fire resistant construction designed for highway travel and to permit occupancy thereof for dwelling or sleeping purposes, including toilet, bath, cooking and refrigeration facilities.

MOBILE HOME PARK: Land used or intended to be used by two or more trailers and/or mobile homes; and providing sewer, water, electric and other similar facilities required to permit occupancy of such mobile homes and/or trailers parked thereon.

MOTEL: Same as "Tourist Court".

NIGHT CLUB: An establishment which shall include, in addition to the serving of food and entertainment, the provision for dancing and sale of malt beverages to the public.

NONCONFORMING BUILDING: A building or structure, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

NONCONFORMING USE: A use which lawfully occupies a building or land at the time these regulations became effective, or as amended, and which does not conform with the use regulations of the district in which it is located. Failure of a use to comply with the provisions of these regulations at the time they became effective or as amended relative to off-street parking or off-street loading requirements does not constitute a nonconforming use.

PARKING AREA, PRIVATE: An open area, other than a street or alley, used for the parking of the automobiles owned, leased, borrowed, etc., by the occupants of a dwelling.

PARKING AREA, PUBLIC OR CUSTOMER: An area other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

PARKING SPACE, AUTOMOBILE: Space within or on a building or a private or public parking area for the parking of one (1) automobile.

RESTAURANT: A public eating establishment in which the primary function is the preparation and serving of food on the premises, provided there is no dancing.

ROOMING HOUSE: A building or portion thereof other than a hotel, where lodging for five (5) or more persons is provided for compensation.

SCHOOL, ELEMENTARY AND HIGH: An institution which offers instructions in the several branches of learning and study required to be taught in the public schools by Chapter 72, Kansas Statutes Annotated. High schools include Junior and Senior.

SHELTER, FALLOUT: A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

SIGN: Any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to designate an individual, a firm, profession, business, or a commodity and which are visible from any public street or the air.

SITE: Same as "Lot".

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

STREET: A public thoroughfare, of such width to conform to adopted subdivision regulations. For the purposes of these regulations, the word "street" shall include the words "road", "highway", "boulevard", "avenue", "circles", "courts", and the like.

STREET, WIDTH: The horizontal distance between the side lines of a street, measured at right angles to the side lines.

STRUCTURE: Anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

TAVERN: An establishment in which the primary function is the public sales and serving of malt beverages provided there is no dancing.

TOURIST CAMP: Land used or intended to be used by campers for tents or movable dwellings.

TOURIST COURT: A group of attached or detached dwellings containing less than three hundred (300) square feet of floor area for each sleeping or living unit with separate toilet facilities for each unit, and which are provided for transient guests; including auto courts, motels and motor lodges.

TOURIST HOME: A building in which board or rooming, or both, are offered to the traveling public for compensation and open to transient guests, in contradistinction to a hotel, boarding or rooming house.

TRAILER: Any portable structure or vehicle designed for highway travel and to permit occupancy thereof for dwelling or sleeping purposes which does not have individual toilet and bath.

TRAILER CODE: The short title which refers to "A Resolution Regulating the Location, Use, Construction, Maintenance and Operation of Trailers, Mobile Homes, Mobile Home Parks and Trailer Courts in Sedgwick County, Kansas".

TRAILER COURT: Land used or intended to be used for two (2) or more occupied trailers; and providing sewer, water, electric and other facilities as may be required to permit occupancy of such trailers as may be parked thereon.

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

WAREHOUSE, COMMERCIAL: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

WAREHOUSE, RESIDENTIAL STORAGE: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such property is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

YARD: An open space, other than a court, on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward.

YARD, FRONT: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front line and a line parallel thereto on the lot.

YARD, REAR: A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot lines.

YARD, SIDE: A yard between the main building and the side lot line, extending from the front yard, or front lot lines, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

SECTION II. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 4-"RURAL RESIDENTIAL DISTRICT"; Subsection A- "USES PERMITTED" shall be amended to read as follows:

SECTION 4
"R" RURAL RESIDENTIAL DISTRICT

A. USES PERMITTED.

1. Agriculture.
2. One-family dwellings.
3. Exploration for, and extraction of, oil and natural gas.
4. Golf courses, except miniature golf courses and driving tees operated for commercial purposes, open to anyone who applies.
5. Home occupations - See Section 3.
6. Kennels (hobby).
7. Accessory structures.
8. Transitional Use: The following use shall be permitted on a lot in the "R" District where such lot abuts upon a lot in the "BB", "OC", "LC", "C", "E" or "F" District, provided such transitional use does not extend more than two hundred (200) feet, and is continuous and contiguous to the "BB", "OC", "LC", "C", "E", or "F" Districts.
 - a. Public parking area when located and developed as required in Section 13.B.
9. Conditional Uses: The following uses may also be permitted if their location is first approved by the Commission as provided for in Section 13.E.
 - a. Airport or aircraft landing field.

- b. Cemetery.
- c. Club, private, non-profit and chartered by the State of Kansas.
- d. Columbarium, crematory or mausoleum.
- e. Correctional institutions.
- f. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. This may include concrete and asphalt mixing plants and accessory construction yards and buildings, as a temporary use, when requested as a part of the conditional use application, and operated as an accessory use to an extraction of raw materials operation. (River beds governed by the Kansas Statutes Annotated).
- g. Farm buildings may be used for nonagricultural storage until such time as they are within a 500 foot radius a total of 5 residential units. (See also Section 17-A-5.)
- h. Government buildings and premises.
- i. Horse riding academy.
- (j.) Kennels (Boarding/Breeding/Training) subject to the following conditions:
 - (1) Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
 - (2) Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
 - (3) Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.
- k. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.

- l. Nursery or greenhouse.
- m. Public or private park or playground.
- n. Radio or television transmitters.
- o. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing, as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 5- "R-1 SUBURBAN RESIDENTIAL DISTRICT"; Subsection A "USES PERMITTED"; Subsection 10- "Conditional Uses" shall be amended to read as follows:

10. Conditional Uses: The following uses may also be permitted if their location is first approved by the Commission as provided for in Section 13.E:
 - a. Airport or aircraft landing field.
 - b. Cemetery.
 - c. Club, private, non-profit and chartered by the State of Kansas.
 - d. Columbarium, crematory or mausoleum.
 - e. Correctional institutions.
 - f. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. This may include concrete and asphalt mixing plants and accessory construction yards and buildings, as a temporary use, when requested as a part of the conditional use application, and operated as an accessory use to an extraction of raw materials operation. (River beds governed by the Kansas Statutes Annotated.)
 - g. Educational and religious institutions.
 - h. Farm buildings may be used for nonagricultural storage until such time as there are located within a 500 foot radius a total of 5 residential units. (See also Section 17-A-5.)
 - i. Government buildings and premises.
 - j. Horse riding academy.

k. Hospitals or sanitariums, except animal hospitals.

1. Kennels (Hobby) subject to the following conditions:

- (1) Two acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line.
- (2) Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- (3) Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

m. Kennels (Boarding/Breeding/Training) subject to the following conditions.

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosure and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of County Commissioners.

n. Library or museum, public.

o. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.

- p. Nursery or greenhouse.
- q. Philanthropic institutions, homes for senior citizens and institutional homes.
- r. Private kindergartens, nurseries, children's homes, accommodating ten (10) or more enrollees.
- s. Public or private park or playground.
- t. Radio or television transmitters.
- u. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION IV. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 9- "LC LIGHT COMMERCIAL DISTRICT"; Subsection A- "USES PERMITTED"; Subsection 66 "Conditional Uses" shall be amended to read as follows:

- 66. Conditional Uses: The following uses may also be permitted if their location is first approved as provided in Section 13.E.
 - a. Animal hospital.
 - b. Kennels (Hobby) subject to the following conditions:
 - (1) Two acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line.
 - (2) Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
 - (3) Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.
 - c. Kennels (Boarding/Breeding/Training) subject to the following conditions:

- (1) Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
 - (2) Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
 - (3) Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.
- d. Self-service and automatic car wash operations, whether operated inside or outside a building, subject to the following conditions and requirements.
- (1) This use may be located in a commercial district contiguous to an arterial as designated in the Transportation Plan Element of the Comprehensive Plan and any amendments thereto.
 - (2) No structure shall be permitted closer than sixty (60) feet (excluding any street, alley, or intervening public way) to the front and/or side of an "R", "R-1", or "AA" residential zoning district. Provided, however, that the above shall not apply where the abutting or contiguous property is being used for a light commercial use permitted in the "LC" zoning district, and/or where the Planning Commission has formally adopted a policy of looking with favor on the establishment of "LC" zoning for the contiguous area.
 - (3) There shall be a minimum lot area of three-thousand five hundred (3,500) square feet for each self-service car washing stall and/or two thousand five hundred (2,500) square feet for each twenty (20) lineal feet of the automatic car washing structure; provided the minimum lot area shall be not less than seven thousand five hundred (7,500) square feet, plus any additional lot area as required by the Health Department.

- (4) The car washing building or facilities shall be set back a distance of not less than thirty-five (35) feet from all street right-of-way lines.
- (5) A six (6) foot high solid or semi-solid fence constructed of masonry, architectural tile, wood, louvered wood, or other similar materials, shall be provided along the interior side and rear property line when adjacent to a dwelling or a dwelling district which is not being utilized for a commercial use, in order to protect the existing and future residential development from light, noise, and blowing debris, and to protect the adjacent residential property values. Whenever said fence shall be located in the required front yard setback, it shall be reduced to three (3) feet in height.
- (6) All of the area to be utilized by washing and drying operations, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete.
- (7) All lights shall be shielded to reflect or direct light away from the adjacent property. No string-type lighting or banners shall be permitted.
- (8) No signs shall exceed twenty-five (25) feet in height or be placed so as to project over any public right-of-way.
- (9) No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
- (10) Off-street holding spaces shall be provided on the property in the following ratio:

Automatic Car Wash - not less than three (3) parking spaces for each twenty (20) lineal feet of the automatic car washing aisle; however, in the event the stall is constructed so as not to hold more than one (1) auto at any given time, not more than three (3) holding spaces shall be required for that stall.

Self-Service Car Wash - not less than four (4) parking spaces for each self-service car washing stall.

- (11) Off-street drying spaces shall be provided on the property in the following ratio:

Automatic Car Wash - not less than two (2) parking spaces for each automatic car washing aisle.

Self-Service Car Wash - not less than two (2) parking spaces for each self-service car washing stall.

- (12) One (1) off-street parking space shall be provided for each two (2) employees.
- (13) A plot plan, showing points of ingress and egress, width of driveways, off-street parking and holding spaces and interior traffic circulation, shall be submitted in triplicate with the application for approval.
- (14) All parking areas shall have adequate guards to prevent the extension or overhang of vehicles beyond property lines or parking spaces.
- (15) There shall be no ingress or egress from minor or residential streets having sixty (60) feet of right-of-way or less, unless there are two (2) free-moving lanes at all times. (Example: A thirty (30) foot paved street with parking permitted only on one (1) side would provide for two (2) free-moving lanes.)
- (16) All drainage, both natural and that created by the operation, shall be handled in such a manner satisfactory to the County Engineer.
- (17) If the operation is located in close proximity to a residential area, operation hours may be established.
- (18) The area shall be properly policed through inspections by the owner or operator for proper maintenance of improvements and removal of trash.
- (19) Such other conditions as the governing body shall deem necessary to provide orderly development.
- e. Other uses which are of the same general character as those listed in this Section, and which will not

be detrimental to the area in which located, and which will not adversely affect the public health, safety, order, convenience, prosperity, or general welfare.

f. Residential storage warehouses, subject to the following conditions and requirements:

(1) This use must be located contiguous to an arterial street as designated in the Transportation Plan Element of the Comprehensive Plan.

(2) This use shall also be subject to the requirements of Section 7.A.7.d.(2) to (18).

SECTION V. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 10- "C GENERAL COMMERCIAL DISTRICT"; Subsection A "USES PERMITTED" shall be amended to read as follows:

A. USES PERMITTED.

1. Any use permitted in the "LC" District, except Conditional Uses.
2. Advertising signs or structures and billboards.
3. Amusement enterprises, including a billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill and science, penny arcade, shooting gallery, and the like.
4. Assembly and fabrication processes, except those uses first permitted in subsections a, c, e, f, g, h, l and m of Section 11.A.2., of these regulations; provided, that the entire frontage of the ground floor along the principal street is used for office space, display or for wholesale or retail sales.
5. Automobile and trailer sales area, provided (a) that such area is located and developed as required in Section 13.B and (b) that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a building.
6. Baseball or football stadium.
7. Carpenter or cabinet shop, if conducted wholly within a completely enclosed building.

8. Dry cleaning establishments.
9. Feed or fuel store wholly within a building or within suitable enclosure to prevent obnoxious or nuisance condition.
10. Frozen food lockers, including custom butchering and curing of meats.
11. Garages for storage or repair, including the uses permitted in Section 11.A.2.e, provided (a) that all repair of vehicles and storage of merchandise and supplies are to be conducted wholly within a building, and (b) that any lubrication or washing, or other services rendered not conducted wholly within a building, shall be permitted only if such operation is effectively and continuously screened to a height of at least six (6) feet between such uses and any adjoining "R", "R-1", "AA" or "BB" district, and (c) that all areas used for the storage of inoperable vehicles shall be located behind the building setback line and be effectively screened from view from all adjacent properties. All screening required by this section shall be properly maintained.
12. Hospitals or sanitariums.
13. Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
14. Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
15. Laundry.
16. Medical or dental laboratories.

17. Monument sales.
18. Music conservatory or music instruction.
19. Night clubs.
20. Pawnshop.
21. Photodeveloping and printing.
22. Pony riding ring, without permanent stables.
23. Printing, lithographing or publishing.
24. Retail stores and retail businesses.
25. Second-hand store, if conducted wholly within a completely enclosed building.
26. Theaters.
27. Tire shop, auto repair department all of which will be within a building.
28. Trailer camps.
29. Warehouses, commercial and residential storage.
30. Other businesses or shops in which products are manufactured, compounded, processed, assembled or treated, as listed below, provided that all activities are conducted wholly within a completely enclosed building and any outside storage is completely screened from public view.
 - a. Ice cream manufacture.
 - b. Small aircraft supplies.
 - c. Truck body distributorship.
 - d. Wholesale auto supplies.
 - e. Wholesale bakery.
 - f. Wholesale candy and bakery.
 - g. Wholesale china.
 - h. Wholesale coffee, tea and spices.
 - i. Wholesale drugs.

- j. Wholesale dry goods.
 - k. Wholesale electrical supplies.
 - l. Wholesale furniture.
 - m. Wholesale garden tools.
 - n. Wholesale glass distributors.
 - o. Wholesale hardware.
 - p. Wholesale household appliances.
 - q. Wholesale jewelry.
 - r. Wholesale leather goods.
 - s. Wholesale paint and wallpaper.
 - t. Wholesale plumbing supplies.
 - u. Wholesale pump and engines distributor.
 - v. Wholesale service station supplies.
 - w. Wholesale tire recapping.
 - x. Wholesale welding supplies.
31. Conditional Uses: The following uses may also be permitted if their location is first approved as provided for in Section 13.E. and subject to surfacing and screening as deemed appropriate by the Planning Commission and the Governing Body.
- a. Truck, boat and camper sales area, provided such use conforms to the conditions set forth in Section 10.A.5 for automobile trailer sales areas.
 - b. Heavy equipment and farm implement sales areas.
 - c. Other uses which are of the same general character as those listed in this section, and which will not be detrimental to the area in which located and which will not adversely affect the public health, safety, order, convenience, prosperity or general welfare.
32. Uses customarily incidental to any of the above uses when located on the same lot.
33. Accessory Structures.

SECTION VI. That Sections 2, 4-A, 5-A-10, 9-A-66, and 10-A of the "Sedgwick County Zoning Regulations for the Unincorporated area of Sedgwick County, Kansas" as adopted on December 14, 1984 are hereby repealed.

SECTION VII. That this Resolution shall take effect and be in force from and after its adoption and publication once in the official County paper.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 3^d day of August, 1988.

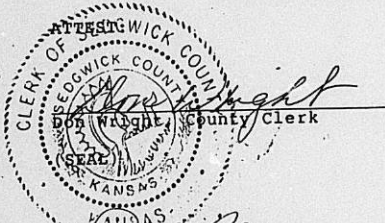
Mark F. Schroeder, Chairman
Mark F. Schroeder

Billy Q. McCray, Chairman pro tem
Billy Q. McCray

David Baycuth, Commissioner
David Baycuth

Tom Scott, Commissioner
Tom Scott

Bernard A. Hentzen, Commissioner
Bernard A. Hentzen



APPROVED AS TO FORM:

Robert R. Arnold
Robert R. Arnold, County Counselor

WICHITA-SEDGWICK COUNTY

July 22, 1988

METROPOLITAN AREA PLANNING DEPARTMENT

TO: The Board of Sedgwick County Commissioners
FROM: Marvin S. Krout, Director of Planning *M. Krout*
SUBJECT: DR 87-16 - Possible Amendment to the Sedgwick County Zoning Resolution Concerning Kennels in the "R", "R-1", "LC" and "C" Districts.

BACKGROUND:

Attached is a summary and a delineated copy of a resolution containing proposed amendments to the Sedgwick County Zoning Resolution concerning the establishment of kennels in the "R" Rural Residential, "R-1" Suburban Residential, "LC" Light Commercial and "C" Commercial zoning districts. At the present time, kennels are allowed as a use only in the "E" Light Industrial District in the Sedgwick County Zoning Resolution. This amending resolution is scheduled for your consideration during the August 3, 1988, meeting of the Board of Sedgwick County Commissioners.

Over the recent past, several attempts have been made to secure spots of "E" Light Industrial zoning to establish kennels in the outlying areas of the County. These zone change requests have generated a significant amount of opposition from surrounding property owners. The opposition has, in large part, been directed to the broad range of other uses that could occur if "E" Light Industrial zoning was granted in areas that have an agricultural or suburban residential character.

With the approval of pari-mutual betting in Kansas and the associated possibility of dog racing facilities in Sedgwick County, has come an increased interest in establishing dog kennels in the County.

Over the last several months, the Planning Department has been working with individuals interested in raising dogs to create the opportunity to establish kennels in zoning districts other than the "E" Light Industrial district, provided certain minimum standards are met. The attached resolution is a result of these efforts.

The Metropolitan Area Planning Commission conducted a public hearing on these proposed amendments during their meeting of July 7, 1988. At the conclusion of the public hearing, the Planning Commission took action to recommend that the proposed amendments be adopted.

During discussion of the proposed kennel amendments, it was the concensus of the Planning Commission that the Board of Sedgwick County Commissioners should also establish registration, inspection and licensing requirements for kennels in the County through the Sedgwick County Animal Care Advisory Board and the City-County Health Department.

PL/6800/4

Board of County Commissioners
RE: DR 87-16
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In the meantime, if the proposed kennel amendments are adopted, any requests for the establishment of kennels in the "R", "R-1", "LC" and "C" districts are to be reviewed and evaluated with input from the Animal Care Advisory Board on operational requirements.

SUMMARY:

The proposed amendment defines two types of kennels, hobby kennels and boarding, breeding and training kennels. The amendment also defines what is considered to be adequate kennel screening.

Hobby kennels are proposed to be allowed as an outright permitted use in the "R" Rural Residential and the "C" General Commercial district and as a conditional use in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a minimum 2-acre lot size and location/screening requirements for outside runs.

Boarding, breeding and training kennels are proposed to be allowed as an outright permitted use in the "C" General Commercial district and as a conditional use in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size and location/screening requirements for outside runs.

RECOMMENDATION:

It is recommended that the proposed amendments to the Sedgwick County Zoning Resolution be adopted.

MSK/RLY:blw
Attachment

cc: Ron Worley, Sedgwick County Zoning Administrator
Richard Euson, Assistant County Counselor
Carmen Greenup, Assistant County Counselor

PL/6800/4

6/3/88

ESTABLISHING KENNEL OPERATIONS UNDER
THE SEDGWICK COUNTY ZONING RESOLUTION

It has been suggested that the Sedgwick County Zoning Resolution be amended to allow the establishment of kennel operations in zoning districts other than the "E" light industrial classification now required. Attached is a proposal that would add definitions of kennels in the resolution and provide for their establishment in the "R", "R-1", "LC" and "C" zoning districts.

In summary, the definitions distinguish between a hobby and a more commercial type kennel on the basis of number of dogs and ownership. A definition of an adult dog is also provided. Hobby kennels are defined as those housing from five to ten adult dogs owned by the property resident. Boarding, breeding and training kennels are defined as those housing five or more adult dogs, of which three or more are owned by person's other than the property resident and those housing over ten adult dogs.

In the text of the Resolution, it is proposed that Hobby Kennels be permitted as a use by right in the "R" Rural Residential and "C" General Commercial districts and by conditional use through the Board of Sedgwick County Commissioners in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a 2-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line. Outside runs may be located no closer than 200 feet from dwellings other than the owner's and 50 feet from other property lines and screening must be provided except for outdoor facilities located 600 feet or more from the property line.

It is proposed that the Breeding/Boarding/Training Kennel be permitted as a use by right in the "C" general commercial district subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line and that they be permitted by conditional use through the Board of Sedgwick County Commissioners in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line. Outside runs may be located no closer than 200 feet from a dwelling other than the owner's and 50 feet from other property lines and screening must be provided except for outdoor facilities located 600 feet or more from the property line.

Under the above proposals and definitions, four adults dogs with their natural litter(s) of pups up to 12 months of age would be permitted as an accessory use of the property resident on any property under the jurisdiction of the Sedgwick County Zoning Resolution.

PL/1713/2

Published in The Daily Reporter on _____, 1988.

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985; BY AMENDING SECTIONS 2, 4-A, 4-A-8, 5-A-10, 9-A-66, AND 10-A OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS"; ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

SECTION 1. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 2- "DEFINITIONS" shall be amended to read as follows:

SECTION 2 DEFINITIONS

For the purpose of these regulations, certain terms and words are hereby defined as follows:

The phrase "used for" includes "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot" and the word "shall" is mandatory and not directory.

Any word defined in the building code of Sedgwick County and not specifically defined herein, shall be construed as defined in the building code. Any word not defined herein or in the building code of Sedgwick County shall have its usual meaning.

ACCESSORY STRUCTURE: Any construction, production or piece of work built up or composed of parts joined together and affixed to the land or real property excluding poles, fences, walks and other such minor incidental improvements.

ADULT DOG: A dog over 12 months of age.

AGRICULTURE: Includes farming, dairying, pasturage, apiculture, horticulture, viticulture, animal and poultry husbandry, and the sale of such products by one engaged in agriculture as herein defined.

AIRPORT OR AIRCRAFT LANDING FIELD: Any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings and open spaces.

ALLEY: A minor public thoroughfare less than thirty (30) feet wide, generally providing a secondary means of access.

ALTERATION, STRUCTURAL: Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

APARTMENT: Same as "Dwelling Unit".

APARTMENT HOTEL: A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

AUTOMOBILE: Any vehicle designed for passenger transportation, including but not limited to cars, motorcycles, mopeds, pickup trucks, vans or recreational vehicles.

AUTOMOBILE SERVICE STATION: Any premises used for supplying gasoline and oil at retail, direct to the customer, including minor accessories and minor services (not to include body work and radiator repair) for automobiles, trucks, tractors, etc.

AUTOMOBILE AND TRAILER SALES AREA: An open area, other than a street, used for the display or sale of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

AUTOMOBILE WRECKING: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining ground.

BILLBOARD OR POSTER PANEL: Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from said display.

BOARD: Shall mean the Board of Zoning Appeals.

BOARDING HOUSE: A building or portion thereof, other than a hotel, where meals or lodging and meals for five (5) or more persons are provided for compensation.

BUILDING: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, horticultural products, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

BUILDING, COMMUNITY: A building for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain.

BUILDING, MAIN: The building on a lot in which the principal use of the lot is conducted.

BUILDING, UNIT GROUP: Two or more buildings (other than dwellings) grouped upon a lot and held under one ownership, such as universities, hospitals and institutions.

BUILDING HEIGHT: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deckline of a mansard roof; and to the mean height level between eaves and ridges for a gable, hip or gambrel roof, provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

CAMP GROUND: Same as "Tourist Camp".

CAMP, TRAILER: Same as "Tourist Camp".

COMMISSION: Shall mean the Wichita-Sedgwick County Metropolitan Area Planning Commission.

COURT: An open, unoccupied space other than a yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

CURB GRADE: The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the County Engineer shall establish such curb grade or its equivalent for the purpose of these regulations.

DWELLING: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple-family but not including hotels, boarding and rooming houses.

DWELLING UNIT: One or more rooms in a dwelling or apartment hotel designed for occupancy by one (1) family for living purposes and having cooking facilities.

DWELLING, ONE-FAMILY: A detached building designed exclusively for occupancy by one (1) family.

DWELLING, TWO-FAMILY (Duplex): A residential building containing two units only.

DWELLING, MULTIPLE-FAMILY: A building or portion of a building designed for or occupied by more than two families living independently of each other.

FAMILY: An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

FRONTAGE: All the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, or other natural barriers.

GARAGE, PRIVATE: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises, and wherein (a) not more than one space is rented for parking to persons not resident on the premises; (b) not more than one (1) commercial vehicle per dwelling unit is parked or stored; and (c) the commercial vehicles permitted do not exceed five (5) tons capacity.

GARAGE, PUBLIC: A building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

GOVERNING BODY: Board of Commissioners, Sedgwick County, Kansas.

GUEST HOUSE: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters are not rented or otherwise used as a separate dwelling.

HOME OCCUPATION: See Section 3.

HOTEL: Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy, or which are occupied by ten (10) or more individuals for compensation, whether it be paid directly or indirectly.

INSTITUTIONAL HOME: A place for the care of babies, children, pensioners or senior citizens, but does not include correctional or mental institutions.

KENNEL: - (a) Hobby - Premises housing five to ten adult dogs owned by the property resident.

(b) Boarding/Breeding/Training - Premises housing five or more adult dogs, three or more of which are owned by someone other than the property resident and premises housing over 10 adult dogs.

KENNEL SCREENING - Screening shall be provided by structures, solid or semi-solid fencing, landscape materials, earth berms or natural site features maintained for the purpose of concealing the view of the animals behind such fence, landscape material, berm or natural feature from activities on adjoining properties. If fencing is used, it shall not be less than four (4) nor more than eight (8) feet in height. If fences over six (6) feet in height, landscape materials or earth berms are used, a plan shall be submitted for approval to the Director of Planning and Sedgwick County Zoning Administrator. Fences used for screening may have no more than 5% open surface. Landscape materials must provide the desired screening effect within the first growing season following installation and throughout the year every year thereafter.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

LOT: Land occupied or to be occupied by a building, or unit group of buildings, and accessory buildings, together with such yards and lot area as are required by these regulations, and having its principal frontage upon a street.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CORNER: A lot or portion thereof not greater than one hundred (100) feet in width and situated at the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty-five degrees (135°).

LOT DEPTH: The horizontal distance between the front and rear lot lines measured along the median between the two side lot lines.

LOT LINES: The lines bounding a lot as defined herein.

LOT, WIDTH: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MOBILE HOME: Any portable structure or vehicle of fire resistant construction designed for highway travel and to permit occupancy thereof for dwelling or sleeping purposes, including toilet, bath, cooking and refrigeration facilities.

MOBILE HOME PARK: Land used or intended to be used by two or more trailers and/or mobile homes; and providing sewer, water, electric and other similar facilities required to permit occupancy of such mobile homes and/or trailers parked thereon.

MOTEL: Same as "Tourist Court".

NIGHT CLUB: An establishment which shall include, in addition to the serving of food and entertainment, the provision for dancing and sale of malt beverages to the public.

NONCONFORMING BUILDING: A building or structure, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

NONCONFORMING USE: A use which lawfully occupies a building or land at the time these regulations became effective, or as amended, and which does not conform with the use regulations of the district in which it is located. Failure of a use to comply with the provisions of these regulations at the time they became effective or as amended relative to off-street parking or off-street loading requirements does not constitute a nonconforming use.

PARKING AREA, PRIVATE: An open area, other than a street or alley, used for the parking of the automobiles owned, leased, borrowed, etc., by the occupants of a dwelling.

PARKING AREA, PUBLIC OR CUSTOMER: An area other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

PARKING SPACE, AUTOMOBILE: Space within or on a building or a private or public parking area for the parking of one (1) automobile.

RESTAURANT: A public eating establishment in which the primary function is the preparation and serving of food on the premises, provided there is no dancing.

ROOMING HOUSE: A building or portion thereof other than a hotel, where lodging for five (5) or more persons is provided for compensation.

SCHOOL, ELEMENTARY AND HIGH: An institution which offers instructions in the several branches of learning and study required to be taught in the public schools by Chapter 72, Kansas Statutes Annotated. High schools include Junior and Senior.

SHELTER, FALLOUT: A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

SIGN: Any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to designate an individual, a firm, profession, business, or a commodity and which are visible from any public street or the air.

SITE: Same as "Lot".

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

STREET: A public thoroughfare, of such width to conform to adopted subdivision regulations. For the purposes of these regulations, the word "street" shall include the words "road", "highway", "boulevard", "avenue", "circles", "courts", and the like.

STREET, WIDTH: The horizontal distance between the side lines of a street, measured at right angles to the side lines.

STRUCTURE: Anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

TAVERN: An establishment in which the primary function is the public sales and serving of malt beverages provided there is no dancing.

TOURIST CAMP: Land used or intended to be used by campers for tents or movable dwellings.

TOURIST COURT: A group of attached or detached dwellings containing less than three hundred (300) square feet of floor area for each sleeping or living unit with separate toilet facilities for each unit, and which are provided for transient guests; including auto courts, motels and motor lodges.

TOURIST HOME: A building in which board or rooming, or both, are offered to the traveling public for compensation and open to transient guests, in contradistinction to a hotel, boarding or rooming house.

TRAILER: Any portable structure or vehicle designed for highway travel and to permit occupancy thereof for dwelling or sleeping purposes which does not have individual toilet and bath.

TRAILER CODE: The short title which refers to "A Resolution Regulating the Location, Use, Construction, Maintenance and Operation of Trailers, Mobile Homes, Mobile Home Parks and Trailer Courts in Sedgwick County, Kansas".

TRAILER COURT: Land used or intended to be used for two (2) or more occupied trailers; and providing sewer, water, electric and other facilities as may be required to permit occupancy of such trailers as may be parked thereon.

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

WAREHOUSE, COMMERCIAL: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

WAREHOUSE, RESIDENTIAL STORAGE: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such property is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

YARD: An open space, other than a court, on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward.

YARD, FRONT: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front line and a line parallel thereto on the lot.

YARD, REAR: A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot lines.

YARD, SIDE: A yard between the main building and the side lot line, extending from the front yard, or front lot lines, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

SECTION II. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 4-"RURAL RESIDENTIAL DISTRICT"; Subsection A- "USES PERMITTED" shall be amended to read as follows:

SECTION 4
"R" RURAL RESIDENTIAL DISTRICT

A. USES PERMITTED.

1. Agriculture.
2. One-family dwellings.
3. Exploration for, and extraction of, oil and natural gas.
4. Golf courses, except miniature golf courses and driving tees operated for commercial purposes, open to anyone who applies.
5. Home occupations - See Section 3.
6. Kennels (hobby)
- 6- 7. Accessory structures.
- 7- 8. Transitional Use: The following use shall be permitted on a lot in the "R" District where such lot abuts upon a lot in the "BB",

"OC", "LC", "C", "E" or "F" District, provided such transitional use does not extend more than two hundred (200) feet, and is continuous and contiguous to the "BB", "OC", "LC", "C", "E", or "F" Districts.

a. Public parking area when located and developed as required in Section 13.B.

8- 9. Conditional Uses: The following uses may also be permitted if their location is first approved by the Commission as provided for in Section 13.E.

a. Airport or aircraft landing field.

b. Cemetery.

c. Club, private, non-profit and chartered by the State of Kansas.

d. Columbarium, crematory or mausoleum.

e. Correctional institutions.

f. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. This may include concrete and asphalt mixing plants and accessory construction yards and buildings, as a temporary use, when requested as a part of the conditional use application, and operated as an accessory use to an extraction of raw materials operation. (River beds governed by the Kansas Statutes Annotated).

g. Farm buildings may be used for nonagricultural storage until such time as there are within a 500 foot radius a total of 5 residential units. (See also Section 17-A-5.)

h. Government buildings and premises.

i. Horse riding academy.

j. Kennels (Boarding/Breeding/Training) subject to the following conditions:

(1) Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.

(2) Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.

(3) Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

j- k. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.

k- l. Nursery or greenhouse.

l- m. Public or private park or playground.

m- n. Radio or television transmitters.

n- o. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 5- "R-1 SUBURBAN RESIDENTIAL DISTRICT"; Subsection A "USES PERMITTED"; Subsection 10- "Conditional Uses" shall be amended to read as follows:

10. Conditional Uses: The following uses may also be permitted if their location is first approved by the Commission as provided for in Section 13.E:
 - a. Airport or aircraft landing field.
 - b. Cemetery.
 - c. Club, private, non-profit and chartered by the State of Kansas.
 - d. Columbarium, crematory or mausoleum.
 - e. Correctional institutions.
 - f. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. This may include concrete and asphalt mixing plants and accessory construction yards and buildings, as a temporary use, when requested as a part of the conditional use application, and operated as an accessory use to an extraction of raw materials operation. (River beds governed by the Kansas Statutes Annotated.)
 - g. Educational and religious institutions.
 - h. Farm buildings may be used for nonagricultural storage until such time as there are located within a 500 foot radius a total of 5 residential units. (See also Section 17-A-5.)
 - i. Government buildings and premises.
 - j. Horse riding academy.
 - k. Hospitals or sanitariums, except animal hospitals.
 - l. Kennels (Hobby) subject to the following conditions:
 - (1) Two acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line.
 - (2) Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
 - (3) Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.
 - m. Kennels (Boarding/Breeding/Training) subject to the following conditions.
 - a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.

- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of County Commissioners.
- ~~t~~ n. Library or museum, public.
- ~~m~~ o. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- ~~n~~ p. Nursery or greenhouse.
- ~~o~~ q. Philanthropic institutions, homes for senior citizens and institutional homes.
- ~~p~~ r. Private kindergartens, nurseries, children's homes, accommodating ten (10) or more enrollees.
- ~~q~~ s. Public or private park or playground.
- ~~r~~ t. Radio or television transmitters.
- ~~s~~ u. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION IV. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 9- "LC LIGHT COMMERCIAL DISTRICT"; Subsection A- "USES PERMITTED"; Subsection 66 " Conditional Uses" shall be amended to read as follows:

- 66. Conditional Uses: The following uses may also be permitted if their location is first approved as provided in Section 13.E.
 - a. Animal hospital.
 - b. Kennels (Hobby) subject to the following conditions:
 - (1) Two acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line.
 - (2) Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
 - (3) Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.
 - c. Kennels (Boarding/Breeding/Training) subject to the following conditions:

- (1) Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- (2) Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- (3) Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

b7 d. Self-service and automatic car wash operations, whether operated inside or outside a building, subject to the following conditions and requirements:

- (1) This use may be located in a commercial district contiguous to an arterial as designated in the Transportation Plan Element of the Comprehensive Plan and any amendments thereto.
- (2) No structure shall be permitted closer than sixty (60) feet (excluding any street, alley, or intervening public way) to the front and/or side of an "R", "R-1", or "AA" residential zoning district. Provided, however, that the above shall not apply where the abutting or contiguous property is being used for a light commercial use permitted in the "LC" zoning district, and/or where the Planning Commission has formally adopted a policy of looking with favor on the establishment of "LC" zoning for the contiguous area.
- (3) There shall be a minimum lot area of three-thousand five hundred (3,500) square feet for each self-service car washing stall and/or two thousand five hundred (2,500) square feet for each twenty (20) lineal feet of the automatic car washing structure; provided the minimum lot area shall be not less than seven thousand five hundred (7,500) square feet, plus any additional lot area as required by the Health Department.
- (4) The car washing building or facilities shall be set back a distance of not less than thirty-five (35) feet from all street right-of-way lines.
- (5) A six (6) foot high solid or semi-solid fence constructed of masonry, architectural tile, wood, louvered wood, or other similar materials, shall be provided along the interior side and rear property line when adjacent to a dwelling or a dwelling district which is not being utilized for a commercial use, in order to protect the existing and future residential development from light, noise, and blowing debris, and to protect the adjacent residential property values. Whenever said fence shall be located in the required front yard setback, it shall be reduced to three (3) feet in height.
- (6) All of the area to be utilized by washing and drying operations, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete.
- (7) All lights shall be shielded to reflect or direct light away from the adjacent property. No string-type lighting or banners shall be permitted.
- (8) No signs shall exceed twenty-five (25) feet in height or be placed so as to project over any public right-of-way.
- (9) No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

- (10) Off-street holding spaces shall be provided on the property in the following ratio:

Automatic Car Wash - not less than three (3) parking spaces for each twenty (20) lineal feet of the automatic car washing aisle; however, in the event the stall is constructed so as not to hold more than one (1) auto at any given time, not more than three (3) holding spaces shall be required for that stall.

Self-Service Car Wash - not less than four (4) parking spaces for each self-service car washing stall.

- (11) Off-street drying spaces shall be provided on the property in the following ratio:

Automatic Car Wash - not less than two (2) parking spaces for each automatic car washing aisle.

Self-Service Car Wash - not less than two (2) parking spaces for each self-service car washing stall.

- (12) One (1) off-street parking space shall be provided for each two (2) employees.

- (13) A plot plan, showing points of ingress and egress, width of driveways, off-street parking and holding spaces and interior traffic circulation, shall be submitted in triplicate with the application for approval.

- (14) All parking areas shall have adequate guards to prevent the extension or overhang of vehicles beyond property lines or parking spaces.

- (15) There shall be no ingress or egress from minor or residential streets having sixty (60) feet of right-of-way or less, unless there are two (2) free-moving lanes at all times. (Example: A thirty (30) foot paved street with parking permitted only on one (1) side would provide for two (2) free-moving lanes.)

- (16) All drainage, both natural and that created by the operation, shall be handled in such a manner satisfactory to the County Engineer.

- (17) If the operation is located in close proximity to a residential area, operation hours may be established.

- (18) The area shall be properly policed through inspections by the owner or operator for proper maintenance of improvements and removal of trash.

- (19) Such other conditions as the governing body shall deem necessary to provide orderly development.

~~c.~~ e. Other uses which are of the same general character as those listed in this Section, and which will not be detrimental to the area in which located, and which will not adversely affect the public health, safety, order, convenience, prosperity, or general welfare.

~~d.~~ f. Residential storage warehouses, subject to the following conditions and requirements:

- (1) This use must be located contiguous to an arterial street as designated in the Transportation Plan Element of the Comprehensive Plan.

- (2) This use shall also be subject to the requirements of Section 7.A.7.d.(2) to (18).

SECTION V. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 10- "C GENERAL COMMERCIAL DISTRICT"; Subsection A "USES PERMITTED" shall be amended to read as follows:

A. USES PERMITTED.

1. Any use permitted in the "LC" District, except Conditional Uses.
2. Advertising signs or structures and billboards.
3. Amusement enterprises, including a billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill and science, penny arcade, shooting gallery, and the like.
4. Assembly and fabrication processes, except those uses first permitted in subsections a, c, e, f, g, h, l and m of Section 11.A.2., of these regulations; provided, that the entire frontage of the ground floor along the principal street is used for office space, display or for wholesale or retail sales.
5. Automobile and trailer sales area, provided (a) that such area is located and developed as required in Section 13.B and (b) that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a building.
6. Baseball or football stadium.
7. Carpenter or cabinet shop, if conducted wholly within a completely enclosed building.
8. Dry cleaning establishments.
9. Feed or fuel store wholly within a building or within suitable enclosure to prevent obnoxious or nuisance condition.
10. Frozen food lockers, including custom butchering and curing of meats.
11. Garages for storage or repair, including the uses permitted in Section 11.A.2.e, provided (a) that all repair of vehicles and storage of merchandise and supplies are to be conducted wholly within a building, and (b) that any lubrication or washing, or other services rendered not conducted wholly within a building, shall be permitted only if such operation is effectively and continuously screened to a height of at least six (6) feet between such uses and any adjoining "R", "R-1", "AA" or "BB" district, and (c) that all areas used for the storage of inoperable vehicles shall be located behind the building setback line and be effectively screened from view from all adjacent properties. All screening required by this section shall be properly maintained.
12. Hospitals or sanitariums.
13. Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.

14. Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- ~~13-~~ 15. Laundry.
- ~~14-~~ 16. Medical or dental laboratories.
- ~~15-~~ 17. Monument sales.
- ~~16-~~ 18. Music conservatory or music instruction.
- ~~17-~~ 19. Night clubs.
- ~~18-~~ 20. Pawnshop.
- ~~19-~~ 21. Photodeveloping and printing.
- ~~20-~~ 22. Pony riding ring, without permanent stables.
- ~~21-~~ 23. Printing, lithographing or publishing.
- ~~22-~~ 24. Retail stores and retail businesses.
- ~~23-~~ 25. Second-hand store, if conducted wholly within a completely enclosed building.
- ~~24-~~ 26. Theaters.
- ~~25-~~ 27. Tire shop, auto repair department all of which will be within a building.
- ~~26-~~ 28. Trailer camps.
- ~~27-~~ 29. Warehouses, commercial and residential storage.
- ~~28-~~ 30. Other businesses or shops in which products are manufactured, compounded, processed, assembled or treated, as listed below, provided that all activities are conducted wholly within a completely enclosed building and any outside storage is completely screened from public view.
- a. Ice cream manufacture.
 - b. Small aircraft supplies.
 - c. Truck body distributorship.
 - d. Wholesale auto supplies.
 - e. Wholesale bakery.
 - f. Wholesale candy and bakery.
 - g. Wholesale china.
 - h. Wholesale coffee, tea and spices.
 - i. Wholesale drugs.
 - j. Wholesale dry goods.
 - k. Wholesale electrical supplies.
 - l. Wholesale furniture.
 - m. Wholesale garden tools.

- n. Wholesale glass distributors.
- o. Wholesale hardware.
- p. Wholesale household appliances.
- q. Wholesale jewelry.
- r. Wholesale leather goods.
- s. Wholesale paint and wallpaper.
- t. Wholesale plumbing supplies.
- u. Wholesale pump and engines distributor.
- v. Wholesale service station supplies.
- w. Wholesale tire recapping.
- x. Wholesale welding supplies.

~~29-~~ 31. Conditional Uses: The following uses may also be permitted if their location is first approved as provided for in Section 13.E. and subject to surfacing and screening as deemed appropriate by the Planning Commission and the Governing Body.

- a. Truck, boat and camper sales area, provided such use conforms to the conditions set forth in Section 10.A.5 for automobile trailer sales areas.
- b. Heavy equipment and farm implement sales areas.
- c. Other uses which are of the same general character as those listed in this section, and which will not be detrimental to the area in which located and which will not adversely affect the public health, safety, order, convenience, prosperity or general welfare.

~~30-~~ 32. Uses customarily incidental to any of the above uses when located on the same lot.

~~31-~~ 33. Accessory Structures.

SECTION VI. That Sections 2, 4-A, 5-A-10, 9-A-66, and 10-A of the "Sedgwick County Zoning Regulations for the Unincorporated area of Sedgwick County, Kansas" as adopted on December 14, 1984 are hereby repealed.

SECTION VII. That this Resolution shall take effect and be in force from and after its adoption and publication once in the official County paper.

PASSED AND ADOPTED by the Board of County Commissioners at
Wichita, Kansas, this _____ day of _____, 1988.

_____, Chairman
Mark F. Schroeder

_____, Chairman pro tem
Billy Q. McCray

_____, Commissioner
David Bayouth

_____, Commissioner
Tom Scott

_____, Commissioner
Bernard A. Hentzen

ATTEST:

Don Wright, County Clerk
(SEAL)

APPROVED AS TO FORM:

Robert R. Arnold, County Counselor

RESOLUTION
R #198-1988

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND IN THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 BECAME EFFECTIVE JANUARY 1, 1985, BY AMENDING SECTIONS 2, 4-A, 4-A-8, 5-A-10, 9-A-66, AND 10-A OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS"; ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

SECTION 1. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission of the July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 2- "DEFINITIONS" shall be amended to read as follows:

SECTION 2
DEFINITIONS

For the purpose of these regulations, certain terms and words are hereby defined as follows:

The phrase "used for" includes "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "plot" includes the word "lot" and the word "shall" is mandatory and not directory.

Any word defined in the building code of Sedgwick County and not specifically defined herein, shall be construed as defined in the building code. Any word not defined herein or in the building code of Sedgwick County shall have its usual meaning.

ACCESSORY STRUCTURE: Any construction, production or piece of work built up or composed of parts joined together and affixed to the land or real property excluding poles, fences, walks and other such minor incidental improvements.

ADULT DOG: A dog over 12 months of age.

AGRICULTURE: Includes farming, dairying, pasturage, apiculture, horticulture, viticulture, animal and poultry husbandry, and the sale of such products by one engaged in agriculture as herein defined.

AIRPORT OR AIRCRAFT LANDING FIELD: Any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

ALLEY: A minor public thoroughfare less than thirty (30) feet wide, generally providing a secondary means of access.

ALTERATION, STRUCTURAL: Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

APARTMENT: Same as "Dwelling Unit".

APARTMENT HOTEL: A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

AUTOMOBILE: Any vehicle designed for passenger transportation, including but not limited to cars, motorcycles, mopeds, pickup trucks, vans or recreational vehicles.

AUTOMOBILE SERVICE STATION: Any premises used for supplying gasoline and oil at retail, direct to the customer, including minor accessories and minor services (not to include body work and radiator repair) for automobiles, trucks, tractors, etc.

AUTOMOBILE AND TRAILER SALES AREA: An open area, other than a street, used for the display or sale of new or used automobiles or trailers and where no repairs are done except minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

AUTOMOBILE WRECKING: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles of their parts.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining ground.

BILLBOARD OR POSTER PANEL: Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from said display.

BOARD: Shall mean the Board of Zoning Appeals.

BOARDING HOUSE: A building or portion thereof, other than a hotel, where meals or lodging and meals for five (5) or more persons are provided for compensation.

BUILDING: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, horticultural products, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

BUILDING, COMMUNITY: A building for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain.

BUILDING, MAIN: The building on a lot in which the principal use of the lot is conducted.

BUILDING, UNIT GROUP: Two or more buildings (other than dwellings) grouped upon a lot and held under one ownership, such as universities, hospitals and institutions.

BUILDING HEIGHT: The vertical distance measured from the adjoining curb grade to the higher of: point of the roof surface, if a flat roof; to the decline of a mansard roof; and to the mean height level between eaves and ridges for a gable, hip or gambrel roof, provided that where buildings are set back from the street line, the height of the buildings are measured from the average elevation of the finished grade along the front of the building.

CAMP GROUND: Same as "Tourist Camp".

CAMP, TRAILER: Same as "Tourist Camp".

COMMISSION: Shall mean the Wichita-Sedgwick County Metropolitan Area Planning Commission.

COURT: An open, unoccupied space other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

CURB GRADE: The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the County Engineer shall establish such curb grade or its equivalent for the purpose of these regulations.

DWELLING: A building or portion thereof designed exclusively for residential occupancy, including but not limited to:

- l. Wholesale fur
- m. Wholesale garden
- n. Wholesale glass
- o. Wholesale hardware
- p. Wholesale house
- q. Wholesale jewelry
- r. Wholesale leather
- s. Wholesale paint
- t. Wholesale plumbing
- u. Wholesale pumps
- v. Wholesale services
- w. Wholesale tires
- x. Wholesale vehicles

Conditional Uses: permitted in the provided for in Section 6 and screening as of Commission and the

- a. Truck, boat and use conforms Section 10.A.5
- b. Heavy equipment
- c. Other uses which are those listed not be detrimental and which will health, safety, general welfare

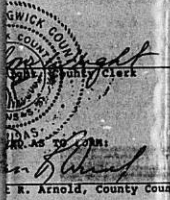
Uses customarily in when located on the Accessory Structures

SECTION VI. That of the "Sedgwick County incorporated areas of Sedgwick County, Kansas" on December 14, 1984 are hereby

SECTION VII. That in force from and after official County paper.

PASSED AND ADOPTED by the Board of County Commissioners, Sedgwick County, Kansas, this 21st day of September, 1988.

Mark P. Schroeder
 Mark P. Schroeder
Billy G. Arnold
 Billy G. Arnold
David Bayouth
 David Bayouth
Tom Scott
 Tom Scott
Bernard A. Hen
 Bernard A. Hen



K. Arnold, county Clerk

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METROPOLITAN PLANNING
ROUTE

STATE OF KANSAS)
Sedgwick County) ss.

Larry Ricketts, being first duly sworn, Deposits and says: That he is _____ Publisher of

THE DAILY REPORTER

a daily Newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County, Kansas, with a general paid circulation on a daily basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published Monday through Friday and has been so published continuously and uninterrupted in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Derby, Kansas, in said County as second class matter.

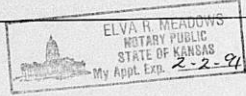
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive week, the first publication thereof being made as aforesaid on the 6th day of September, 1988, with subsequent publications being made on the following dates:

- _____, 19____
- _____, 19____
- _____, 19____
- _____, 19____
- _____, 19____

Subscribed and sworn to before me this 7th day of September, 1988.

Elva R. Meadows
Notary Public

My commission expires: February 2, 1991
Printer's fee \$ 336.92
Additional copies \$ _____



WICHITA-SEDGWICK COUNTY

July 22, 1988

METROPOLITAN AREA PLANNING DEPARTMENT

TO: The Board of Sedgwick County Commissioners
FROM: Marvin S. Kreut, Director of Planning *M. Kreut*
SUBJECT: DR 87-16 - Possible Amendment to the Sedgwick County Zoning Resolution Concerning Kennels in the "R", "R-1", "LC" and "C" Districts.

BACKGROUND:

Attached is a summary and a delineated copy of a resolution containing proposed amendments to the Sedgwick County Zoning Resolution concerning the establishment of kennels in the "R" Rural Residential, "R-1" Suburban Residential, "LC" Light Commercial and "C" Commercial zoning districts. At the present time, kennels are allowed as a use only in the "E" Light Industrial District in the Sedgwick County Zoning Resolution. This amending resolution is scheduled for your consideration during the August 3, 1988, meeting of the Board of Sedgwick County Commissioners.

Over the recent past, several attempts have been made to secure spots of "E" Light Industrial zoning to establish kennels in the outlying areas of the County. These zone change requests have generated a significant amount of opposition from surrounding property owners. The opposition has, in large part, been directed to the broad range of other uses that could occur if "E" Light Industrial zoning was granted in areas that have an agricultural or suburban residential character.

With the approval of pari-mutual betting in Kansas and the associated possibility of dog racing facilities in Sedgwick County, has come an increased interest in establishing dog kennels in the County.

Over the last several months, the Planning Department has been working with individuals interested in raising dogs to create the opportunity to establish kennels in zoning districts other than the "E" Light Industrial district, provided certain minimum standards are met. The attached resolution is a result of these efforts.

The Metropolitan Area Planning Commission conducted a public hearing on these proposed amendments during their meeting of July 7, 1988. At the conclusion of the public hearing, the Planning Commission took action to recommend that the proposed amendments be adopted.

During discussion of the proposed kennel amendments, it was the concensus of the Planning Commission that the Board of Sedgwick County Commissioners should also establish registration, inspection and licensing requirements for kennels in the County through the Sedgwick County Animal Care Advisory Board and the City-County Health Department.

PL/6800/4

Board of County Commissioners
RE: DR 87-16
July 22, 1988
Page 2

In the meantime, if the proposed kennel amendments are adopted, any requests for the establishment of kennels in the "R", "R-1", "LC" and "C" districts are to be reviewed and evaluated with input from the Animal Care Advisory Board on operational requirements.

SUMMARY:

The proposed amendment defines two types of kennels, hobby kennels and boarding, breeding and training kennels. The amendment also defines what is considered to be adequate kennel screening.

Hobby kennels are proposed to be allowed as an outright permitted use in the "R" Rural Residential and the "C" General Commercial district and as a conditional use in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a minimum 2-acre lot size and location/screening requirements for outside runs.

Boarding, breeding and training kennels are proposed to be allowed as an outright permitted use in the "C" General Commercial district and as a conditional use in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size and location/screening requirements for outside runs.

RECOMMENDATION:

It is recommended that the proposed amendments to the Sedgwick County Zoning Resolution be adopted.

MSK/RLY:blw
Attachment

cc: Ron Worley, Sedgwick County Zoning Administrator
Richard Euson, Assistant County Counselor
Carmen Greenup, Assistant County Counselor

PL/6800/4

6/3/88

ESTABLISHING KENNEL OPERATIONS UNDER
THE SEDGWICK COUNTY ZONING RESOLUTION

It has been suggested that the Sedgwick County Zoning Resolution be amended to allow the establishment of kennel operations in zoning districts other than the "E" light industrial classification now required. Attached is a proposal that would add definitions of kennels in the resolution and provide for their establishment in the "R", "R-1", "LC" and "C" zoning districts.

In summary, the definitions distinguish between a hobby and a more commercial type kennel on the basis of number of dogs and ownership. A definition of an adult dog is also provided. Hobby kennels are defined as those housing from five to ten adult dogs owned by the property resident. Boarding, breeding and training kennels are defined as those housing five or more adult dogs, of which three or more are owned by person's other than the property resident and those housing over ten adult dogs.

In the text of the Resolution, it is proposed that Hobby Kennels be permitted as a use by right in the "R" Rural Residential and "C" General Commercial districts and by conditional use through the Board of Sedgwick County Commissioners in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a 2-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line. Outside runs may be located no closer than 200 feet from dwellings other than the owner's and 50 feet from other property lines and screening must be provided except for outdoor facilities located 600 feet or more from the property line.

It is proposed that the Breeding/Boarding/Training Kennel be permitted as a use by right in the "C" general commercial district subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line and that they be permitted by conditional use through the Board of Sedgwick County Commissioners in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line. Outside runs may be located no closer than 200 feet from a dwelling other than the owner's and 50 feet from other property lines and screening must be provided except for outdoor facilities located 600 feet or more from the property line.

Under the above proposals and definitions, four adults dogs with their natural litter(s) of pups up to 12 months of age would be permitted as an accessory use of the property resident on any property under the jurisdiction of the Sedgwick County Zoning Resolution.

PL/1713/2

Published in The Daily Reporter on _____, 1988.

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985; BY AMENDING SECTIONS 2, 4-A, 4-A-8, 5-A-10, 9-A-66, AND 10-A OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS"; ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

SECTION 1. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 2- "DEFINITIONS" shall be amended to read as follows:

SECTION 2 DEFINITIONS

For the purpose of these regulations, certain terms and words are hereby defined as follows:

The phrase "used for" includes "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot" and the word "shall" is mandatory and not directory.

Any word defined in the building code of Sedgwick County and not specifically defined herein, shall be construed as defined in the building code. Any word not defined herein or in the building code of Sedgwick County shall have its usual meaning.

ACCESSORY STRUCTURE: Any construction, production or piece of work built up or composed of parts joined together and affixed to the land or real property excluding poles, fences, walks and other such minor incidental improvements.

ADULT DOG: A dog over 12 months of age.

AGRICULTURE: Includes farming, dairying, pasturage, apiculture, horticulture, viticulture, animal and poultry husbandry, and the sale of such products by one engaged in agriculture as herein defined.

AIRPORT OR AIRCRAFT LANDING FIELD: Any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings and open spaces.

ALLEY: A minor public thoroughfare less than thirty (30) feet wide, generally providing a secondary means of access.

ALTERATION, STRUCTURAL: Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

APARTMENT: Same as "Dwelling Unit".

APARTMENT HOTEL: A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

AUTOMOBILE: Any vehicle designed for passenger transportation, including but not limited to cars, motorcycles, mopeds, pickup trucks, vans or recreational vehicles.

AUTOMOBILE SERVICE STATION: Any premises used for supplying gasoline and oil at retail, direct to the customer, including minor accessories and minor services (not to include body work and radiator repair) for automobiles, trucks, tractors, etc.

AUTOMOBILE AND TRAILER SALES AREA: An open area, other than a street, used for the display or sale of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

AUTOMOBILE WRECKING: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining ground.

BILLBOARD OR POSTER PANEL: Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from said display.

BOARD: Shall mean the Board of Zoning Appeals.

BOARDING HOUSE: A building or portion thereof, other than a hotel, where meals or lodging and meals for five (5) or more persons are provided for compensation.

BUILDING: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, horticultural products, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

BUILDING, COMMUNITY: A building for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain.

BUILDING, MAIN: The building on a lot in which the principal use of the lot is conducted.

BUILDING, UNIT GROUP: Two or more buildings (other than dwellings) grouped upon a lot and held under one ownership, such as universities, hospitals and institutions.

BUILDING HEIGHT: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the decline of a mansard roof; and to the mean height level between eaves and ridges for a gable, hip or gambrel roof, provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

CAMP GROUND: Same as "Tourist Camp".

CAMP, TRAILER: Same as "Tourist Camp".

COMMISSION: Shall mean the Wichita-Sedgwick County Metropolitan Area Planning Commission.

COURT: An open, unoccupied space other than a yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

CURB GRADE: The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the County Engineer shall establish such curb grade or its equivalent for the purpose of these regulations.

DWELLING: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple-family but not including hotels, boarding and rooming houses.

DWELLING UNIT: One or more rooms in a dwelling or apartment hotel designed for occupancy by one (1) family for living purposes and having cooking facilities.

DWELLING, ONE-FAMILY: A detached building designed exclusively for occupancy by one (1) family.

DWELLING, TWO-FAMILY (Duplex): A residential building containing two units only.

DWELLING, MULTIPLE-FAMILY: A building or portion of a building designed for or occupied by more than two families living independently of each other.

FAMILY: An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

FRONTAGE: All the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, or other natural barriers.

GARAGE, PRIVATE: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises, and wherein (a) not more than one space is rented for parking to persons not resident on the premises; (b) not more than one (1) commercial vehicle per dwelling unit is parked or stored; and (c) the commercial vehicles permitted do not exceed five (5) tons capacity.

GARAGE, PUBLIC: A building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

GOVERNING BODY: Board of Commissioners, Sedgwick County, Kansas.

GUEST HOUSE: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters are not rented or otherwise used as a separate dwelling.

HOME OCCUPATION: See Section 3.

HOTEL: Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy, or which are occupied by ten (10) or more individuals for compensation, whether it be paid directly or indirectly.

INSTITUTIONAL HOME: A place for the care of babies, children, pensioners or senior citizens, but does not include correctional or mental institutions.

KENNEL: - (a) Hobby - Premises housing five to ten adult dogs owned by the property resident.

(b) Boarding/Breeding/Training - Premises housing five or more adult dogs, three or more of which are owned by someone other than the property resident and premises housing over 10 adult dogs.

KENNEL SCREENING - Screening shall be provided by structures, solid or semi-solid fencing, landscape materials, earth berms or natural site features maintained for the purpose of concealing the view of the animals behind such fence, landscape material, berm or natural feature from activities on adjoining properties. If fencing is used, it shall not be less than four (4) nor more than eight (8) feet in height. If fences over six (6) feet in height, landscape materials or earth berms are used, a plan shall be submitted for approval to the Director of Planning and Sedgwick County Zoning Administrator. Fences used for screening may have no more than 5% open surface. Landscape materials must provide the desired screening effect within the first growing season following installation and throughout the year every year thereafter.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

LOT: Land occupied or to be occupied by a building, or unit group of buildings, and accessory buildings, together with such yards and lot area as are required by these regulations, and having its principal frontage upon a street.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CORNER: A lot or portion thereof not greater than one hundred (100) feet in width and situated at the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty-five degrees (135°).

LOT DEPTH: The horizontal distance between the front and rear lot lines measured along the median between the two side lot lines.

LOT LINES: The lines bounding a lot as defined herein.

LOT, WIDTH: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MOBILE HOME: Any portable structure or vehicle of fire resistant construction designed for highway travel and to permit occupancy thereof for dwelling or sleeping purposes, including toilet, bath, cooking and refrigeration facilities.

MOBILE HOME PARK: Land used or intended to be used by two or more trailers and/or mobile homes; and providing sewer, water, electric and other similar facilities required to permit occupancy of such mobile homes and/or trailers parked thereon.

MOTEL: Same as "Tourist Court".

NIGHT CLUB: An establishment which shall include, in addition to the serving of food and entertainment, the provision for dancing and sale of malt beverages to the public.

NONCONFORMING BUILDING: A building or structure, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

NONCONFORMING USE: A use which lawfully occupies a building or land at the time these regulations became effective, or as amended, and which does not conform with the use regulations of the district in which it is located. Failure of a use to comply with the provisions of these regulations at the time they became effective or as amended relative to off-street parking or off-street loading requirements does not constitute a nonconforming use.

PARKING AREA, PRIVATE: An open area, other than a street or alley, used for the parking of the automobiles owned, leased, borrowed, etc., by the occupants of a dwelling.

PARKING AREA, PUBLIC OR CUSTOMER: An area other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

PARKING SPACE, AUTOMOBILE: Space within or on a building or a private or public parking area for the parking of one (1) automobile.

RESTAURANT: A public eating establishment in which the primary function is the preparation and serving of food on the premises, provided there is no dancing.

ROOMING HOUSE: A building or portion thereof other than a hotel, where lodging for five (5) or more persons is provided for compensation.

SCHOOL, ELEMENTARY AND HIGH: An institution which offers instructions in the several branches of learning and study required to be taught in the public schools by Chapter 72, Kansas Statutes Annotated. High schools include Junior and Senior.

SHELTER, FALLOUT: A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

SIGN: Any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to designate an individual, a firm, profession, business, or a commodity and which are visible from any public street or the air.

SITE: Same as "Lot".

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

STREET: A public thoroughfare, of such width to conform to adopted subdivision regulations. For the purposes of these regulations, the word "street" shall include the words "road", "highway", "boulevard", "avenue", "circles", "courts", and the like.

STREET, WIDTH: The horizontal distance between the side lines of a street, measured at right angles to the side lines.

STRUCTURE: Anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

TAVERN: An establishment in which the primary function is the public sales and serving of malt beverages provided there is no dancing.

TOURIST CAMP: Land used or intended to be used by campers for tents or movable dwellings.

TOURIST COURT: A group of attached or detached dwellings containing less than three hundred (300) square feet of floor area for each sleeping or living unit with separate toilet facilities for each unit, and which are provided for transient guests; including auto courts, motels and motor lodges.

TOURIST HOME: A building in which board or rooming, or both, are offered to the traveling public for compensation and open to transient guests, in contradistinction to a hotel, boarding or rooming house.

TRAILER: Any portable structure or vehicle designed for highway travel and to permit occupancy thereof for dwelling or sleeping purposes which does not have individual toilet and bath.

TRAILER CODE: The short title which refers to "A Resolution Regulating the Location, Use, Construction, Maintenance and Operation of Trailers, Mobile Homes, Mobile Home Parks and Trailer Courts in Sedgwick County, Kansas".

TRAILER COURT: Land used or intended to be used for two (2) or more occupied trailers; and providing sewer, water, electric and other facilities as may be required to permit occupancy of such trailers as may be parked thereon.

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

WAREHOUSE, COMMERCIAL: A building or portion thereof used for the storage of any property not permitted in a Residential Storage Warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

WAREHOUSE, RESIDENTIAL STORAGE: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such property is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper, and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

YARD: An open space, other than a court, on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward.

YARD, FRONT: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front line and a line parallel thereto on the lot.

YARD, REAR: A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot lines.

YARD, SIDE: A yard between the main building and the side lot line, extending from the front yard, or front lot lines, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

SECTION II. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 4-"RURAL RESIDENTIAL DISTRICT"; Subsection A- "USES PERMITTED" shall be amended to read as follows:

SECTION 4
"R" RURAL RESIDENTIAL DISTRICT

A. USES PERMITTED.

1. Agriculture.
2. One-family dwellings.
3. Exploration for, and extraction of, oil and natural gas.
4. Golf courses, except miniature golf courses and driving tees operated for commercial purposes, open to anyone who applies.
5. Home occupations - See Section 3.
6. Kennels (hobby)
- 6- 7. Accessory structures.
- 7- 8. Transitional Use: The following use shall be permitted on a lot in the "R" District where such lot abuts upon a lot in the "BB",

"OC", "LC", "C", "E" or "F" District, provided such transitional use does not extend more than two hundred (200) feet, and is continuous and contiguous to the "BB", "OC", "LC", "C", "E", or "F" Districts.

a. Public parking area when located and developed as required in Section 13.B.

8- 9. Conditional Uses: The following uses may also be permitted if their location is first approved by the Commission as provided for in Section 13.E.

a. Airport or aircraft landing field.

b. Cemetery.

c. Club, private, non-profit and chartered by the State of Kansas.

d. Columbarium, crematory or mausoleum.

e. Correctional institutions.

f. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. This may include concrete and asphalt mixing plants and accessory construction yards and buildings, as a temporary use, when requested as a part of the conditional use application, and operated as an accessory use to an extraction of raw materials operation. (River beds governed by the Kansas Statutes Annotated).

g. Farm buildings may be used for nonagricultural storage until such time as there are within a 500 foot radius a total of 5 residential units. (See also Section 17-A-5.)

h. Government buildings and premises.

i. Horse riding academy.

j. Kennels (Boarding/Breeding/Training) subject to the following conditions:

(1) Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.

(2) Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.

(3) Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

j- k. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.

k- l. Nursery or greenhouse.

l- m. Public or private park or playground.

m- n. Radio or television transmitters.

n- o. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 5- "R-1 SUBURBAN RESIDENTIAL DISTRICT"; Subsection A "USES PERMITTED"; Subsection 10- "Conditional Uses" shall be amended to read as follows:

10. Conditional Uses: The following uses may also be permitted if their location is first approved by the Commission as provided for in Section 13.E:
 - a. Airport or aircraft landing field.
 - b. Cemetery.
 - c. Club, private, non-profit and chartered by the State of Kansas.
 - d. Columbarium, crematory or mausoleum.
 - e. Correctional institutions.
 - f. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. This may include concrete and asphalt mixing plants and accessory construction yards and buildings, as a temporary use, when requested as a part of the conditional use application, and operated as an accessory use to an extraction of raw materials operation. (River beds governed by the Kansas Statutes Annotated.)
 - g. Educational and religious institutions.
 - h. Farm buildings may be used for nonagricultural storage until such time as there are located within a 500 foot radius a total of 5 residential units. (See also Section 17-A-5.)
 - i. Government buildings and premises.
 - j. Horse riding academy.
 - k. Hospitals or sanitariums, except animal hospitals.
 - l. Kennels (Hobby) subject to the following conditions:
 - (1) Two acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line.
 - (2) Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 500 feet or more from adjoining property lines.
 - (3) Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.
 - m. Kennels (Boarding/Breeding/Training) subject to the following conditions.
 - a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.

- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of County Commissioners.
- n. Library or museum, public.
- o. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- p. Nursery or greenhouse.
- q. Philanthropic institutions, homes for senior citizens and institutional homes.
- r. Private kindergartens, nurseries, children's homes, accommodating ten (10) or more enrollees.
- s. Public or private park or playground.
- t. Radio or television transmitters.
- u. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION IV. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 9- "LC LIGHT COMMERCIAL DISTRICT"; Subsection A- "USES PERMITTED"; Subsection 66 "Conditional Uses" shall be amended to read as follows:

- 66. Conditional Uses: The following uses may also be permitted if their location is first approved as provided in Section 13.E.
 - a. Animal hospital.
 - b. Kennels (Hobby) subject to the following conditions:
 - (1) Two acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line.
 - (2) Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
 - (3) Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.
 - c. Kennels (Boarding/Breeding/Training) subject to the following conditions:

(1) Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.

(2) Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.

(3) Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

~~b:~~ d. Self-service and automatic car wash operations, whether operated inside or outside a building, subject to the following conditions and requirements:

(1) This use may be located in a commercial district contiguous to an arterial as designated in the Transportation Plan Element of the Comprehensive Plan and any amendments thereto.

(2) No structure shall be permitted closer than sixty (60) feet (excluding any street, alley, or intervening public way) to the front and/or side of an "R", "R-1", or "AA" residential zoning district. Provided, however, that the above shall not apply where the abutting or contiguous property is being used for a light commercial use permitted in the "LC" zoning district, and/or where the Planning Commission has formally adopted a policy of looking with favor on the establishment of "LC" zoning for the contiguous area.

(3) There shall be a minimum lot area of three-thousand five hundred (3,500) square feet for each self-service car washing stall and/or two thousand five hundred (2,500) square feet for each twenty (20) lineal feet of the automatic car washing structure; provided the minimum lot area shall be not less than seven thousand five hundred (7,500) square feet, plus any additional lot area as required by the Health Department.

(4) The car washing building or facilities shall be set back a distance of not less than thirty-five (35) feet from all street right-of-way lines.

(5) A six (6) foot high solid or semi-solid fence constructed of masonry, architectural tile, wood, louvered wood, or other similar materials, shall be provided along the interior side and rear property line when adjacent to a dwelling or a dwelling district which is not being utilized for a commercial use, in order to protect the existing and future residential development from light, noise, and blowing debris, and to protect the adjacent residential property values. Whenever said fence shall be located in the required front yard setback, it shall be reduced to three (3) feet in height.

(6) All of the area to be utilized by washing and drying operations, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete.

(7) All lights shall be shielded to reflect or direct light away from the adjacent property. No string-type lighting or banners shall be permitted.

(8) No signs shall exceed twenty-five (25) feet in height or be placed so as to project over any public right-of-way.

(9) No sound-projecting devices or loudspeakers shall be used so as to be heard outside of any structure.

- (10) Off-street holding spaces shall be provided on the property in the following ratio:

Automatic Car Wash - not less than three (3) parking spaces for each twenty (20) lineal feet of the automatic car washing aisle; however, in the event the stall is constructed so as not to hold more than one (1) auto at any given time, not more than three (3) holding spaces shall be required for that stall.

Self-Service Car Wash - not less than four (4) parking spaces for each self-service car washing stall.

- (11) Off-street drying spaces shall be provided on the property in the following ratio:

Automatic Car Wash - not less than two (2) parking spaces for each automatic car washing aisle.

Self-Service Car Wash - not less than two (2) parking spaces for each self-service car washing stall.

- (12) One (1) off-street parking space shall be provided for each two (2) employees.

- (13) A plot plan, showing points of ingress and egress, width of driveways, off-street parking and holding spaces and interior traffic circulation, shall be submitted in triplicate with the application for approval.

- (14) All parking areas shall have adequate guards to prevent the extension or overhang of vehicles beyond property lines or parking spaces.

- (15) There shall be no ingress or egress from minor or residential streets having sixty (60) feet of right-of-way or less, unless there are two (2) free-moving lanes at all times. (Example: A thirty (30) foot paved street with parking permitted only on one (1) side would provide for two (2) free-moving lanes.)

- (16) All drainage, both natural and that created by the operation, shall be handled in such a manner satisfactory to the County Engineer.

- (17) If the operation is located in close proximity to a residential area, operation hours may be established.

- (18) The area shall be properly policed through inspections by the owner or operator for proper maintenance of improvements and removal of trash.

- (19) Such other conditions as the governing body shall deem necessary to provide orderly development.

e- e. Other uses which are of the same general character as those listed in this Section, and which will not be detrimental to the area in which located, and which will not adversely affect the public health, safety, order, convenience, prosperity, or general welfare.

d- f. Residential storage warehouses, subject to the following conditions and requirements:

- (1) This use must be located contiguous to an arterial street as designated in the Transportation Plan Element of the Comprehensive Plan.

- (2) This use shall also be subject to the requirements of Section 7.A.7.d.(2) to (18).

SECTION V. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 7, 1988, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 10- "C GENERAL COMMERCIAL DISTRICT"; Subsection A "USES PERMITTED" shall be amended to read as follows:

A. USES PERMITTED.

1. Any use permitted in the "LC" District, except Conditional Uses.
2. Advertising signs or structures and billboards.
3. Amusement enterprises, including a billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill and science, penny arcade, shooting gallery, and the like.
4. Assembly and fabrication processes, except those uses first permitted in subsections a, c, e, f, g, h, l and m of Section 11.A.2., of these regulations; provided, that the entire frontage of the ground floor along the principal street is used for office space, display or for wholesale or retail sales.
5. Automobile and trailer sales area, provided (a) that such area is located and developed as required in Section 13.B and (b) that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a building.
6. Baseball or football stadium.
7. Carpenter or cabinet shop, if conducted wholly within a completely enclosed building.
8. Dry cleaning establishments.
9. Feed or fuel store wholly within a building or within suitable enclosure to prevent obnoxious or nuisance condition.
10. Frozen food lockers, including custom butchering and curing of meats.
11. Garages for storage or repair, including the uses permitted in Section 11.A.2.e, provided (a) that all repair of vehicles and storage of merchandise and supplies are to be conducted wholly within a building, and (b) that any lubrication or washing, or other services rendered not conducted wholly within a building, shall be permitted only if such operation is effectively and continuously screened to a height of at least six (6) feet between such uses and any adjoining "R", "R-1", "AA" or "BB" district, and (c) that all areas used for the storage of inoperable vehicles shall be located behind the building setback line and be effectively screened from view from all adjacent properties. All screening required by this section shall be properly maintained.
12. Hospitals or sanitariums.
13. Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.

- ~~14.~~ 14. Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's and no closer than 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- ~~13.~~ 15. Laundry.
- ~~14.~~ 16. Medical or dental laboratories.
- ~~15.~~ 17. Monument sales.
- ~~16.~~ 18. Music conservatory or music instruction.
- ~~17.~~ 19. Night clubs.
- ~~18.~~ 20. Pawnshop.
- ~~19.~~ 21. Photodeveloping and printing.
- ~~20.~~ 22. Pony riding ring, without permanent stables.
- ~~21.~~ 23. Printing, lithographing or publishing.
- ~~22.~~ 24. Retail stores and retail businesses.
- ~~23.~~ 25. Second-hand store, if conducted wholly within a completely enclosed building.
- ~~24.~~ 26. Theaters.
- ~~25.~~ 27. Tire shop, auto repair department all of which will be within a building.
- ~~26.~~ 28. Trailer camps.
- ~~27.~~ 29. Warehouses, commercial and residential storage.
- ~~28.~~ 30. Other businesses or shops in which products are manufactured, compounded, processed, assembled or treated, as listed below, provided that all activities are conducted wholly within a completely enclosed building and any outside storage is completely screened from public view.
- a. Ice cream manufacture.
 - b. Small aircraft supplies.
 - c. Truck body distributorship.
 - d. Wholesale auto supplies.
 - e. Wholesale bakery.
 - f. Wholesale candy and bakery.
 - g. Wholesale china.
 - h. Wholesale coffee, tea and spices.
 - i. Wholesale drugs.
 - j. Wholesale dry goods.
 - k. Wholesale electrical supplies.
 - l. Wholesale furniture.
 - m. Wholesale garden tools.

- n. Wholesale glass distributors.
- o. Wholesale hardware.
- p. Wholesale household appliances.
- q. Wholesale jewelry.
- r. Wholesale leather goods.
- s. Wholesale paint and wallpaper.
- t. Wholesale plumbing supplies.
- u. Wholesale pump and engines distributor.
- v. Wholesale service station supplies.
- w. Wholesale tire recapping.
- x. Wholesale welding supplies.

~~29-~~ 31. Conditional Uses: The following uses may also be permitted if their location is first approved as provided for in Section 13.E. and subject to surfacing and screening as deemed appropriate by the Planning Commission and the Governing Body.

- a. Truck, boat and camper sales area, provided such use conforms to the conditions set forth in Section 10.A.5 for automobile trailer sales areas.
- b. Heavy equipment and farm implement sales areas.
- c. Other uses which are of the same general character as those listed in this section, and which will not be detrimental to the area in which located and which will not adversely affect the public health, safety, order, convenience, prosperity or general welfare.

~~30-~~ 32. Uses customarily incidental to any of the above uses when located on the same lot.

~~31-~~ 33. Accessory Structures.

SECTION VI. That Sections 2, 4-A, 5-A-10, 9-A-66, and 10-A of the "Sedgwick County Zoning Regulations for the Unincorporated area of Sedgwick County, Kansas" as adopted on December 14, 1984 are hereby repealed.

SECTION VII. That this Resolution shall take effect and be in force from and after its adoption and publication once in the official County paper.

PASSED AND ADOPTED by the Board of County Commissioners at
Wichita, Kansas, this _____ day of _____, 1988.

_____, Chairman
Mark F. Schroeder

_____, Chairman pro tem
Billy Q. McCray

_____, Commissioner
David Bayouth

_____, Commissioner
Tom Scott

_____, Commissioner
Bernard A. Hentzen

ATTEST:

Don Wright, County Clerk
(SEAL)

APPROVED AS TO FORM:

Robert R. Arnold, County Counselor

WICHITA-SEDGWICK COUNTY

July 22, 1988

METROPOLITAN AREA PLANNING DEPARTMENT

TO: The Board of Sedgwick County Commissioners
FROM: Marvin S. Krout, Director of Planning
SUBJECT: DR 87-16 - Possible Amendment to the Sedgwick County Zoning Resolution Concerning Kennels in the "R", "R-1", "LC" and "C" Districts.

BACKGROUND:

Attached is a summary and a delineated copy of a resolution containing proposed amendments to the Sedgwick County Zoning Resolution concerning the establishment of kennels in the "R" Rural Residential, "R-1" Suburban Residential, "LC" Light Commercial and "C" Commercial zoning districts. At the present time, kennels are allowed as a use only in the "E" Light Industrial District in the Sedgwick County Zoning Resolution. This amending resolution is scheduled for your consideration during the August 3, 1988, meeting of the Board of Sedgwick County Commissioners.

Over the recent past, several attempts have been made to secure spots of "E" Light Industrial zoning to establish kennels in the outlying areas of the County. These zone change requests have generated a significant amount of opposition from surrounding property owners. The opposition has, in large part, been directed to the broad range of other uses that could occur if "E" Light Industrial zoning was granted in areas that have an agricultural or suburban residential character.

With the approval of pari-mutual betting in Kansas and the associated possibility of dog racing facilities in Sedgwick County, has come an increased interest in establishing dog kennels in the County.

Over the last several months, the Planning Department has been working with individuals interested in raising dogs to create the opportunity to establish kennels in zoning districts other than the "E" Light Industrial district, provided certain minimum standards are met. The attached resolution is a result of these efforts.

The Metropolitan Area Planning Commission conducted a public hearing on these proposed amendments during their meeting of July 7, 1988. At the conclusion of the public hearing, the Planning Commission took action to recommend that the proposed amendments be adopted.

During discussion of the proposed kennel amendments, it was the concensus of the Planning Commission that the Board of Sedgwick County Commissioners should also establish registration, inspection and licensing requirements for kennels in the County through the Sedgwick County Animal Care Advisory Board and the City-County Health Department.

PL/6800/4

FILE COPY

Board of County Commissioners
RE: DR 87-16
July 22, 1988
Page 2

In the meantime, if the proposed kennel amendments are adopted, any requests for the establishment of kennels in the "R", "R-1", "LC" and "C" districts are to be reviewed and evaluated with input from the Animal Care Advisory Board on operational requirements.

SUMMARY:

The proposed amendment defines two types of kennels, hobby kennels and boarding, breeding and training kennels. The amendment also defines what is considered to be adequate kennel screening.

Hobby kennels are proposed to be allowed as an outright permitted use in the "R" Rural Residential and the "C" General Commercial district and as a conditional use in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a minimum 2-acre lot size and location/screening requirements for outside runs.

Boarding, breeding and training kennels are proposed to be allowed as an outright permitted use in the "C" General Commercial district and as a conditional use in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size and location/screening requirements for outside runs.

RECOMMENDATION:

It is recommended that the proposed amendments to the Sedgwick County Zoning Resolution be adopted.

MSK/RLY:blw
Attachment

cc: Ron Worley, Sedgwick County Zoning Administrator
Richard Euson, Assistant County Counselor
Carmen Greenup, Assistant County Counselor

PL/6800/4

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

July 20, 1988

TO: Richard Euson, Assistant County Counselor
FROM: Robert L. Young, Principal Planner, Current Plans Division
SUBJECT: Amendment to Sedgwick County Zoning Resolution
Regarding Kennels

Attached is a delineated copy of a resolution amending the Sedgwick County Zoning Resolution to include kennels in the "R", "R-1", "LC" and "C" zoning districts. At the present time, kennels are only allowed in the "E" Light Industrial zoning district in the Sedgwick County Zoning Resolution.

The Metropolitan Area Planning Commission conducted a public hearing on these amendments during their July 7, 1988 meeting and they took action to recommend their adoption by the Board of Sedgwick County Commissioners.

Please review the form and content of the amending resolution. If problems exist, please let us know as soon as possible. We have tentatively scheduled this item for consideration by the Board of Sedgwick County Commissioners during their August 3, 1988, meeting. If there are no problems with the amending resolution, we will forward signature copies of the resolution to you in its undelineated form with our regular agenda material.

FILE COPY

RLY:blw
Enclosures

cc: Carmen Greenup, Assistant Counselor

PL/6793/4

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: June 30, 1988

TO: Metropolitan Area Planning Commission
FROM: Marvin S. Krout, Director of Planning
SUBJECT: Public Hearing on Kennel Amendment to the
Sedgwick County Zoning Ordinance

Attached is a summary of the proposed amendment to the Sedgwick County Zoning Resolution which will allow the establishment of kennels in the "R", "R-1", "LC" and "C" zoning districts. A public hearing on this matter has been scheduled for your July 7, 1988, MAPC meeting.

The proposed amendment defines two types of kennels (hobby kennels and boarding, breeding and training kennels) and provides for their establishment as an outright permitted use or by a conditional use process, subject to certain size and screening requirements. Screening is also defined as it applies to kennel operations.

Kennels that are legally established prior to the adoption of the proposed amendment would not be subject to its provisions and may continue operations as a non-conforming use if they do not meet all the conditions of the amendment.

Staff will be meeting informally with parties who have expressed interest in this amendment on Tuesday, July 5, at 3:00 p.m. in the Planning Department Conference Room on 10th Floor. You are welcome to attend.

Also attached for your information is a set of proposed "health standards" for kennels that are being reviewed by the County's Animal Control Advisory Board. In the future, the County may be considering a licensing requirement for kennels that would incorporate these standards. You may wish to recommend that the County adopt such a requirement. In the meantime, we would suggest that these standards be included as conditions of approval for any conditional use applications.

Recommendation: It is recommended that the Metropolitan Area Planning Commission make a recommendation to the Board of Sedgwick County Commissioners that the amendment be adopted.

MK:RY:jcm
Attachments

PL1-0460

FILE COPY

6/3/88

ESTABLISHING KENNEL OPERATIONS UNDER
THE SEDGWICK COUNTY ZONING RESOLUTION

It has been suggested that the Sedgwick County Zoning Resolution be amended to allow the establishment of kennel operations in zoning districts other than the "E" light industrial classification now required. Attached is a proposal that would add definitions of kennels in the resolution and provide for their establishment in the "R", "R-1", "LC" and "C" zoning districts.

In summary, the definitions distinguish between a hobby and a more commercial type kennel on the basis of number of dogs and ownership. A definition of an adult dog is also provided. Hobby kennels are defined as those housing from five to ten adult dogs owned by the property resident. Boarding, breeding and training kennels are defined as those housing five or more adult dogs, of which three or more are owned by person's other than the property resident and those housing over ten adult dogs.

In the text of the Resolution, it is proposed that Hobby Kennels be permitted as a use by right in the "R" Rural Residential and "C" General Commercial districts and by conditional use through the Board of Sedgwick County Commissioners in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a 2-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line. Outside runs may be located no closer than 200 feet from dwellings other than the owner's and 50 feet from other property lines and screening must be provided except for outdoor facilities located 600 feet or more from the property line.

It is proposed that the Breeding/Boarding/Training Kennel be permitted as a use by right in the "C" general commercial district subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line and that they be permitted by conditional use through the Board of Sedgwick County Commissioners in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line. Outside runs may be located no closer than 200 feet from a dwelling other than the owner's and 50 feet from other property lines and screening must be provided except for outdoor facilities located 600 feet or more from the property line.

Under the above proposals and definitions, four adults dogs with their natural litter(s) of pups up to 12 months of age would be permitted as an accessory use of the property resident on any property under the jurisdiction of the Sedgwick County Zoning Resolution.

PL/1713/2

6/14/88

DR 87-16

Possible amendments to the
Sedgwick County Zoning Resolution

Additions are underlined.

Amend Section 2 "DEFINITIONS" to include the following:

ADULT DOG: A dog over 12 months of age

KENNEL - (a) Hobby - Premises housing from five to ten adult dogs owned by the property resident.

(b) Boarding/Breeding/Training - Premises housing five or more adult dogs, three or more of which are owned by person(s) other than the property resident and premises housing over 10 adult dogs.

KENNEL SCREENING - Screening shall be provided by structures, solid or semi-solid fencing, landscape materials, earth berms or natural site features maintained for the purpose of concealing the view of the animals behind such fence, landscape material, berm or natural feature from activities on adjoining properties. If fencing is used, it shall not be less than four (4) nor more than eight (8) feet in height. If fences over six (6) feet in height, landscape materials or earth berms are used, a plan shall be submitted for approval to the Director of Planning and Sedgwick County Zoning Administrator. Fences used for screening may have no more than 5% open surface. Landscape materials must provide the desired screening effect within the first growing season following installation and throughout the year every year thereafter.

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT"
Subsection A. "USES PERMITTED" to include the following:

Kennels (hobby)

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT,"
Subsection A. "USES PERMITTED", Subsection 8 "Conditional Uses", to include the following:

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet

PL/1713/2

from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.

- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 5 "R-1" SUBURBAN RESIDENTIAL DISTRICT", Subsection A "USES PERMITTED", Subsection 10 "Conditional Uses" to include the following:

Kennels (Hobby) subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 9 "LC" LIGHT COMMERCIAL DISTRICT", Subsection A. "USES PERMITTED", Subsection 66 "Conditional Uses" to include the following:

Kennels (Hobby) subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 10 "C" GENERAL COMMERCIAL DISTRICT" Subsection A "USES PERMITTED" to include the following:

Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored inside with no discernible noise or odor at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.

Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored inside with no discernible noise or odors at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening

shall be provided except for those facilities located 600
feet or more from adjoining property lines.

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WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

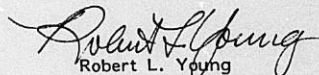
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

June 27, 1988

TO: Interested Individuals and Organizations

SUBJECT: Amendment to the Sedgwick County Zoning Resolution Concerning Kennels in the Outlying Areas

The Metropolitan Area Planning Department has been working on an amendment to the Sedgwick County Zoning Resolution that would permit the establishment of dog kennel businesses in the outlying residential and commercial zoned areas of the county. Attached is a summary of a proposed amendment that has been scheduled for a public hearing before the Metropolitan Area Planning Commission on July 7, 1988. Existing kennel operations will not be effected by the proposed amendment. Prior to the formal public hearing, we are scheduling a meeting in the Planning Department Conference Room on the Tenth Floor of City Hall, 455 North Main Street, Wichita, Kansas, to answer any questions there may be concerning the proposed amendment. The meeting will begin at 3 o'clock p.m. on Tuesday, July 5, 1988. Please feel free to attend the meeting or contact our office at 268-4421 if you have questions about the proposal.


Robert L. Young
Principal Planner

6/3/88

ESTABLISHING KENNEL OPERATIONS UNDER
THE SEDGWICK COUNTY ZONING RESOLUTION

It has been suggested that the Sedgwick County Zoning Resolution be amended to allow the establishment of kennel operations in zoning districts other than the "E" light industrial classification now required. Attached is a proposal that would add definitions of kennels in the resolution and provide for their establishment in the "R", "R-1", "LC" and "C" zoning districts.

In summary, the definitions distinguish between a hobby and a more commercial type kennel on the basis of number of dogs and ownership. A definition of an adult dog is also provided. Hobby kennels are defined as those housing from five to ten adult dogs owned by the property resident. Boarding, breeding and training kennels are defined as those housing five or more adult dogs, of which three or more are owned by person's other than the property resident and those housing over ten adult dogs.

In the text of the Resolution, it is proposed that Hobby Kennels be permitted as a use by right in the "R" Rural Residential and "C" General Commercial districts and by conditional use through the Board of Sedgwick County Commissioners in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a 2-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line. Outside runs may be located no closer than 200 feet from dwellings other than the owner's and 50 feet from other property lines and screening must be provided except for outdoor facilities located 600 feet or more from the property line.

It is proposed that the Breeding/Boarding/Training Kennel be permitted as a use by right in the "C" general commercial district subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line and that they be permitted by conditional use through the Board of Sedgwick County Commissioners in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line. Outside runs may be located no closer than 200 feet from a dwelling other than the owner's and 50 feet from other property lines and screening must be provided except for outdoor facilities located 600 feet or more from the property line.

Under the above proposals and definitions, four adults dogs with their natural litter(s) of pups up to 12 months of age would be permitted as an accessory use of the property resident on any property under the jurisdiction of the Sedgwick County Zoning Resolution.

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6/14/88

DR 87-16

Possible amendments to the
Sedgwick County Zoning Resolution

Additions are underlined.

Amend Section 2 "DEFINITIONS" to include the following:

ADULT DOG: A dog over 12 months of age

KENNEL - (a) Hobby - Premises housing from five to ten adult dogs owned by the property resident.

(b) Boarding/Breeding/Training - Premises housing five or more adult dogs, three or more of which are owned by person(s) other than the property resident and premises housing over 10 adult dogs.

KENNEL SCREENING - Screening shall be provided by structures, solid or semi-solid fencing, landscape materials, earth berms or natural site features maintained for the purpose of concealing the view of the animals behind such fence, landscape material, berm or natural feature from activities on adjoining properties. If fencing is used, it shall not be less than four (4) nor more than eight (8) feet in height. If fences over six (6) feet in height, landscape materials or earth berms are used, a plan shall be submitted for approval to the Director of Planning and Sedgwick County Zoning Administrator. Fences used for screening may have no more than 5% open surface. Landscape materials must provide the desired screening effect within the first growing season following installation and throughout the year every year thereafter.

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT"
Subsection A. "USES PERMITTED" to include the following:

Kennels (hobby)

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT,"
Subsection A. "USES PERMITTED", Subsection 8 "Conditional Uses", to include the following:

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet

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from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.

- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 5 "R-1" SUBURBAN RESIDENTIAL DISTRICT", Subsection A "USES PERMITTED", Subsection 10 "Conditional Uses" to include the following:

Kennels (Hobby) subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 9 "LC" LIGHT COMMERCIAL DISTRICT", Subsection A. "USES PERMITTED", Subsection 66 "Conditional Uses" to include the following:

Kennels (Hobby) subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 10 "C" GENERAL COMMERCIAL DISTRICT" Subsection A "USES PERMITTED" to include the following:

Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored inside with no discernible noise or odor at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.

Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored inside with no discernible noise or odors at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening

shall be provided except for those facilities located 600 feet or more from adjoining property lines.

PL/1713/2

Mailing list for 7-5-88
Meeting on Kennel Amendments to
County Zoning Resolution.

1. AGD Kennels, 5300 S. Hoover 67215
2. Aristo Boarding Kennels & Grooming 67204
5500 N. West St.
3. Hellmark Boarding Kennels & Cattery
310 W. 45th St. No. 67299
4. High Halo Boarding Kennels
15901 W. Highway 54 67235
5. North Hillside Boarding Kennels
6260 N. Hillside 67219
6. Rock Creek Kennels
8921 E. 55th
7. Kansas Humane Society, c/o Ellen Querner, Dir.
4218 Southeast Blvd. 67210
8. Mr. Jerry Hoppock
224 Alexander Drive
Haysville, Kans. 67060
9. Mr. Joe Miller (942-2424)
316 N. WEST ST. 67203
- ~~10. Jo Meister - (722-2012)
2226 Sherry Lane, Wichita 67235~~
11. Carman Greenup, Assistant County Commissioner
- ~~12. Cindy Plant, Director of Sed. Co. Criminal Justice Dept.
5th Floor, Old Sedgwick County Courthouse~~

July 13. Ellen Guerner, Director of Kansas Humane Society.

14. Dr. Ron Kutter, 4100 W. Woodlawn
67226

15. Mrs. Galyon - Wichita Area Builders Assoc.

16. Lynda Tausley, Bd. of Realtors.

17. Karen Sanders 660 Byrd, Wichita

18. Ron Worley.

STATE OF KANSAS)
Sedgwick County) ss.

Larry Ricketts, being first duly sworn, Deposes
and says: That he is Publisher of

THE DAILY REPORTER

a daily newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County, Kansas, with a general paid circulation on a daily basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published Monday through Friday and has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Derby, Kansas, in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive week, the first publication thereof being made as aforesaid on the 15th day of June, 1988, with subsequent publications being made on the following dates:

- _____, 19____
- _____, 19____
- _____, 19____
- _____, 19____
- _____, 19____
- _____, 19____

Larry Ricketts
Subscribed and sworn to before me this 16th

day of June, 1988

Elva R. Meadows Notary Public

My commission expires: February 2, 1991

Printer's fee \$ 20.93

Additional copies \$ _____



(Published in The Daily Reporter on June 15, 1988)

OFFICIAL NOTICE TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THURSDAY, JULY 7, 1988, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Council Chambers, First Floor, City Hall, 455 North Main Street, Wichita, Kansas, beginning at 1:30 p.m., will consider the following changes to the Zoning Regulations for the unincorporated areas of Sedgwick County, Kansas:

Case No. DR 87-16
That Section 2 (DEFINITIONS) be amended to include descriptions of adult dogs, hobby kennels, boarding, breeding and training kennels, and kennel screening as follows:

- ADULT DOG: A dog over 12 months of age.
- KENNEL: (a) Hobby-Premises housing from five to ten adult dogs owned by the property resident.
(b) Boarding/Breeding/Training-Premises housing five or more adult dogs, three or more of which are owned by person(s) other than the property resident and premises housing over ten adult dogs.

KENNEL SCREENING: Screening shall be provided by structures, solid or semi-solid fencing, landscape materials, earth berms or natural site features maintained for the purpose of concealing the viewing of animals behind such fence, landscape material, berm, and/or natural feature from activities on adjoining properties. If fencing is used, it shall not be less than four (4) nor more than eight (8) feet in height. If fences over six (6) feet in height, landscape materials or earth berms are used, a plan shall be submitted for approval to the Director of Planning and the Sedgwick County Zoning Administrator. Fences used for screening may have no more than 5% of open surface. Landscape material must provide the desired screening effect within the first growing season, following installation and throughout the year every year thereafter.

That Section 4-A ("R" RURAL RESIDENTIAL DISTRICT - USES PERMITTED) be amended to include Hobby Kennels.

That Section 4-A-3 ("R" RURAL RESIDENTIAL DISTRICT - USES PERMITTED - Conditional uses) be amended to include boarding, breeding, and training kennels subject to minimum site size and screening requirements.

That Section 8-A-10 ("R-1" SUBURBAN RESIDENTIAL DISTRICT - USES PERMITTED - Conditional uses), and Section 9-A-66 ("LC" LIGHT COMMERCIAL DISTRICT - USES PERMITTED - Conditional uses) be amended to include hobby kennels and boarding, breeding, and training kennels subject to minimum site size and screening requirements.

Copies of the proposed amendments are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department, 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 of the Sedgwick County Zoning Resolution will be considered by the Commission as by law provided.

WITNESS MY HAND this 14th day of June, 1988.

Marvin S. Krout, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

Wednesday, June 15, 1988 - Page 9

(Published in The Daily Reporter on June 15, 1988)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THURSDAY, JULY 7, 1988, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Council Chambers, First Floor, City Hall, 455 North Main Street, Wichita, Kansas, beginning at 1:30 p.m., will consider the following changes to the Zoning Regulations for the unincorporated areas of Sedgwick County, Kansas:

Case No. DR 87-16

That Section 2 (DEFINITIONS) be amended to include descriptions of adult dogs, hobby kennels, boarding, breeding and training kennels, and kennel screening as follows:

ADULT DOG: A dog over 12 months of age.

KENNEL: (a) Hobby-Premises housing from five to ten adult dogs owned by the property resident.

(b) Boarding/Breeding/Training-Premises housing five or more adult dogs, three or more of which are owned by person(s) other than the property resident and premises housing over ten adult dogs.

KENNEL SCREENING: Screening shall be provided by structures, solid or semi-solid fencing, landscape materials, earth berms or natural site features maintained for the purpose of concealing the viewing of animals behind such fence, landscape material, berm, and/or natural feature from activities on adjoining properties. If fencing is used, it shall not be less than four (4) nor more than eight (8) feet in height. If fences over six (6) feet in height, landscape materials or earth berms are used, a plan shall be submitted for approval to the Director of Planning and the Sedgwick County Zoning Administrator. Fences used for screening may have no more than 5% of open surface. Landscape material must provide the desired screening effect within the first growing season, following installation and throughout the year every year thereafter.

That Section 4-A ("R") RURAL RESIDENTIAL DISTRICT - USES PERMITTED be amended to include Hobby Kennels.

That Section 4-A-3 ("R") RURAL RESIDENTIAL DISTRICT - USES PERMITTED - Conditional uses be amended to include boarding, breeding, and training kennels subject to minimum site size and screening requirements.

That Section 5-A-10 ("R-1") SUBURBAN RESIDENTIAL DISTRICT - USES PERMITTED - Conditional uses, and Section 9-A-86 ("C") LIGHT COMMERCIAL DISTRICT - USES PERMITTED - Conditional uses be amended to include hobby kennels and boarding, breeding, and training kennels subject to minimum site size and screening requirement.

That Section 10-A ("C") GENERAL COMMERCIAL DISTRICT - USES PERMITTED be amended to include hobby kennels and boarding, breeding, and training kennels subject to minimum site size and screening requirements.

Copies of the proposed amendments are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department, 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 of the Sedgwick County Zoning Resolution will be considered by the Commission as by law provided.

WITNESS MY HAND this 14th day of June, 1988.

Marvin S. Krout, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(J 15)

*Distributed to
MARC on 6-9-88*

6/3/88

ESTABLISHING KENNEL OPERATIONS UNDER
THE SEDGWICK COUNTY ZONING RESOLUTION

It has been suggested that the Sedgwick County Zoning Resolution be amended to allow the establishment of kennel operations in zoning districts other than the "E" light industrial classification now required. Attached is a proposal that would add definitions of kennels in the resolution and provide for their establishment in the "R", "R-1", "LC" and "C" zoning districts.

In summary, the definitions distinguish between a hobby and a more commercial type kennel on the basis of number of dogs and ownership. A definition of an adult dog is also provided. Hobby kennels are defined as those housing from five to ten adult dogs owned by the property resident. Boarding, breeding and training kennels are defined as those housing five or more adult dogs, of which three or more are owned by person's other than the property resident and those housing over ten adult dogs.

In the text of the Resolution, it is proposed that Hobby Kennels be permitted as a use by right in the "R" Rural Residential and "C" General Commercial districts and by conditional use through the Board of Sedgwick County Commissioners in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a 2-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line. Outside runs may be located no closer than 200 feet from dwellings other than the owner's and 50 feet from other property lines and screening must be provided except for outdoor facilities located 600 feet or more from the property line.

It is proposed that the Breeding/Boarding/Training Kennel be permitted as a use by right in the "C" general commercial district subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line and that they be permitted by conditional use through the Board of Sedgwick County Commissioners in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line. Outside runs may be located no closer than 200 feet from a dwelling other than the owner's and 50 feet from other property lines and screening must be provided except for outdoor facilities located 600 feet or more from the property line.

Under the above proposals and definitions, four adults dogs with their natural litter(s) of pups up to 12 months of age would be permitted as an accessory use of the property resident on any property under the jurisdiction of the Sedgwick County Zoning Resolution.

PL/1713/2

6/3/88

DR87-16

Possible amendments to the
Sedgwick County Zoning Resolution

Additions are underlined.

Amend Section 2 "DEFINITIONS" to include the following:

ADULT DOG: A dog over 12 months of age

KENNEL - (a) Hobby - Premises housing from five to ten adult dogs owned by the property resident.

(b) Boarding/Breeding/Training - Premises housing five or more adult dogs, three or more of which are owned by person(s) other than the property resident and premises housing over 10 adult dogs.

KENNEL SCREENING - Screening shall be provided by structures, solid or semi-solid fencing, landscape materials, earth berms or natural site features maintained for the purpose of concealing the view of the animals behind such fence, landscape material, berm or natural feature from activities on adjoining properties. If fencing is used, it shall not be less than four (4) nor more than eight (8) feet in height. If fences over six (6) feet in height, landscape materials or earth berms are used, a plan shall be submitted for approval to the Director of Planning and Sedgwick County Zoning Administrator.

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT"
Subsection A. "USES PERMITTED" to include the following:

Kennels (hobby)

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT,"
Subsection A. "USES PERMITTED", Subsection 8 "Conditional Uses", to include the following:

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet

PL/1713/2

from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.

- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 5 "R-1" SUBURBAN RESIDENTIAL DISTRICT", Subsection A "USES PERMITTED", Subsection 10 "Conditional Uses" to include the following:

Kennels (Hobby) subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 9 "LC" LIGHT COMMERCIAL DISTRICT", Subsection A. "USES PERMITTED", Subsection 66 "Conditional Uses" to include the following:

Kennels (Hobby) subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 10 "C" GENERAL COMMERCIAL DISTRICT" Subsection A "USES PERMITTED" to include the following:

Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored inside with no discernible noise or odor at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines.

Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored inside with no discernible noise or odors at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines. Screening

shall be provided except for those facilities located 600 feet or more from adjoining property lines.

PL/1713/2

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

May 18, 1988

TO: Metropolitan Area Planning Commission
FROM: Marvin S. Krout, Director of Planning
SUBJECT: Proposed Amendments to County Zoning Resolution

Attached are drafts of two suggested amendments to the County Zoning Resolution dealing with kennels and with home occupations in rural areas. Bob Young will present these two proposals to you and invite discussion on these at the Thursday luncheon session.

If you are in agreement with the general thrust of these suggested amendments, we will be requesting that you authorize a public hearing to officially consider them.

MSK:blw
Attachments

FILE COPY

PL/6599/4

WICHITA-SEDCWICK COUNTY

Date: May 9, 1988

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Distribution

FROM: Robert L. Young, Principal Planner, Current Plans Division *RLY*

SUBJECT: Latest revision of the proposed amendment to the Sedgwick County Zoning Resolution concerning kennels.

Attached is a copy of the proposed amendment to the Sedgwick County Zoning Resolution regarding kennels. This copy incorporates a definition of "KENNEL SCREENING" into the definition section of the County Zoning Resolution and makes screening a requirement for all outside runs. It is my understanding that this latest revised amendment is to be reviewed informally with each of the Sedgwick County Commissioners prior to being scheduled for public hearing before the Metropolitan Area Planning Commission. If you wish to make further changes to this draft prior to or after review by the Board of Sedgwick County Commissioners, please advise me of the same as soon as possible.

RLY:rme
Attachment

Distribution: Marvin S. Krout, Director of Planning
Jack H. Galbraith, Chief Planner, Current Plans Division
Ron Worley, Sedgwick County Zoning Administrator
Cindy Plant, Director of Sedgwick County Animal Care
Department
Carmen Greenup, Assistant County Counselor

PL/1809/2

5/9/88

ESTABLISHING KENNEL OPERATIONS UNDER
THE SEDGWICK COUNTY ZONING RESOLUTION

It has been suggested that the Sedgwick County Zoning Resolution be amended to allow the establishment of kennel operations in zoning districts other than the "E" light industrial classification now required. Attached is a proposal that would add definitions of kennels in the resolution and provide for their establishment in the "R", "R-1", "LC" and "C" zoning districts.

In summary, the definitions distinguish between a hobby and a more commercial type kennel on the basis of number of dogs and ownership. A definition of an adult dog is also provided. Hobby kennels are defined as those housing from five to ten adult dogs owned by the property resident. Boarding, breeding and training kennels are defined as those housing five or more adult dogs, of which three or more are owned by person's other than the property resident and those housing over ten adult dogs.

In the text of the Resolution, it is proposed that Hobby Kennels be permitted as a use by right in the "R" Rural Residential and "C" General Commercial districts and by conditional use through the Board of Sedgwick County Commissioners in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a 2-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line. Outside runs may be located no closer than 200 feet from dwellings other than the owner's and 50 feet from other property lines and complete screening must be provided.

It is proposed that the Breeding/Boarding/Training Kennel be permitted as a use by right in the "C" general commercial district subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line and that they be permitted by conditional use through the Board of Sedgwick County Commissioners in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line. Outside runs may be located no closer than 200 feet from a dwelling other than the owner's and 50 feet from other property lines and complete screening must be provided.

Under the above proposals and definitions, four adults dogs with their natural litter(s) of pups up to 12 months of age would be permitted as an accessory use of the property resident on any property under the jurisdiction of the Sedgwick County Zoning Resolution.

PL/1713/2

5/9/88

DR87-16

Possible amendments to the
Sedgwick County Zoning Resolution

Additions are underlined.

Amend Section 2 "DEFINITIONS" to include the following:

ADULT DOG: A dog over 12 months of age

KENNEL - (a) Hobby - Premises housing from five to ten adult dogs owned by the property resident.

(b) Boarding/Breeding/Training - Premises housing five or more adult dogs, three or more of which are owned by person(s) other than the property resident and premises housing over 10 adult dogs.

KENNEL SCREENING - Screening shall be provided by decorative fencing, evergreen vegetation, or landscaped earth berms maintained for the purpose of concealing the view of the animals behind such fence, vegetation, or berms from activities on adjoining properties. If fencing is used, it shall not be less than four (4) nor more than eight (8) feet in height. If fences over six (6) feet in height, evergreen vegetation or earth berms are used, a plan shall be submitted for approval to the Director of Planning and Sedgwick County Zoning Administrator.

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT"
Subsection A. "USES PERMITTED" to include the following:

Kennels (hobby)

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT,"
Subsection A. "USES PERMITTED", Subsection 8 "Conditional Uses", to include the following:

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet

PL/1713/2

from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.

- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 5 "R-1" SUBURBAN RESIDENTIAL DISTRICT", Subsection A "USES PERMITTED", Subsection 10 "Conditional Uses" to include the following:

Kennels (Hobby) subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 9 "LC" LIGHT COMMERCIAL DISTRICT", Subsection A. "USES PERMITTED", Subsection 66 "Conditional Uses" to include the following:

Kennels (Hobby) subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 10 "C" GENERAL COMMERCIAL DISTRICT" Subsection A "USES PERMITTED" to include the following:

Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored inside with no discernible noise or odor at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.

Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored inside with no discernible noise or odors at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

April 26, 1988

TO: See Distribution List
FROM: Robert L. Young, Principal Planner
SUBJECT: Rescheduling of Meeting on Animal Control in the County

The staff meeting on the animal control measures currently under study has been rescheduled for 2:00 p.m., Monday, May 2, 1988, in the Planning Department Conference Room on the Tenth Floor of City Hall. Attached is a revised draft of the possible revision to the Sedgwick County Zoning Resolution relating to kennels. The revised draft requires that outdoor runs be located at least 200 feet from dwellings other than the owners and 50 feet from adjoining properties. The draft also requires that all outdoor runs be screened.

There are several definitions of screening in the County Zoning Resolution. Attached for discussion purposes is a draft of a definition that may be suitable for kennel runs. Please let me know if you are unable to attend the meeting on May, 1988.

RLY:blw
Attachment

FILE COPY

Distribution List:

Marvin S. Krout, Director of Planning
Ron Worley, Sedgwick County Zoning Administrator
Cindy Plant, Director of Sedgwick County Animal Care Department
Carmen Greenup, Assistant County Counselor

PL/6538/4

4/25/88

ESTABLISHING KENNEL OPERATIONS UNDER
THE SEDGWICK COUNTY ZONING RESOLUTION

It has been suggested that the Sedgwick County Zoning Resolution be amended to allow the establishment of kennel operations in zoning districts other than the "E" light industrial classification now required. Attached is a proposal that would add definitions of kennels in the resolution and provide for their establishment in the "R", "R-1", "LC" and "C" zoning districts.

In summary, the definitions distinguish between a hobby and a more commercial type kennel on the basis of number of dogs and ownership. A definition of an adult dog is also provided. Hobby kennels are defined as those housing from five to ten adult dogs owned by the property resident. Boarding, breeding and training kennels are defined as those housing five or more adult dogs, of which three or more are owned by person's other than the property resident and those housing over ten adult dogs.

In the text of the Resolution, it is proposed that Hobby Kennels be permitted as a use by right in the "R" Rural Residential and "C" General Commercial districts and by conditional use through the Board of Sedgwick County Commissioners in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a 2-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line. Outside runs may be located no closer than 200 feet from dwellings other than the owner's and 50 feet from other property lines and complete screening must be provided.

It is proposed that the Breeding/Boarding/Training Kennel be permitted as a use by right in the "C" general commercial district subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line and that they be permitted by conditional use through the Board of Sedgwick County Commissioners in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line. Outside runs may be located no closer than 200 feet from a dwelling other than the owner's and 50 feet from other property lines and complete screening must be provided.

Under the above proposals and definitions, four adults dogs with their natural litter(s) of pups up to 12 months of age would be permitted as an accessory use of the property resident on any property under the jurisdiction of the Sedgwick County Zoning Resolution.

PL/1713/2

4/25/88

DR87-16

Possible amendments to the
Sedgwick County Zoning Resolution

Additions are underlined.

Amend Section 2 "DEFINITIONS" to include the following:

ADULT DOG: A dog over 12 months of age

KENNEL - (a) Hobby - Premises housing from five to ten adult dogs owned by the property resident.

(b) Boarding/Breeding/Training - Premises housing five or more adult dogs, three or more of which are owned by person(s) other than the property resident and premises housing over 10 adult dogs.

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT"

Subsection A. "USES PERMITTED" to include the following:

Kennels (hobby)

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT,"

Subsection A. "USES PERMITTED", Subsection 8 "Conditional Uses", to include the following:

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 5 "R-1" SUBURBAN RESIDENTIAL DISTRICT",

Subsection A "USES PERMITTED", Subsection 10 "Conditional Uses" to include the following:

PL/1713/2

Kennels (Hobby) subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 9 "LC" LIGHT COMMERCIAL DISTRICT", Subsection A. "USES PERMITTED", Subsection 66 "Conditional Uses" to include the following:

Kennels (Hobby) subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.

- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 10 "C" GENERAL COMMERCIAL DISTRICT" Subsection A "USES PERMITTED" to include the following:

Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored inside with no discernible noise or odor at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.

Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored inside with no discernible noise or odors at the property line. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines and complete visual screening shall be provided by fencing and/or landscape material.

Suggested Kennel Screening Requirement
for the County Zoning Resolution

Screening shall be provided by decorative fencing, evergreen vegetation, or landscaped earth berms maintained for the purpose of concealing the view of the animals behind such fence, vegetation, or berms from activities on adjoining properties. If fencing is used, it shall not be less than four (4) nor more than eight (8) feet in height. If fences over six (6) feet in height, evergreen vegetation or earth berms are used, a plan shall be submitted for approval to the Director of Planning and Sedgwick County Zoning Administrator.



SEDGWICK COUNTY, KANSAS
LEGAL DEPARTMENT

Carmen S. Greenup
Assistant County Counselor

COUNTY COURTHOUSE • SUITE 315 • WICHITA, KANSAS 67203-3790 • TELEPHONE (316) 268-7111

DATE: April 12, 1988

TO: Bob Young, M.A.P.C.
Ron Worley, Sedgwick County Zoning Director
Cindy Plant, Sedgwick County Animal Control Director
Richard A. Euson, Sedgwick County Legal Department

FROM: Carmen S. Greenup, Sedgwick County Legal Department *Carmen S. Greenup*

RE: Kennel Operations

The meeting for the purpose of discussion and planning of Sedgwick County resolutions regarding dog kennel operations will be Friday, April 15, in the MAPC conference room, 10th Floor, City Hall, at 2:00 P.M.

Please be prepared to discuss Sedgwick County's zoning needs, the humane care of dogs, reasonable methods of enforcement and policing any resolution later recommended and adopted, and whatever else you believe germane to this issue.

/msp

RECEIVED
APR 13 1988
METROPOLITAN PLANNING
ROUTE _____

Bob ~~(How Jack)~~

- make me a copy
- ask Ron Worley & Rick Euson if they have seen this; if not, send them a copy. Does Euson think this is legal??
- find out if Advisory Committee has already reviewed; if not, when, will they & when will Co. Comm be briefed? ^{Two} weeks.

(P. 3 on P. 201)

See you Tuesday,

JK

Carmen Gremp in
Co. Counselor's off.

- copy Has. received -
- Worley will be contacted -

FROM Young DATE 3-18-88

ADMINISTRATION

- Krout
- Lopez
- Eubanks
- Henderson
- Kelly
- Wasko
- Wimbley

ADVANCE PLANS

- Stockwell
- Young
- Bechtel
- Hart
- Kelley
- Kidd
- Mitchell
- Shen
- _____
- _____
- _____

CURRENT PLANS

- ~~Stockwell~~
- Lytle
- Harris
- Losew
- Nagley
- Olivarez
- _____

GRAPHICS

- Pierce
- Commer
- Crook
- Jones

*Info. from the County
Animal Control Dept. on
Kennels*

REMARKS

*check note and
page 3 - list and
hand to this*

- Note's Return
- Handle
- All Staff
- Comment
- Signature
- Library
- Information
- Files
- ype
- initial

The following material is intended as suggestions and recommendations for guidelines to be used in establishing a new Health Standards Act for Sedgwick County as it pertains to private and commercial kennels.

These recommendations were compiled by Dr. Ron Kutter with the assistance of Ellen Querner, Director of the Kansas Humane Society, as requested by Cynthia Plant, Director of Sedgwick County Animal Control.

RECEIVED

MAR 18 1988

METROPOLITAN PLANNING

ROUTE _____

*Bob, Young
Commissioner Mark
Schroeder requested
these recommendations
be presented at the
next Commission
meeting prior to
forwarding to your
dept.*

Cynthia Plant

I. Licensing

No person should operate a kennel unless that person has a valid kennel license issued by Sedgwick County. The issuance and retention of such a license for a period of twelve months would be totally dependent upon the results of two semi-annual inspections by Sedgwick County Animal Control. One inspection conducted prior to issuance of a new license, and one additional unscheduled inspection conducted within the following twelve month period.

The fee established by the county for this kennel license should be proportionate to the maximum number of dogs intended to be confined on the premises. This fee should also be sufficiently high to offset the administrative, regulatory and inspection costs that would be incurred by the Sedgwick County Animal Control. In the event that a licensed kennel violates any regulations set down by the County, procedures should be clearly defined for imposing daily fines. These fines should stay in effect until such kennel is brought into compliance or risk of suspension or revocation of license would be inevitable.

II. General Care

A. Housing

Outdoor dogs should be kept in runs the minimum size of which should be no smaller than 4'x 8' to accommodate a single dog. If more than one dog is to be kept in the run, the length of the run should be increased by 2' for each additional dog.

These runs must include a dog house of adequate size for the number dogs in the run, and should be wind and water proof. The housing should have a floor and dry bedding appropriate for existing weather conditions.

Indoor dogs should be confined in runs with the same dimensions as stated above, with considerations to lighting, ventilation, drainage, and surface material. Artificial lighting should be provided a minimum of eight hours per day, with a minimum of twenty-five foot candle illumination. Lighting should be thirty inches above the floor and uniformly distributed.

B. Maintenance

Kennels should have fresh air ventilation providing a complete air change at a minimum of five to six minute intervals. Exhaust fans and vents or air conditioning should be provided when the ambient temperature is 85 degrees Fahrenheit or higher.

A suitable method of eliminating excess water from animal housing facilities should be provided. If closed drains are used, they should be connected to a sanitary sewer or approved sewage disposal system. Interior surfaces should be constructed of non porous materials that are impervious to moisture.

Cleaning of indoor or outdoor enclosures should be performed daily, or as often as necessary, to maintain sanitary conditions.

C. Nutrition

Sufficient quantities of food and water should be provided to keep the dogs in good physical condition. They should be fed at least once daily and provided clean water at all times. Food and water containers should be located as such to minimize contamination, and cleaned as often as necessary to maintain sanitary conditions.

III. Proof of Rabies Vaccination

All kennel operators must provide proof of rabies vaccination by a licensed veterinarian, and proof of identification and ownership for all dogs 5 months and older.

Failure to comply with this regulation should result in a fine and daily penalties until proper vaccination can be verified.

IV. Zoning and Location of Kennels

If kennels are to be allowed in areas previously zoned for residential use, it should be by petition approval only from all neighbors whose residential dwelling is located within one quarter mile straight linear distance from the proposed kennel.

V. Humane Euthanasia

Euthanasia of dogs should be performed in accordance with guidelines set down by the American Veterinary Medical Association.

VI. Disposal of Dead Animals and Waste Control

Disposal of dead animals should be accomplished by proper incineration or by disposal at an approved public or private landfill.

All waste materials should be disposed of in such a manner as to minimize odors and disease hazards.

VII. Condition of Confined Dogs

Above all, the dogs confined in such kennels must be maintained in good physical condition, free of infectious diseases and parasites.

3/7/88

ESTABLISHING KENNEL OPERATIONS UNDER
THE SEDGWICK COUNTY ZONING RESOLUTION

It has been suggested that the Sedgwick County Zoning Resolution be amended to allow the establishment of kennel operations in zoning districts other than the "E" light industrial classification now required. Attached is a proposal that would add definitions of kennels in the resolution and provide for their establishment in the "R", "R-1", "LC" and "C" zoning districts.

In summary, the definitions distinguish between a hobby and a more commercial type kennel on the basis of number of dogs and ownership. A definition of an adult dog is also provided. Hobby kennels are defined as those housing from five to ten adult dogs owned by the property resident. Boarding, breeding and training kennels are defined as those housing five or more adult dogs, of which three or more are owned by person's other than the property resident and those housing over ten adult dogs.

In the text of the Resolution, it is proposed that Hobby Kennels be permitted as a use by right in the "R" Rural Residential and "C" General Commercial districts and by conditional use through the Board of Sedgwick County Commissioners in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a 2-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line. Outside runs may be located no closer than 200 feet from dwellings other than the owner's and 50 feet from other property lines unless complete screening is provided.

It is proposed that the Breeding/Boarding/Training Kennel be permitted as a use by right in the "C" general commercial district subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line and that they be permitted by conditional use through the Board of Sedgwick County Commissioners in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line. Outside runs may be located no closer than 200 feet from a dwelling other than the owner's and 50 feet from other property lines unless complete screening is provided.

Under the above proposals and definitions, four adults dogs with their natural litter(s) of pups up to 12 months of age would be permitted as an accessory use of the property resident on any property under the jurisdiction of the Sedgwick County Zoning Resolution.

PL/1713/2

3/7/88

DR87-16

Possible amendments to the
Sedgwick County Zoning Resolution

Additions are underlined.

Amend Section 2 "DEFINITIONS" to include the following:

ADULT DOG: A dog over 12 months of age

KENNEL - (a) Hobby - Premises housing from five to ten adult dogs owned by the property resident.

(b) Boarding/Breeding/Training - Premises housing five or more adult dogs, three or more of which are owned by person(s) other than the property resident and premises housing over 10 adult dogs.

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT"
Subsection A. "USES PERMITTED" to include the following:

Kennels (hobby)

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT,"
Subsection A. "USES PERMITTED", Subsection 8 "Conditional Uses", to
include the following:

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 5 "R-1" SUBURBAN RESIDENTIAL DISTRICT",
Subsection A "USES PERMITTED", Subsection 10 "Conditional Uses" to
include the following:

PL/1713/2

Kennels (Hobby) subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 9 "LC" LIGHT COMMERCIAL DISTRICT", Subsection A. "USES PERMITTED", Subsection 66 "Conditional Uses" to include the following:

Kennels (Hobby) subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.

- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Kennels (Boarding/Breeding/Training) subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 200 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Sedgwick County Commissioners.

Amend Section 10 "C" GENERAL COMMERCIAL DISTRICT" Subsection A "USES PERMITTED" to include the following:

Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored inside with no discernible noise or odor at the property line.

Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored inside with no discernible noise or odors at the property line.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

December 15, 1987

TO: Distribution below
FROM: Robert L. Young, Principal Planner *RLY*
SUBJECT: Kennels

I have rewritten the kennel proposal for the County Zoning Resolution to allow the same by right in certain districts and by exception through the BZA in others subject to size and setback requirements. I have forwarded a copy to the Animal Care Advisory Board people for their review. Attached is a copy for your reference.

Distribution

Marvin Krout, Director of Planning
Ron Worley, Sedgwick County Bureau of Public Services
Jack Galbraith, Chief Planner, Current Plans Division
Louise Olivarez, Principal Planner, Current Plans Division
Barbara Harris, Senior Planner, Current Plans Division

Attachment

B/PL/0846/03

12-10-87

ESTABLISHING KENNEL OPERATIONS UNDER
THE SEDGWICK COUNTY ZONING RESOLUTION

It has been suggested that the Sedgwick County Zoning Resolution be amended to allow the establishment of kennel operations in zoning districts other than the "E" light industrial classification now required. Attached is a proposal that would add definitions of kennels in the resolution and provide for their establishment in the "R", "R-1", "LC" and "C" zoning districts.

In summary, the definitions distinguish between a hobby and a more commercial type kennel on the basis of number of dogs and ownership. A definition of an adult dog is also provided. Hobby kennels are defined as those housing from five to ten adult dogs owned by the property resident. Boarding, breeding and training kennels are defined as those housing five or more adult dogs, of which three or more are owned by person's other than the property resident and those housing over ten adult dogs.

In the text of the Resolution, it is proposed that Hobby Kennels be permitted as a use by right in the "R" Rural Residential and "C" General Commercial districts and by exception through the Board of Zoning Appeals in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a 2-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line. Outside runs may be located no closer than 100 feet from dwellings other than the owner's and 50 feet from other property lines unless screening is provided.

It is proposed that the Breeding/Boarding/Training Kennel be permitted as a use by right in the "C" general commercial district subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line and that they be permitted by exception through the Board of Zoning Appeals in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line. Outside runs may be located no closer than 150 feet from a dwelling other than the owner's and 50 feet from other property lines unless screening is provided.

Under the above proposals and definitions, four adults dogs with their natural litter(s) of pups up to 12 months of age would be permitted as an accessory use of the property resident on any property under the jurisdiction of the Sedgwick County Zoning Resolution.

B/PL/0836/03

DR87-16

Possible amendments to the
Sedgwick County Zoning Resolution

Additions are underlined.

Amend Section 2 "DEFINITIONS" to include the following:

ADULT DOG: A dog over 12 months of age

KENNEL - (a) Hobby - Premises housing from five to ten adult dogs owned by the property resident.

(b) Boarding/Breeding/Training - Premises housing five or more adult dogs, three or more of which are owned by person(s) other than the property resident and premises housing over 10 adult dogs.

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT"
Subsection A. "USES PERMITTED" to include the following:

Kennels (hobby) and,

Kennels (Boarding/Breeding/Training) by exception through the Board of Zoning Appeals subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 150 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Zoning Appeals.

Amend Section 5 "R-1" SUBURBAN RESIDENTIAL DISTRICT",
Subsection A "USES PERMITTED", to include the following:

Kennels (Hobby) by exception through the Board of Zoning Appeals subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.

- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 100 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Zoning Appeals.

Kennels (Boarding/Breeding/Training) by exception through the Board of Zoning Appeals subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 150 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Zoning Appeals.

Amend Section 9 "LC" LIGHT COMMERCIAL DISTRICT", Subsection A. "USES PERMITTED", to include the following:

Kennels (Hobby) by exception through the Board of Zoning Appeals subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 100 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Zoning Appeals.

Kennels (Boarding/Breeding/Training) by exception through the Board of Zoning Appeals subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 150 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Zoning Appeals.

Amend Section 10 "'C' GENERAL COMMERCIAL DISTRICT" Subsection A "USES PERMITTED" to include the following:

Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored inside with no discernible noise or odor at the property line.

Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored inside with no discernible noise or odors at the property line.

12-10-87

ESTABLISHING KENNEL OPERATIONS UNDER
THE SEDGWICK COUNTY ZONING RESOLUTION

It has been suggested that the Sedgwick County Zoning Resolution be amended to allow the establishment of kennel operations in zoning districts other than the "E" light industrial classification now required. Attached is a proposal that would add definitions of kennels in the resolution and provide for their establishment in the "R", "R-1", "LC" and "C" zoning districts.

In summary, the definitions distinguish between a hobby and a more commercial type kennel on the basis of number of dogs and ownership. A definition of an adult dog is also provided. Hobby kennels are defined as those housing from five to ten adult dogs owned by the property resident. Boarding, breeding and training kennels are defined as those housing five or more adult dogs, of which three or more are owned by person's other than the property resident and those housing over ten adult dogs.

In the text of the Resolution, it is proposed that Hobby Kennels be permitted as a use by right in the "R" Rural Residential and "C" General Commercial districts and by exception through the Board of Zoning Appeals in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a 2-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line. Outside runs may be located no closer than 100 feet from dwellings other than the owner's and 50 feet from other property lines unless screening is provided.

It is proposed that the Breeding/Boarding/Training Kennel be permitted as a use by right in the "C" general commercial district subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line and that they be permitted by exception through the Board of Zoning Appeals in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line. Outside runs may be located no closer than 150 feet from a dwelling other than the owner's and 50 feet from other property lines unless screening is provided.

Under the above proposals and definitions, four adults dogs with their natural litter(s) of pups up to 12 months of age would be permitted as an accessory use of the property resident on any property under the jurisdiction of the Sedgwick County Zoning Resolution.

B/PL/0836/03

DR87-16

Possible amendments to the
Sedgwick County Zoning Resolution

Additions are underlined.

Amend Section 2 "DEFINITIONS" to include the following:

ADULT DOG: A dog over 12 months of age

KENNEL - (a) Hobby - Premises housing from five to ten adult dogs owned by the property resident.

(b) Boarding/Breeding/Training - Premises housing five or more adult dogs, three or more of which are owned by person(s) other than the property resident and premises housing over 10 adult dogs.

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT"

Subsection A. "USES PERMITTED" to include the following:

Kennels (hobby) and,

Kennels (Boarding/Breeding/Training) by exception through the Board of Zoning Appeals subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 150 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Zoning Appeals.

Amend Section 5 "R-1" SUBURBAN RESIDENTIAL DISTRICT",
Subsection A "USES PERMITTED", to include the following:

Kennels (Hobby) by exception through the Board of Zoning Appeals subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.

- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 100 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Zoning Appeals.

Kennels (Boarding/Breeding/Training) by exception through the Board of Zoning Appeals subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 150 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Zoning Appeals.

Amend Section 9 "LC" LIGHT COMMERCIAL DISTRICT", Subsection A. "USES PERMITTED", to include the following:

Kennels (Hobby) by exception through the Board of Zoning Appeals subject to the following conditions:

- a. Two acre minimum lot size unless all animals are harbored indoors with no discernable noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 100 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Zoning Appeals.

Kennels (Boarding/Breeding/Training) by exception through the Board of Zoning Appeals subject to the following conditions:

- a. Five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line.
- b. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line and no closer than 150 feet from a dwelling other than the owner's or 50 feet from adjoining property lines unless complete visual screening is provided by fencing and/or landscape material.
- c. Additional conditions determined appropriate by the Board of Zoning Appeals.

Amend Section 10 "'C' GENERAL COMMERCIAL DISTRICT" Subsection A "USES PERMITTED" to include the following:

Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored inside with no discernible noise or odor at the property line.

Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored inside with no discernible noise or odors at the property line.

PROPOSED AMENDMENT TO THE SEDGWICK COUNTY
ZONING RESOLUTION CONCERNING KENNELS

Definitions:

- 1. Adult dog: A dog over 12 months of age.
- 2. Kennel:
 - (a) Hobby Premises housing from five to ten adult dogs owned by the property resident.
 - (b) Breeding/Boarding/Training Premises housing five or more adult dogs, three or more of which are owned by person(s) other than the property resident and premises housing over 10 adult dogs.

It is proposed that Hobby Kennels be permitted as a use by right in the "R" Rural Residential and "C" General Commercial districts and by conditional use in the "R-1" Suburban Residential and "LC" Light Commercial districts subject to a 2-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line.

It is proposed that the Breeding/Boarding/Training Kennel be permitted as a use by right in the "C" general commercial district subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line and that the Breeding/Boarding/Training Kennels be permitted by conditional use in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line.

Establishment of a Hobby or a Breeding/Boarding/Training Kennel in Sedgwick County shall be subject to review and recommendation of the Sedgwick County Animal Care Advisory Board. The board's recommendation shall be directed to the Metropolitan Area Planning Commission and the Board of Sedgwick County Commissioners when associated with a conditional use or zone change request.

Amendment RE: Kennels
October 12, 1987
Page 2

The board's recommendation shall be sought and received within 30 days of the filing of an application or permit request. Failure of the board to respond within the 30 day time period shall be viewed as an approval of the proposed project.

The board's recommendation may address but is not limited to: (1) placement of structures and runs upon the site; (2) screening from adjoining properties; (3) hours of operation; (4) lighting and noise control; (5) disposal of dead animals; (6) parking; (7) signing, and (8) security.

Under the above proposals and definitions, four adult dogs with their natural litter(s) of pups up to 12 months of age would be permitted as an accessory use of the property resident on any property under the jurisdiction of the Sedgwick County Zoning Resolution.

B/PL/0677/03

Possible amendments to the
Sedgwick County Zoning Resolution

Additions are underlined.

Amend Section 2 "DEFINITIONS" to include the following:

ADULT DOG: A dog over 12 months of age

KENNEL - (a) Hobby - Premises housing from five to ten adult dogs owned by the property resident.

(b) Boarding/Breeding/Training - Premises housing five or more adult dogs, three or more of which are owned by person(s) other than the property resident and premises housing over 10 adult dogs.

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT"

Subsection A. "USES PERMITTED" to include the following:

Kennels (hobby)

Amend Section 4 "R" RURAL RESIDENTIAL DISTRICT,"

Subsection A. "USES PERMITTED", Subsection 8 "Conditional Uses", to include the following:

Kennels (Boarding/Breeding/Training) subject to a five acre minimum lot size unless all animals are harbored indoors with no discernible noise or odor at the property line".

Amend Section 5 "R-1" SUBURBAN RESIDENTIAL DISTRICT",

Subsection A "USES PERMITTED", Subsection 10 "Conditional Uses" to include the following:

Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored inside with no discernible noise or odor at the property line.

Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored inside with no discernible noise or odors at the property line.

Amend Section 9 "LC" LIGHT COMMERCIAL DISTRICT", Subsection A. "USES PERMITTED", Subsection 66 "Conditional Uses" to include the following:

Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored inside with no discernible noise or odor at the property line.

Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored inside with no discernible noise or odors at the property line.

Amend Section 10 "'C' GENERAL COMMERCIAL DISTRICT" Subsection A "USES PERMITTED" to include the following:

Kennels (Hobby) subject to a two (2) acre minimum lot size unless all animals are harbored inside with no discernible noise or odor at the property line.

Kennels (Boarding/Breeding/Training) subject to a five (5) acre minimum lot size unless all animals are harbored inside with no discernible noise or odors at the property line.

PROPOSED AMENDMENT TO THE SEDGWICK COUNTY
ZONING RESOLUTION CONCERNING KENNELS

Definitions:

- 1. Adult dog: A dog over 12 months of age.
- 2. Kennel:
 - (a) Hobby Premises housing from five to ten adult dogs owned by the property resident.
 - (b) Breeding/Boarding/Training Premises housing five or more adult dogs, three or more of which are owned by person(s) other than the property resident and premises housing over 10 adult dogs.

It is proposed that Hobby/Kennels be permitted as a use by right in the "R" Rural Residential district and by conditional use in the "R-1", "LC" and "C" districts subject to a 2-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at the property line.

It is proposed that the Breeding/Boarding/Training Kennel be permitted as a use by right in the "C" general commercial district subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line and that the Breeding/Boarding/Training Kennels be permitted by conditional use in the "R", "R-1", and "LC" districts subject to a 5-acre minimum lot size unless all animals are harbored indoors with no discernible noise or odors at any property line.

Establishment of a Hobby or a Breeding/Boarding/Training Kennel in Sedgwick County shall be subject to review and recommendation of the Sedgwick County Animal Care Advisory Board. The board's recommendation shall be directed to the Metropolitan Area Planning Commission and the Board of Sedgwick County Commissioners when associated with a conditional use or zone change request.

Amendment RE: Kennels
September 14, 1987
Page 2

The board's recommendation shall be sought and received within 30 days of the filing of an application or permit request. Failure of the board to respond within the 30 day time period shall be viewed as an approval of the proposed project.

The board's recommendation may address but is not limited to: (1) placement of structures and runs upon the site; (2) screening from adjoining properties; (3) hours of operation; (4) lighting and noise control; (5) disposal of dead animals; (6) parking; (7) signing, and (8) security.

Under the above proposals and definitions, four adult dogs with their natural litter(s) of pups up to 12 months of age would be permitted as an accessory use of the property resident on any property under the jurisdiction of the Sedgwick County Zoning Resolution.

B/PL/0677/03

REQUEST FOR RESPONSE - 1988 LEGISLATIVE SESSION

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE *2-11-88*

TO: *Bob Young, Planning/Law Dept.*

FROM: Marla Howard, Public Affairs Officer
Nancy Scott, Management Intern

SUBJECT: *Hennels*
BILL NO: ~~2007~~ *S.B. 563*

The attached bill/proposal has been introduced in the 1987 Legislative Session. Your office is requested to review this bill/proposal and provide a response to the City Manager's Office as soon as possible. If you have any questions, please advise. Your assistance is appreciated.

Nancy Scott
Marla J. Howard/
Nancy Scott

DEPARTMENT RESPONSE

The City's position on the attached bill/proposal should be:

() Support () Oppose () No effect on City

Reason, and comments:

RECEIVED

FEB 11 1988

METROPOLITAN PLANNING

ROUTE

(Signature)

(please type name below signature line)

SENATE BILL No. 563

By Committee on Federal and State Affairs

2-3

0016 AN ACT concerning animals; relating to licensure or registration
0017 of certain persons dealing with animals; amending K.S.A.
0018 47-1701, 47-1702, 47-1703, 47-1704, 47-1706, 47-1707, 47-
0019 1709, 47-1712 and 47-1715 and repealing the existing sections;
0020 also repealing K.S.A. 47-1705, 47-1714 and 47-1716.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 47-1701 is hereby amended to read as fol-
0023 lows: 47-1701. As used in this act, unless the context otherwise
0024 requires, the following words and phrases shall have the mean-
0025 ings respectively ascribed as follows:

0026 (a) "Commissioner" means the livestock commissioner,
0027 Kansas animal health department;

0028 (b) "animal dealer" means any person not licensed under
0029 public law 01-570 who sells, exchanges, offers to sell or offers to
0030 exchange, any animal, to either a dealer holding a federal license
0031 under public law 01-570 or a federally registered research facil-
0032 ity, but shall not mean or include any person who exclusively
0033 sells or donates any animal which has been born on his or her
0034 residence premises, and which has been raised on such prem-
0035 ises, or who sells or donates any animal which he or she has
0036 owned and retained on his or her residence premises, for a
0037 period of ninety (90) days or longer;

0038 (c) "research facility" means any place, laboratory or institu-
0039 tion, except an elementary school, secondary school or a college
0040 or university, at which any scientific test, experiment, or inves-
0041 tigation involving the use of any living animal is carried out,
0042 conducted, or attempted;

0043 (d) "animal" means any live dog, cat, rabbit, rodent, nonhu-
0044 man primate, bird or other warm-blooded vertebrate, but shall

0045 exclude horses, cattle, sheep, goats, swine and domestic fowl;
0046 (e) "exotic pet animal" means any fish, snake or other cold-
0047 blooded animal;

0048 (f) "pound" means a facility operated by a state, or any
0049 political subdivision thereof, for the purpose of impounding or
0050 harboring any seized stray, homeless or abandoned animal; or a
0051 facility operated for such a purpose under contract with any
0052 municipality or incorporated society for the prevention of cruelty
0053 to animals, or by other person or entity under contract with such
0054 municipality;

0055 (g) "animal shelter" means a facility which is used or de-
0056 signed for use to house or contain any animal, and which is
0057 owned, operated or maintained by a duly incorporated humane
0058 society, animal welfare society, society for the prevention of
0059 cruelty to animals, or other nonprofit corporate organization
0060 devoted to the welfare, protection and humane treatment of
0061 animals;

0062 (h) "primary enclosure" means any structure used or de-
0063 signed for use to restrict any animal to a limited amount of space,
0064 such as a room, pen, cage, compartment or hutch;

0065 (i) "housing facility" means any room, building, or area used
0066 to contain a primary enclosure or enclosures;

0067 (j) "sanitize" means to make physically clean and to remove
0068 and destroy to a practical minimum, agents injurious to health;

0069 (k) "euthanasia" means the humane destruction of an animal,
0070 which may be accomplished by any of those methods provided
0071 for in K.S.A. 47-1718;

0072 (l) "ambient temperature" means the temperature surround-
0073 ing the animal;

0074 (m) "adequate feeding" means supplying at suitable inter-
0075 vals (not to exceed 24 hours) of a quantity of wholesome food-
0076 stuff, suitable for the animal species and age, and sufficient to
0077 maintain a reasonable level of nutrition in each animal;

0078 (n) "adequate watering" means a constant supply of clean,
0079 fresh, potable water, supplied in a sanitary manner and contin-
0080 uously accessible to each animal, or such water supplied at
0081 suitable intervals for the animal species, and not to exceed

0082 twenty-four (24) hour intervals;

0083 (o) "dog warden" means any person employed, contracted or
0084 appointed by the state, or any political subdivision thereof, for
0085 the purpose of aiding in the enforcement of this law, or of any
0086 other law or ordinance, relating to the licensing of animals,
0087 control of animals, or seizure and impoundment of animals; and
0088 includes any state or municipal peace officer, animal control
0089 officer, sheriff, constable or other employee, whose duties in
0090 whole or in part, include assignments which involve the seizure
0091 or taking into custody of any animal;

0092 (p) "respondent" means any applicant for issuance or re-
0093 newal of an animal dealer license or a pet shop license, and any
0094 holder of an animal dealer license or a pet shop license, any of
0095 whom is named to appear in a hearing for refusal to issue, for
0096 suspension or for revocation, of such license;

0097 (q) "pet shop" means any premises where animals or exotic
0098 pet animals are sold, exchanged, offered for sale or offered for
0099 exchange but shall not mean or include any premises where only
0100 fish are offered for sale or exchange, any residence premises
0101 where the animals offered for sale or exchange are exclusively
0102 those which have been born and raised on such premises or are
0103 animals which have been owned and retained on such residence
0104 premises for a period of ninety (90) days or longer;

0105 (r) "pet shop operator" means any person who sells, ex-
0106 changes, offers to sell or offers to exchange animals or exotic pet
0107 animals, but shall not include any person who sells only fish or
0108 who sells only animals born and raised on his or her residence
0109 premises nor shall the term include any person who sells only
0110 animals which he or she has owned and retained on his or her
0111 residence premises for a period of ninety (90) days or longer.

0112 (a) "Adequate feeding" means supplying at suitable inter-
0113 vals (not to exceed 24 hours) of a quantity of wholesome food-
0114 stuff, suitable for the animal species and age, and sufficient to
0115 maintain a reasonable level of nutrition in each animal.

0116 (b) "Adequate watering" means a constant supply of clean,
0117 fresh, potable water, supplied in a sanitary manner and either
0118 continuously accessible to each animal or supplied at intervals

0119 suitable for the animal species, not to exceed intervals of 12
0120 hours.

0121 (c) "Ambient temperature" means the temperature sur-
0122 rounding the animal.

0123 (d) (1) "Animal" means any live dog, cat, rabbit, rodent,
0124 nonhuman primate, bird or other warm-blooded vertebrate or
0125 any fish, snake or other cold-blooded vertebrate.

0126 (2) Animal does not include horses, cattle, sheep, goats,
0127 swine or domestic fowl.

0128 (e) "Animal dealer" means any person who operates animal
0129 dealer premises.

0130 (f) (1) "Animal dealer premises" means any premises where
0131 dogs or cats, or both, are sold, or offered or maintained for sale,
0132 at wholesale for resale to another.

0133 (2) Animal dealer premises does not include: (A) Any pound
0134 or animal shelter; or (B) any premises described in subsection
0135 (m)(1).

0136 (g) "Animal shelter" means a facility which is used or de-
0137 signed for use to house or contain any animal and which is
0138 owned, operated or maintained by a duly incorporated humane
0139 society, animal welfare society, society for the prevention of
0140 cruelty to animals or other nonprofit corporate organizations
0141 devoted to the welfare, protection and humane treatment of
0142 animals.

0143 (h) "Cat" means an animal which is wholly or in part of the
0144 species *Felis domesticus*.

0145 (i) "Commissioner" means the livestock commissioner ap-
0146 pointed by the Kansas animal health board.

0147 (j) "Dog" means any animal which is wholly or in part of the
0148 species *Canis familiaris*.

0149 (k) "Dog warden" means any person employed by, con-
0150 tracted with or appointed by the state, or any political subdivi-
0151 sion thereof, for the purpose of aiding in the enforcement of this
0152 law, or any other law or ordinance relating to the licensing of
0153 animals, control of animals or seizure and impoundment of
0154 animals, and includes any state, county or municipal law en-
0155 forcement officer, animal control officer, constable or other

0156 employee, whose duties in whole or in part include assignments
0157 which involve the seizure or taking into custody of any animal.

0158 (l) "Euthanasia" means the humane destruction of an an-
0159 imal, which may be accomplished by any of those methods
0160 provided for in K.S.A. 47-1718 and amendments thereto.

0161 (m) (1) "Hobby kennel" means any premises where only
0162 dogs or cats, or both, which are produced and raised on such
0163 premises are sold, or offered or maintained for sale, by a person
0164 who resides on such premises, but only if the total number of
0165 dogs or cats, or both, which are produced and raised on such
0166 premises and are sold during the license year is fewer than all or
0167 part of six litters of animals or 24 individual animals, whichever
0168 is less, whether such animals are dogs or cats, or both.

0169 (2) Hobby kennel does not include: (A) Any pound or animal
0170 shelter; or (B) any premises where fewer than all or part of three
0171 litters of animals, whether dogs or cats, or both, are sold during
0172 the license year.

0173 (n) "Hobby kennel operator" means any person who
0174 operates a hobby kennel.

0175 (o) "Housing facility" means any room, building or area
0176 used to contain a primary enclosure or enclosures.

0177 (p) "License year" means the 12-month period ending on
0178 June 30.

0179 (q) "Person" means any individual, association, partnership,
0180 corporation or other entity.

0181 (r) (1) "Pet shop" means any premises where there are sold,
0182 or offered or maintained for sale, at retail and not for resale to
0183 another: (A) Any dogs or cats, or both; or (B) any other animals
0184 except those which are produced and raised on such premises
0185 and are sold, or offered or maintained for sale, by a person who
0186 resides on such premises.

0187 (2) Pet shop does not include: (A) Any pound or animal
0188 shelter; (B) any premises where only fish are sold, or offered or
0189 maintained for sale; or (C) any animal dealer premises, or any
0190 premises described in subsection (m)(1), where the only animals,
0191 other than dogs or cats, which are sold, or offered or maintained
0192 for sale, are animals which are produced and raised on such

0193 premises and are sold, or offered or maintained for sale, by a
0194 person residing on such premises.

0195 (s) "Pet shop operator" means any person who operates a pet
0196 shop.

0197 (t) "Pound" means a facility:

0198 (1) Operated by the state, or any political subdivision
0199 thereof, for the purpose of impounding or harboring any seized
0200 stray, homeless or abandoned animal; or

0201 (2) operated for such a purpose under contract with any
0202 municipality or incorporated society for the prevention of cru-
0203 elty to animals or by another person under contract with such
0204 municipality.

0205 (u) "Primary enclosure" means any structure used or de-
0206 signed for use to restrict any animal to a limited amount of
0207 space, such as a room, pen, cage, compartment or hutch.

0208 (v) "Research facility" means any place, laboratory or insti-
0209 tution, except an elementary school, secondary school, college or
0210 university, at which any scientific test, experiment or investi-
0211 gation involving the use of any living animal is carried out,
0212 conducted or attempted.

0213 (w) "Sale," "sell" and "sold" include transfers by sale, ex-
0214 change or adoption, with or without charge or donation.

0215 (x) "Sanitize" means to make physically clean and to remove
0216 and destroy, to a practical minimum, agents injurious to health,
0217 at intervals not exceeding 24 hours.

0218 Sec. 2. K.S.A. 47-1702 is hereby amended to read as follows:
0219 47-1702. (a) Except as otherwise provided by section 14, it shall
0220 be unlawful for any person, other than one a person licensed
0221 under public law 91-579 (7 U.S.C. ½ 2131 et seq.), to act as or be
0222 an animal dealer unless a license to be an animal dealer is
0223 granted to such person by the commissioner such person has
0224 obtained from the commissioner an animal dealer license for
0225 each animal dealer premises operated by such person. Except as
0226 otherwise provided by section 14, on and after January 1, 1989,
0227 it shall be unlawful for any person licensed under public law
0228 91-579 (7 U.S.C. ½ 2131 et seq.) to act as or be an animal dealer
0229 unless such person has obtained from the commissioner an

0230 animal dealer license for each animal dealer premises operated
0231 by such person. Application for such license shall be made in
0232 writing on a form provided by the commissioner. The license
0233 period shall be for the current fiscal license year ending on June
0234 30 following the issuance date. The license fee shall be \$100 for
0235 each license period, or part thereof. The license fee shall ac-
0236 company the application for the original license or the renewal
0237 license and shall not be refundable in the event that a license is
0238 not granted.

0239 (b) The commissioner shall remit all moneys received by or
0240 for the commissioner under this section or K.S.A. 47-1703 and
0241 amendments thereto to the state treasurer at least monthly. Upon
0242 receipt of each such remittance, the state treasurer shall deposit
0243 the entire amount thereof in the state treasury and such amount
0244 shall be credited to the animal disease control fund.

0245 Sec. 3. K.S.A. 47-1703 is hereby amended to read as follows:
0246 47-1703. Except as otherwise provided by section 14, it shall be
0247 unlawful for any person to operate a pet shop without a act as or
0248 be a pet shop operator unless such person has obtained from the
0249 commissioner a pet shop operator license for each location at
0250 which such person operates a pet shop after July 1, 1973, unless a
0251 license to so operate shall have been granted to him by the
0252 commissioner pet shop operated by such person. Application for
0253 each such license or licenses shall be made in writing on a form
0254 provided by the commissioner. The license period shall be for
0255 the current fiscal license year ending on June 30, following the
0256 issuance date. The license fee shall be one hundred dollars
0257 (\$100) for each license period or part thereof and for each license
0258 issued. The license fee shall accompany the application for the
0259 original license or licenses or the renewal license or licenses and
0260 shall not be refundable in the event that a license is not granted.

0261 Sec. 4. K.S.A. 47-1704 is hereby amended to read as follows:
0262 47-1704. Except as otherwise provided by section 14, it shall be
0263 unlawful for any city of the first class or the officials thereof to
0264 operate a pound or any corporate entity to operate an animal
0265 shelter as a pound after January 1, 1973, unless a certificate of
0266 registration for such pound or animal shelter shall have been

0267 granted by unless a license for such pound or shelter has been
 0268 obtained from the commissioner. Application for such certificate
 0269 license shall be made on a form provided by the commissioner. A
 0270 fee shall not be required for such application or certificate.
 0271 Certificates of registration shall be valid for a period of five (5)
 0272 years from July 1 of current fiscal year in which issued, unless
 0273 earlier revoked. Such certificates may be renewed for a like
 0274 period, upon application in the manner provided. The license
 0275 period shall be for the license year ending on June 30 following
 0276 the issuance date.

0277 New Sec. 5. (a) On and after January 1, 1989, it shall be
 0278 unlawful for any person to act as or be a hobby kennel operator
 0279 unless such person has obtained from the commissioner a hobby
 0280 kennel operator certificate of registration. Application for such
 0281 certificate shall be made in writing on a form provided by the
 0282 commissioner. The registration period shall be for the license
 0283 year ending on June 30 following the issuance date.

0284 (b) This section shall be part of and supplemental to K.S.A.
 0285 47-1701 et seq. and amendments thereto.

0286 New Sec. 6. (a) On and after January 1, 1989, it shall be
 0287 unlawful for any person to operate a research facility unless such
 0288 person has obtained from the commissioner a research facility
 0289 license. Application for such license shall be made in writing on
 0290 a form provided by the commissioner. The license period shall
 0291 be for the license year ending on June 30 following the issuance
 0292 date.

0293 (b) This section shall be part of and supplemental to K.S.A.
 0294 47-1701 et seq. and amendments thereto.

0295 Sec. 7. K.S.A. 47-1706 is hereby amended to read as follows:
 0296 47-1706. (a) The commissioner may refuse to issue or renew an
 0297 animal dealer's license or a pet shop operator's license, or he
 0298 may suspend or revoke an animal dealer's license or a pet shop
 0299 operator's license or may suspend or revoke any license or
 0300 certificate of registration required under K.S.A. 47-1701 et seq.
 0301 and amendments thereto for any one or more of the following
 0302 reasons:

0303 (a) (1) Material misstatement in the application for the origi-

0304 nal license or certificate of registration, or in the application for
 0305 any renewal of a license or certificate of registration;

0306 (b) (2) willful disregard of any provision of this act or any rule
 0307 and regulation adopted hereunder, or any willful aiding or abet-
 0308 ting of another in the violation of any provision of this act or of
 0309 any rule and regulation adopted hereunder;

0310 (c) (3) permitting any license or certificate of registration
 0311 issued hereunder to be used by an unlicensed or unregistered
 0312 person; or transferred to unlicensed or unregistered premises;

0313 (d) (4) the conviction of any crime, an essential element of
 0314 which is misstatement, fraud or dishonesty, or relating to the
 0315 theft of or cruelty to animals;

0316 (e) (5) substantial misrepresentation;

0317 (f) (6) misrepresentation or false promise, made through ad-
 0318 vertising, salesmen salespersons, agents or otherwise, in con-
 0319 nection with the operation of business of animal dealer the
 0320 licensee or registrant;

0321 (g) (7) fraudulent bill of sale;

0322 (h) (8) the housing facility or the primary enclosure is inad-
 0323 quate; or

0324 (i) (9) the feeding, watering, sanitizing and housing practices
 0325 at the dealer's licensee's or registrant's premises are not consis-
 0326 tent with this act or the rules and regulations adopted hereunder.

0327 (b) Any refusal to issue or renew a license or certificate of
 0328 registration, and any suspension or revocation of a license or
 0329 certificate of registration, under this section shall be in accord-
 0330 ance with the provisions of the Kansas administrative procedure
 0331 act.

0332 (c) Whenever the commissioner denies, suspends or revokes
 0333 a license or certificate of registration under this section, the
 0334 commissioner shall seize and impound any animals in the pos-
 0335 session, custody or care of the person whose license or certifi-
 0336 cate of registration is denied, suspended or revoked if there are
 0337 reasonable grounds to believe that the animals' health, safety or
 0338 welfare is endangered. Except as provided by K.S.A. 21-4311
 0339 and amendments thereto, such animals may be returned to the
 0340 person owning them if there is satisfactory evidence that the

0341 animals will receive adequate care by that person or such an-
0342 imals may be sold or euthanized, at the discretion of the com-
0343 missioner. Costs of care of such animals while impounded shall
0344 be paid by the person from whom the animals were seized and
0345 impounded.

0346 Sec. 8. K.S.A. 47-1707 is hereby amended to read as follows:
0347 47-1707. Before refusing to issue or renew an animal dealer's
0348 license or a pet shop operator's license and before suspending or
0349 revoking such a license, the commissioner shall conduct a hear-
0350 ing and shall determine whether the applicant or the person
0351 holding such a license is qualified and privileged to be licensed.
0352 At least ten (10) days prior to the date set for the hearing, the
0353 commissioner shall notify, in writing, the applicant for or holder
0354 of an animal dealer's license or a pet shop operator's license that
0355 a hearing will be held on the date designated. The notice may be
0356 served by delivering it personally or by mailing it, by certified
0357 mail, to the place of business specified in the application for such
0358 license.

0359 At the time and place fixed in the notice, the commissioner
0360 shall proceed to hear evidence. Both the state and the respon-
0361 dent shall be accorded ample opportunity to present in person or
0362 by counsel such statement, evidence and arguments as may be
0363 pertinent to the charges or pertinent to any defense thereto. The
0364 commissioner may continue the hearing from time to time. He
0365 may subpoena and bring before him any person and may take
0366 testimony either orally, by deposition or by exhibit. The com-
0367 missioner, or his authorized agent, may administer oaths to
0368 witnesses at any hearing authorized. The commissioner shall
0369 cause a record to be taken of the testimony, and such record shall
0370 be made available for all appeal purposes.

0371 (a) In addition to or in lieu of any other civil or criminal
0372 penalty provided by law, the commissioner, upon a finding that
0373 a person has violated or failed to comply with any provision of
0374 this act or any rule and regulation adopted hereunder, may
0375 impose on such person a civil fine not exceeding \$2,000 for each
0376 violation.

0377 (b) Any imposition of a civil fine pursuant to this section

0378 shall be in accordance with the Kansas administrative procedu-
0379 act.

0380 (c) Whenever the commissioner has reasonable grounds to
0381 believe that a person required to be licensed or registered under
0382 this act has failed to comply with or has violated any provision
0383 of this act or any rule and regulation adopted hereunder and
0384 that the health, safety or welfare of animals in such person's
0385 possession, custody or care is endangered thereby, the commis-
0386 sioner shall seize and impound such animals using emergency
0387 adjudicative proceedings in accordance with the Kansas adminis-
0388 trative procedure act. Except as provided by K.S.A. 20-
0389 4311 and amendments thereto, such animals may be returned to
0390 the person owning them if there is satisfactory evidence that the
0391 animals will receive adequate care by that person or such person.
0392 Animals may be sold or euthanized, at the discretion of the
0393 commissioner. Costs of care of such animals while impounded
0394 shall be paid by the person from whom the animals were seized
0395 and impounded.

0396 Sec. 9. K.S.A. 47-1709 is hereby amended to read as follows:
0397 47-1709. (a) The commissioner or the commissioner's authorized
0398 representative shall make an inspection of the premises for
0399 which an application for an original license is made under
0400 K.S.A. 47-1701 et seq. and amendments thereto before issuance
0401 of such license.

0402 (b) The commissioner or his the commissioner's authorized
0403 representative shall make regular inspections, at least twice
0404 each year, shall make an inspection of the premises of each
0405 licensed animal dealer, registered pound, animal shelter, li-
0406 censed pet shop and each research facility each premises for
0407 which a license has been issued under K.S.A. 47-1701 et seq. and
0408 amendments thereto.

0409 (c) The commissioner or the commissioner's authorized rep-
0410 resentative shall make inspections of the premises of a person
0411 required to be licensed or registered under K.S.A. 47-1701 et seq.
0412 and amendments thereto upon a determination by the commis-
0413 sioner that there are reasonable grounds to believe that the
0414 person is violating the provisions of K.S.A. 47-1701 et seq. and

0415 amendments thereto or rules and regulations adopted thereun-
0416 der or that there are grounds for suspension or revocation of
0417 such person's license or certificate of registration.

0418 (d) Any complaint filed with the commissioner shall be con-
0419 fidential and shall not be released to any person other than
0420 employees of the commissioner as necessary to carry out the
0421 duties of their employment.

0422 (e) The commissioner is hereby authorized to designate and
0423 appoint the city health officer of any city or, in the absence of a
0424 city health officer, the county health officer of the county, as his
0425 the commissioner's authorized representative for the purpose of
0426 making inspections within such counties and cities. Before
0427 making any such inspection, such officer shall be trained by the
0428 commissioner in reasonable standards of animal care. The ex-
0429 pense of any such inspection and training shall be paid by the
0430 commissioner's office.

0431 (f) Any person acting as the commissioner's authorized rep-
0432 resentative for purposes of making inspections and conducting
0433 investigations under this section who knowingly falsifies the
0434 results or findings of any inspection or investigation or who
0435 intentionally fails or refuses to make an inspection or conduct
0436 an investigation pursuant to this section shall be guilty of a
0437 class A misdemeanor.

0438 (g) No person shall act as the commissioner's authorized
0439 representative for the purposes of making inspections and con-
0440 ducting investigations under this section if such person has a
0441 beneficial interest in a person required to be licensed or regis-
0442 tered pursuant to K.S.A. 47-1701 et seq. and amendments
0443 thereto.

0444 (h) Records of these inspections pursuant to this section
0445 shall be maintained in the office of the Kansas animal health
0446 department.

0447 Sec. 10. K.S.A. 47-1712 is hereby amended to read as fol-
0448 lows: 47-1712. (a) The commissioner is hereby authorized to
0449 adopt rules and regulations necessary for the administration of
0450 this act. Such rules and regulations may shall include, but shall
0451 not be limited to: (a), provisions relating to: (1) Humane trans-

0452 portation to and from registered or treatment of animals in the
0453 possession, custody or care of a licensee or registrant or being
0454 transported to or from licensed or registered premises; (b)
0455 records of purchase and sale (2) a requirement that each licensee
0456 and registrant file with the commissioner such evidence as
0457 necessary to ensure that animals entering or leaving the state
0458 are free from disease and parasites; (c) (3) identification of
0459 animals handled; (d) (4) primary enclosures; (e) (5) housing
0460 facilities; (f) (6) pounds; (g) (7) research facilities; (h) (8) sanita-
0461 tion; (i) (9) euthanasia; (j) (10) ambient temperatures; (k) (11)
0462 feeding; (l) (12) watering; and (m) (13) adequate veterinary
0463 medical care; (14) inspections of licensed or registered premises,
0464 investigations of complaints and training of persons conducting
0465 such inspections and investigations; and (15) seizure and im-
0466 poundment of animals by the commissioner.

0467 He (b) The commissioner may adopt in whole or in part, the
0468 rules and regulations promulgated by the secretary of the United
0469 States department of agriculture pursuant to the provisions of the
0470 United States public law 91-579 (7 U.S.C. ½ 2131 et seq.),
0471 commonly known as the animal welfare act.

0472 Sec. 11. K.S.A. 47-1715 is hereby amended to read as fol-
0473 lows: 47-1715. (a) Any violation of or failure to comply with any
0474 provision of this act, or any rule and regulation adopted hereun-
0475 der, shall constitute a class A misdemeanor. Continued opera-
0476 tion, after a plea of guilty or a conviction, shall constitute a
0477 separate offense for each day of operation.

0478 Animals found in the possession or custody of an unlicensed
0479 animal dealer or unlicensed pet shop operator shall be subject to
0480 immediate seizure and impoundment.

0481 (b) Upon a plea of guilty or a conviction of an animal dealer a
0482 person for any violation of this act, or any rule and regulation
0483 adopted hereunder, animals in his possession shall become
0484 subject to sale or euthanasia, at the discretion of the commis-
0485 sioner the court shall order the commissioner to seize and
0486 impound any animals in the convicted person's possession,
0487 custody or care if there are reasonable grounds to believe that
0488 the animals' health, safety or welfare is endangered. Except as

0489 provided by K.S.A. 21-4311 and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold or euthanized, at the discretion of the commissioner. Costs of care of such animals while impounded shall be paid by the convicted person.

0495 New Sec. 12. (a) Each application for issuance or renewal of a license or certificate of registration required under K.S.A. 47-1701 *et seq.* and amendments thereto shall be accompanied by the fee prescribed by the commissioner under this section. Such fees shall be as follows:

0500 (1) For a license, an amount not to exceed \$100.
0501 (2) For a certificate of registration, an amount not to exceed \$25.

0503 (b) The commissioner shall determine annually the amount necessary to carry out and enforce K.S.A. 47-1701 *et seq.* and amendments thereto for the next ensuing fiscal year and shall fix by rules and regulations the license and registration fees for such year at the amount necessary for that purpose, subject to the limitations of this section. In fixing such fees, the commissioner may establish categories of licenses and registrations, based upon the type of license or registration, size of the licensed or registered business or activity and the premises where such business or activity is conducted, and may establish different fees for each such category. The fees in effect immediately prior to the effective date of this act shall continue in effect until different fees are fixed by the commissioner as provided by this subsection.

0517 (c) If, upon the inspection of the premises of a licensee, registrant or applicant for licensure or registration, the commissioner or the commissioner's authorized representative finds any deficiency which will require a subsequent inspection to determine whether the deficiency is remedied, the licensee, registrant or applicant shall be assessed the cost of such subsequent inspection, as established by rules and regulations of the commissioner, unless the deficiency is found to have been corrected upon such subsequent inspection.

0526 (d) No fee or assessment required pursuant to this section shall be refundable.

0528 (e) The commissioner shall remit all moneys received by or for the commissioner under this section to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit it to the animal disease control fund.

0533 (f) This section shall be part of and supplemental to K.S.A. 47-1701 *et seq.* and amendments thereto.

0535 New Sec. 13. (a) Each person required to be licensed pursuant to K.S.A. 47-1701 *et seq.* and amendments thereto shall maintain a record relating to the sale or transfer of any dog or cat. Such record shall be kept for a period of not less than 12 months after the date of the sale or transfer and shall include the source of the animal; the date of sale or transfer; a description and sex of the animal; the name, address and telephone number of the person to whom the animal is sold or transferred; a list of all prophylactic immunizations given to the animal and the dates administered; a list of any internal parasite medication given to the animal and the date administered; and any guarantees given to the person to whom the animal is sold or transferred. The person to whom the animal is sold or transferred shall be furnished a copy of the record at the time of the sale or transfer.

0548 (b) Persons required to be licensed under K.S.A. 47-1701 *et seq.* and amendments thereto shall maintain a record of the death of any dog or cat possessed, owned or held by such person. Such record shall be kept for a period of not less than 12 months after the date of death and shall include the cause of death and, if death occurred by euthanasia, the means of death, the person who administered euthanasia and the reason euthanasia was administered.

0557 (c) This section shall be part of and supplemental to K.S.A. 47-1701 *et seq.* and amendments thereto.

0559 New Sec. 14. (a) Any person who is acting as a pet shop operator or animal dealer on the effective date of this act but was not required to be licensed under K.S.A. 47-1701 *et seq.* as it existed on June 30, 1988, must apply for a license as a pet shop

0563 operator or animal dealer before January 1, 1989, if such person
0564 wishes to continue acting as a pet shop operator or animal dealer
0565 on and after January 1, 1989. However, such person shall not be
0566 required to have obtained a license until January 1, 1991, or such
0567 earlier time as the commissioner completes the inspection re-
0568 quired by subsection (a) of K.S.A. 47-1709 and amendments
0569 thereto and grants or denies the person's application for an
0570 original license.

0571 (b) Any certificate of registration issued to a pound or animal
0572 shelter before the effective date of this act for the fiscal year
0573 ending on June 30, 1989, shall continue to be valid, unless
0574 suspended or revoked, until January 1, 1989, and no additional
0575 license or fee shall be required hereunder until January 1, 1989.

0576 (c) This section shall be part of and supplemental to K.S.A.
0577 47-1701 *et seq.* and amendments thereto.

0578 Sec. 15. K.S.A. 47-1701 through 47-1707, 47-1709, 47-1712,
0579 47-1714, 47-1715 and 47-1716 are hereby repealed.

0580 Sec. 16. This act shall take effect and be in force from and
0581 after its publication in the statute book.

THE ZONING REPORT
For Planning and Zoning Professionals

*Photo
Butler
Smith*

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DOGS, PETS AND KENNELS IN RESIDENTIAL ZONES

(Part One of two parts)

A surprising result of surveys of neighborhood residents finds that the number one problem in most residential neighborhoods is dogs. Not crime, not flooding, not taxes. These survey results are the same anywhere—in every kind of neighborhood in every size of community.

Telephone public hot-lines and action-lines also bear out the surveys—that a leading contender for most calls is complaints about dogs.

Dog problems are obvious: dogs bark; they bite; they scare people at times; they relieve themselves at inconvenient locations; and too many dogs in a household create odor and public health complaints. They roam neighborhoods, travel in packs, tear open trash bags. And now we have pit bull terriers.

We limit this topic to small household pets normally incidental to single-family and low-density residential households. Future issues of The Zoning Report will discuss how you can regulate, through zoning, horses and livestock in or near residential areas, pet stores, commercial kennels, and animal hospitals and clinics. We touch on these here but do not give them an extended discussion.

The topic of dogs and household pets takes two issues to discuss. The September issue (this issue) provides you with ideas, rules, caveats and suggestions for regulating household pets. The follow-up issue quotes sample text for the topic—definitions; use listings and qualifications for by-right, conditional uses, and acces-

sory uses; standards; general regulations; and the outline of a model non-zoning animal (dog) control ordinance. You'll get the follow-up issue in about ten days or so.

Household pets include animals other than dogs. They include rabbits, chickens, ducks, geese, fur-bearing animals (such as chinchillas) and exotic, wild, or dangerous animals.

Indoor caged pets ordinarily are not zoning problems. These include hamsters, white mice, canaries, and the like. Two or three canaries is fine, but what about 100 canaries? That becomes subject to community regulation.

Key point: to regulate household pets is to regulate unusual situations, in terms of zoning. Two or three dogs around the house is fine, but what about 15 hunting dogs?

Other animal regulations often solve pet problems better than zoning

Many dog and pet complaints your building/zoning inspector receive might be better handled by health inspectors, sanitarians, the police or sheriff.

Animal control officers are a more practicable focus for solving zoning problems for pets and dogs. If these other authorities (which also include police/sheriff, health officers and sanitarians) prefer to regulate the problem—let them. The sanction of enforcement authority in the public mind is much stronger if carried out by these other, more traditional authorities.

Personal emotions for regulating household family pets comes close to the strong emotional reactions raised by gun control. Accordingly, traditional enforcement agents are able to find stronger public acceptance for entering private property to stop animal nuisances. Traditional non-zoning agents often can solve the problem on the spot, even to carting the dog off private property to a dog pound. We doubt that zoning/building officers have this type of authority. If they do, exercising it is not worth the headache in view of other more serious zoning/building issues.

We suggest that, when you draft zoning regulations for small animals, review them thoroughly and carefully with traditional animal control agencies—be it dog catcher, humane society (often under agreement with local government), and animal control specialists in the police department.

Three sets of zoning provisions for regulating dogs and pets

You need to select the best combination of ideas and rules from the three sets of zoning provisions to meet your community's need for pet regulations. The three sets of provisions are: restrict the density of zoning uses for pets per zone; provide appropriate zoning yards for structures for dogs and pets; and prohibit or limit certain activities of pets and dogs within zone districts.

The first set of provisions restricts the density of zoning uses for pets per zone

Conventional residential zones have the greatest density and use restrictions. Industrial zones have the least restrictions.

In residential zones, limit the number of adult dogs, cats, or combination thereof per lot or parcel. These limitations are two to five or six, usually about four animals.

Keep the maximum number of pets allowed per lot the same for all residential zones re-

gardless of lot size. But farms and hobby farms with a minimum parcel size of 5 to 40 acres in single-family zones might take your zoning standards for limitations on number of animals in your ag and ag-fringe zones.

Define adult dogs and cats as being in age at least four to six months old, usually four months old. Some zoning ordinances define dog or cat. ("A member of the canine species; a member of the feline species").

How you define and allow kennels in residential zones determines most pet uses. Kennels are often defined as commercial and non-commercial (or private or hobby) kennels. Never allow commercial kennels (the boarding, training or raising of more than four adult dogs, cats or combination thereof, for compensation or profit) in residential zones. But the hobby raising of dogs/cats as a kennel, as a home occupation, is often allowed. Some zoning ordinances specify that litters of puppies and kittens can be raised and sold, subject to limitations on home occupations.

Private and hobby kennels imply more than the permitted number of pets allowed on a single-family parcel. Meet with your CPC members and building and health inspectors to agree on a policy that clarifies this point.

Whether or not to allow private or hobby kennels in residential zones in your community is purely a decision of your CPC and elected board. We found no clear cut zoning trends or guidelines either way. Rather the decision in each community appears to be based on prevailing community attitudes and sentiment. And these attitudes vary considerably from community to community.

In agricultural zones, regulation of dogs and pets varies considerably, depending on the acceptance of zoning in rural and farming areas. In rural areas where zoning is acceptable, private kennels or home occupation/hobby raising of dogs is allowed. Allow such kennels by right but require that they be located at least 100 feet (usually) to 400 feet from dwellings other than those of the pet owner. Commercial kennels might be allowed by special use permit but

only if your zoning ordinance allows a wide variety of other open-type and commercial recreational uses in your agricultural zones.

In rural areas where zoning is not well accepted, small-animal regulation by zoning rarely occurs. Any such regulation might be by county health authorities for vector control and for control of disease transmission between pets and livestock.

In exclusively agricultural zones, commercial (genuine) farms often have many dogs and cats living around the homestead area. Farmers readily accept these animals, giving them food scraps and milk but making little attempt to house or care for them. Their lives, births and deaths are subject to nature and weather, with many of these animals living around barns and sheds in a semi-wild state—a casual part of "being on a farm". In short, single-family zoning limitations on the number of dogs and cats for farms are unrealistic.

In large-lot, ag-fringe, and rural residential zones, serious hobbyists may have extensive private kennels for breeding, raising and training dogs and cats for dog shows, hunting, and for obedience shows. Indeed, many such hobbyists locate in large-lot areas to carry on their hobby. Maximum number of pets allowed per parcel should be higher than for single-family zones. Most zoning ordinances specify no limitation. But perhaps you might consider the maximum number allowable as an accessory use to increase beyond the four-pets-per-lot maximum to 10-15 pets per lot.

The second set of provisions regulates zoning yards and setbacks

In single-family zones, only normal raising of a small number of dogs or cats is allowed and special yard requirements are minimal. Dog houses and runs must be located within yards required of accessory buildings.

But special yards for kennels vary widely. Some zoning ordinances call for just the mini-

mal smaller yards required of accessory structures, usually two to ten feet. Other ordinances do not allow these structures within 100 to 400 feet of any other dwelling or residential zone. We suggest that if more than the normal number of dogs you allow per single-family parcel are housed in kennels with open dog runs, that the 100-400 foot yard be required for each kennel even if any kennel houses less than (say) four dogs.

Small-animal hospitals and clinics with kennels and dog runs contained in fully enclosed buildings do not require any special yards. Outdoor kennels and dog runs for animal clinics and hospitals in agricultural and large-lot zones and commercial and industrial zones require two sets of measures: a minimum distance from other dwellings, and large setbacks. Minimum distance from dwellings other than that on the same parcel occupied by the owner of the kennel is 40 to 100 feet. Setbacks average 100 feet in agricultural zones and 40-50 feet in other zones.

We feel that 40 feet is too small. A more appropriate distance is 100 feet between outdoor kennels/dog runs and other dwellings. This larger distance should be the same as the minimum distance requirement in ag and ag-fringe zones. Dogs undoubtedly bark just as loudly in kennels of animal hospitals as they do in private kennels.

You should not allow any pet accessory use or structure or home occupation in front yards or in the front setback. Some ordinances make the point of excluding small-animal structures and dog runs from the front yard in any zone.

In street side yards, such structures and clothes-line type wires used as dog runs for dogs leashed to the wires are allowable if fenced by a decorative opaque fence. The fence is allowable for smaller yards allowed for accessory uses. Additional height of fence beyond that you allow for street side yards for containing dogs, or pit bull terriers, would need to be heard by the BZA.

The third set of regulations prohibits or limits uses for pets within zone districts

These prohibitions and limits are set through home occupation standards, accessory use definitions and qualifications, listing of animal uses in specific zones, or by qualifications within conditional or exceptional use permits or listings.

Home occupation standards in single-family zones in most zoning ordinances usually preclude or prohibit raising of dogs and cats for compensation or profit. Standards for home occupations require that occupational activities take place indoors with no exterior change in appearance other than a small sign. This standard precludes commercial small-animal raising that requires runs, shelters and outbuildings.

Hobbies of raising an excessive number of small animals are precluded by home occupation standards that exclude excessive non-profit hobby activities (See the May 18, 1984 issue of *The Zoning Report*, pp 3 and 6).

The clearest solution is to simply prohibit kennels of any kind as an allowable home occupation.

Accessory use definitions and qualifications usually do not allow kennels as accessory uses in single-family zones. They are not considered to be normal to residential living. If you cannot legally exclude kennels from single-family zones, limit them to a maximum occupancy of two to four adult dogs/cats as a defined accessory use.

Commercial kennels are often allowed in agricultural zones not restricted to true farms and exclusive agricultural use, in large-lot and ag-fringe zones; and in industrial zones.

Kennels are rarely allowed in business and commercial zones—never allowed in neighborhood or downtown zones, and usually allowed in general commercial zones that allow other intensive uses. Estate zones do not allow kennels and restrict dogs/cats in number to small-lot single-family standards.

Small animal clinics and hospitals are restricted to general/intensive commercial and industrial zones. Buildings for these uses must often be fully enclosed, including dog runs and boarding areas. Some zoning ordinances require operation by a DVM (Doctor of Veterinary Medicine) or equivalent—based on state law or regulations. Some counties and townships near suburban areas where livestock and horses are raised distinguish between hospitals and clinics for large and small animals. The largest small animal allowed in small-animal clinics/hospitals are dogs. Small livestock, including sheep and goats, are not allowed for treatment. Large-animal hospitals/clinics are not limited to what kind of animal can be treated.

We suggest that if your jurisdiction has a large number of hobby farms, consider avoiding restrictions on the size of animal treated. Hobby farms often have either or both household pets, small livestock or horses.

Defining household pets

Zoning definitions for pets are usually based on definitions for kennels. These definitions include commercial kennels, private kennels and hobby raising of dogs and pets.

Most definitions of "kennels" are too narrow. These definitions could be improved considerably. For example, kennels are defined as keeping and dogs for compensation, gain, or profit. We prefer no reference to profit or compensation, since many dog raisers enjoy the hobby aspects of their activity as a labor of love. Profit is OK, should not be required. Your inspectors would be getting into touchy situations trying to find out if a residential kennel activity is profitable or not. We could envision lawsuits hinging on examination of personal income tax returns to determine kennel profits rather than the basic issue of nuisance to neighbors.

Avoid listing the purposes and ownership of private kennels. These qualifications have little to do with the nuisance for which zoning regu-

lation is needed. What difference does it make to complaining neighbors if the purpose of the kennel is for boarding or training dogs—or who owns the kennel? These are unnecessary complications that impede your inspectors investigating residential kennel complaints.

Instead, we prefer that "kennel" be defined as the keeping of more than a specified number of animals on a lot. This number is the maximum number of dogs/cats allowable on a residential lot as an accessory use. The minimum number most often specified that define a kennel is more than four dogs and/or cats, at least four months old. Accessory use for any residential lot is listed as four dogs and/or cats maximum.

Tie the number of animals allowed to each lot or parcel and not to each dwelling unit. You avoid having the owner of a multiple-unit dwelling having four times (say) as many dogs as dwelling units. Owners of duplexes and triplexes could keep only the permitted maximum of four dogs (in our example) per lot rather than 8 to 12 dogs (4 per dwelling unit). This restriction also limits kennel activity of separate owners in condominiums where each condo unit otherwise could provide a kennel on the common parcel.

Keeping of household pets other than dogs and cats

We were surprised to find little zoning regulation for household pets other than dogs and cats. Other animals are either non-domestic or domestic. Each type might require different zoning regulations.

Non-domestic animals include normally wild animals that invariably by chance strike up a relationship with humans (although pet stores might be licensed in some places to sell these animals). Such animals include snakes, raccoons, skunks, ferrets, weasels, otters, lynxes, bobcats, and opossums.

Domestic animals are associated with humans to provide commercial products and food. Of-

ten individual animals become household pets whose utility is not intended for commercial consumption. Such animals include livestock, horses, rabbits, ducks, geese, doves, and homing pigeons.

Where regulation for unconventional pets does occur, the number allowed per lot is part of the four adult maximum for dogs and cats. But some zoning ordinances allow up to 25 fowl, rabbits or caged animals in single-family zones.

Consider prohibiting the keeping of poultry or fowl in single-family zones. We caution that you define poultry or fowl carefully; certain birds might not technically be recognized by experts or Federal laws as poultry or fowl. Our sample text provides you with some definitions for poultry and fowl.

State or Federal conservation, game or trade import laws might preclude keeping of some kinds of animals or species (except under license or permit). These include alligators, migratory birds, game birds, some tropical ornamental birds, ducks, wild geese and falcons.

Distinguish between wild animals and dangerous animals. You might consider prohibiting the keeping of dangerous animals in residential zones. Or, at least, require owners of such animals to register them with the police, sheriff, or animal control agency.

Your administrative policy would exclude conventional pets (such as dogs and cats) as being dangerous animals. Any docile and lovable dog can become dangerous under the right conditions, as a mother defending her young. But any animal that is usually considered a wild animal and is not normally associated as a domestic pet for humans whose qualities or characteristics create immediate danger to humans could be dangerous.

Lions and tigers come to mind right away as dangerous animals, but this category could also include poisonous snakes and other reptiles, non-deodorized skunks, and animals whose habits are little known to non-experts, such as gazelles, zebras, and such.

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Charles Reed
Butler
Smith

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DOGS, PETS AND KENNELS IN RESIDENTIAL AREAS

(Part Two of two parts)

This is the second of two issues of The Zoning Report that discusses dogs and pets in residential zones. It quotes sample text from zoning ordinances from communities throughout the nation. The first issue, September 30, 1985 (Vol 3, No 10), provided ideas, suggestions, caveats and rules for regulating household pets.

We limit our discussion in these two issues to dogs and household pets. We exclude horses, livestock, pet stores, animal clinics and hospitals—which we'll discuss in future issues.

A brief summary of the last issue

If other more traditional animal control agencies (health department, dog catcher, humane society, animal control officer, police/sheriff, and sanitarians) prefer to regulate zoning problems for pet control, we advise you to let them.

Limit the number of household pets per parcel or lot (not per dwelling unit) to about four adults over the age of four months in single-family and estate/large-lot res zones. But for multi-family zones, the limit should be applied per family or per dwelling unit, whichever is less. This suggestion is different from that which we suggested in the last issue; see page 10 of this issue of The Zoning Report for our reasons. There is no limit in agricultural and rural residential (hobby farm) zones. Perhaps you might allow 10-15 pets per parcel or lot in agricultural-fringe res and ag zones not exclusively limited to genuine commercial farming. These limits are about the limit of tolerance

by neighbors, beyond which complaints to your inspection officer will increase.

No special zoning yards are needed for household pets if your zoning ordinance treats household pets as an accessory use. If you allow kennels (private, commercial, or hobby) by special permit or as a home occupation, special yards might apply. Yards vary greatly, from 40 feet up to 400 feet, with 100 feet being about average separating outdoor dog runs and kennels from dwellings other than that of the owner.

Home occupation standards usually preclude raising or boarding of more than a tolerable number of pets. But you might add language to your home occupation section prohibiting the raising, training or boarding of pets beyond your accessory-use maximum (four as we cite above) as a home occupation whether or not for profit or compensation.

Define kennels as the keeping of more than a specified number of animals on a lot. Make no reference to the ownership of the kennel (by the owner or occupant), use of the kennel (for raising, training or boarding of dogs/cats), nor whether the kennel is for gain, profit or for compensation by others.

Unconventional animals as pets should also meet your four-adult maximum per lot. But you might allow up to 25 fowl or poultry (or rabbits). Indoor caged pets are not a zoning problem for maximum number unless the number is so excessive that nuisance is created.

Dangerous animals as pets should either be prohibited in residential zones or require regis-

tration with law enforcement authorities. Federal game, conservation and import trade laws might also regulate these animals.

If your community is enacting ordinances regulating the keeping of pit bull terriers, keep in mind the zoning requirements that accompany these regulations. Typically, a six-foot fence might be required with hard surface concrete or asphalt paving (to keep the pit bull from digging out of the enclosure). Fence height must accord with your zoning requirements for fences and hard-surface enclosure must accord with your impervious surface ratios and land-use intensity ratios for hard surface and open space per lot.

Bee-keeping (realizing that bees are not pets) might limit hives in residential zones to one hive per 10,000 sq ft including the first hive. There is no restriction on hives in agricultural zones. Killer bees are not a problem to be regulated now, but we'll keep you posted.

Additional ideas for regulating pets not covered in the last issue

For multi-family residential zones, qualify the limitation on maximum number of adult pets per lot or parcel to be per dwelling unit or family, whichever is less. This qualification cannot add together the maximum allowed for more than one dwelling unit on a multi-family parcel; nor for a family occupying more than one dwelling or more than one platted lot.

Three examples: a three-family dwelling containing 12 dogs owned by the resident-owner; averaging 4 per dwelling; an occupant living in both sides of a duplex platted on two lots, allowing 8 dogs on the parcel of ownership or zone lot; or an occupant of a single-family house with a granny flat or mother-in-law apartment, allowing 8 dogs on the parcel. The resident-owner or occupant in each case would be limited to 4 dogs.

Watch dogs, guard dogs or guide dogs for blind or deaf people are not pets. But they would be counted toward the four-pet maximum if the guard dog lives off-duty-hours in the

same household with the owner or employee/police officer (or guide dog lives in the household of a blind/deaf person). Raising them or boarding or training them for use by others not living on the premises would be part of your restrictions on kennels in residential zones.

If you define the term 'adult' in your general list of zoning definitions for use in adult entertainment provisions (a person who has attained the age of 18/21 years), you need to separately define the term 'adult animal.' This could be any household dog, cat or other pet that has attained the age of four/six months. Or shift reference to adult dogs/cats in your zoning regulations to your definition of kennel or dog/cat. This is how most communities solve this problem.

Sample text

We divide the sample text descriptions into eight sections: (1) purposes; (2) definitions; (3) use listings; (4) home occupation requirements; (5) standards; (6) wild and dangerous animals; (7) bees; and (8) outline of a canine control ordinance.

Select, edit and shift the parts of those text samples best meeting your needs. Rewrite them, add your own written text, revise other related sections of your zoning ordinance to fit your specific situation.

Write your materials clearly. Show your draft to non-planners for their critique. They must be able to explain back to you what you intended. Your materials will be debated extensively in public hearings and you want your materials to be understood by lay persons.

Review your final draft materials with your legal counsel. Legalisms in this report may not hold in your situation or state. By first thinking through and writing your "planner's draft," you can discuss questions raised by your counsel from a logical planning viewpoint.

Purposes

"Chapter VI (1) LIVESTOCK, ANIMALS, AND FOWL. Section 5110. Intent and purpose. The intent of this chapter is to establish standards for the keeping of livestock, animals, and fowl on a non-commercial basis and in a manner which will not endanger the health, peace, and safety of the citizens of the City and which will assure that such livestock, animals, and fowl are kept in a clean and sanitary condition and not subjected to suffering, cruelty, or abuse." (Concord CA)

Definitions

"ANIMAL. Any mammalian animal, poultry, bird, reptile, or fish;

"COMPANION ANIMAL. A horse or pony;

"DOG. Any animal of the canine family;

". . .

"LIVESTOCK. Any domestic animals such as cattle, donkeys, mules, burros, sheep, hogs, or goats; provided, however, that this chapter shall not apply to sheep or cattle allowed to pasture on open range land where the individual pastures exceed 10 acres in area:

"FOWL. Any domesticated chicken, pigeon, rooster, duck, guinea hen, peacock, or turkey." (Concord CA)

"DOG: shall mean a canine of either sex, altered or unaltered, that has reached the age of four months."

"CAT: shall mean a feline of either sex, altered or unaltered, that has reached the age of four months.

"AVIARY: shall mean any lot, building, structure, enclosure, or premises whereupon or wherein are kept more than 25 ornamental or song birds, in any combination, whether such keeping is for pleasure, profit, breeding or exhibiting, but not including poultry or birds kept for production and sale of meat and/or eggs.

"CHINCHILLAS, Raising of: shall mean raising of chinchillas for commercial or other purposes

of more than 25 chinchillas on any building site.

"POULTRY: shall mean domestic fowls including chickens, ducks, parakeets, canaries, and other ornamental birds, but excluding geese, turkeys, and peafowl. Hens shall mean female chickens."

(Vista CA)

"ANIMAL FARM, SMALL. Any lot or premises on which 4 or more fowls, chinchillas, rabbits, and/or other small animals are kept primarily for breeding and/or commercial purposes, but excluding kennels.

"KENNEL. Any lot or premises on which 4 or more dogs or cats over 4 months of age are kept for commercial or non-commercial purposes." (Spokane WA)

"KENNEL, COMMERCIAL. The words "commercial kennel" shall mean any lot, building, structure, enclosure or premises where 1 or more dogs are kept for commercial purposes, including boarding, breeding, sale of goods or animals, or the rendering of services for profit. For the purposes hereof, the breeding and sale of the litter of animals kept and maintained as household pets and/or the litter of dogs kept and maintained by a dog fancier, shall not be deemed and considered a commercial kennel.

"PREMISES, DOG FANCIER'S. The words "dog fancier's premises" shall mean any lot, building, structure, enclosure or other premises where 4 or more dogs, each of which is over the age of 4 months, are kept, harbored or maintained:

"a. For showing in recognized dog shows, obedience trials, or field trials.

"b. For working and hunting.

"c. For improving the variety or breed with a view to exhibition in shows and trials.

"d. For household pets."

(Hayward CA)

"KENNEL. Shall mean a place where 4 or more dogs or cats, aged 4 months or more, are kept, boarded or trained, whether by the owners of

the dogs and cats or by persons providing facilities and care, with or without compensation." (Carson CA)

"KENNEL. A place where more than 4 adult dogs or cats or any combination thereof are kept, whether by owners of the dogs and cats or by persons providing facilities and care whether or not for compensation, but not including a small animal hospital or clinic or pet shop. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of 4 months.

"KENNEL, HOBBY. A non-commercial shelter at or adjoining a private residence where 4 or more dogs or cats at least 6 months of age are kept for hunting, training, and exhibition for organized shows, field, working and/or obedience trials, or for the enjoyment of an identifiable species of dog or cat." (Bellevue WA)

(Definition for rural-oriented areas):

"KENNEL. A lot or building in which 4 or more dogs or cats at least 6 months of age are kept for the purpose of protecting the animals from injury, containing the animals, and restricting entrance of other animals." (Josephine Co, Grants Pass, OR)

Use listings

(By-right use listing):

"A building or premises shall be permitted to be used for the following purposes in the AGR agricultural residential district (Ed note: this is an ag-fringe/hobby farm zone):

"(a) Agriculture, except confined feeding facilities for livestock or poultry;

"(b) Dog-breeding establishments and kennels;

"(c) Stables and riding academies;

"(d) Public uses . . . ;

"(e) Churches;

"(f) Single-family dwellings." (Lincoln NE)

(By right in CR Country Residential Zone, ag-fringe large-lot and estate rural residential zone, 2 acre minimum lot size):

"2. Livestock (except swine), poultry, rabbits, bees, and domestic pets may be kept by the resident on the premises where he resides, provided said activities are primarily for personal, non-commercial purposes and the premises have a lot area of not less than 2 acres if poultry, rabbits or bees are to be kept, and not less than 4 acres if livestock is to be kept. The number of livestock per acre (exclusive of the residence space) shall not exceed 1 adult horse or cattle, or 2 adult sheep or goats, with their young under 6 months of age. Kennels are prohibited.

". . .

"Animal Enclosure Setbacks - No structure or enclosure for animals or poultry other than fencing or grazing land shall be located less than 90 ft from the centerline of any street nor from any adjoining lot." (Spokane WA)

(By right in R-1 One Family Residential Zone):

"e. Dogs and cats, as pets, are permitted, but not more than 3 of each, over 4 months of age, per family.

". . . The raising of poultry, rabbits and other small animals for private use shall be permitted on tracts of land of 1 acre or more provided said poultry and animals are housed and yarded no closer than 100 ft from any residence other than that of the owner or user of the property.

(As special use in same zone):

"d. Kennels, private, not-for-profit, for pets as defined herein on tracts of land not less than 1 acre and where permitted said animals shall not be housed, kennelled or yarded closer than 100 ft from any residence other than that of the owner or user of the property." (Kane Co, Geneva, IL)

(Conditionally permitted use in Rural Residential District, 1-5 acre lot size for subdistricts, allow single-family residential, PUD's, agricultural (probably includes hobby farms):

"7. Kennels, including breeding, boarding and grooming facilities, conditioned upon, but not limited to, the following criteria:

"(a) Demonstration that the kennel will not create nuisance conditions for adjoining properties due to noise or odor.

"(b) Demonstration that all animals will be confined to the property.

"(c) Demonstration of adequate methods for sanitation and sewage disposal."
(Josephine Co, Grants Pass, OR)

"Animals permitted as accessory uses. Accessory to the residential use of land, the following animals are permitted in accordance with all other zoning regulations and all regulations of the Animal Control Ordinance. Dangerous animals as defined in the Animal Control Ordinance are prohibited.

"(a) Domestic dogs and cats.

"(b) Small animals.

"(c) Livestock, where 90% of the required acreage is open and unimproved."

(Mountain View CA)

"Hobby Kennels (Ed. Note: see definition above) are permitted as accessory uses in any G, OU, R-1, R-1.8, R-2.5 or R-3.5 district and are subject to Animal Regulations, Chapter 8.06 of the Bellevue City Code."
(Bellevue WA)

Home occupation regulations for dogs and household pets

"Permitted home occupations shall not be deemed to include the following uses:

"a. Animal hospitals

...

"f. Kennels

...

"i. Stables

(Naperville IL)

". . . home occupations shall not be construed to include uses such as the following: clinic or hospital, public stable or dog kennel, real estate office, restaurant, or the repair or sale of guns." (Kane Co, Geneva, IL)

Standards for dog/pet uses

"(a) The lot on which any kennel is situated shall have a minimum area of 3 acres.

"(b) Every kennel shall be located at least 200 ft from the nearest dwelling, and at least 100 ft from any lot line." (Model zoning ord, 1977, SW IL Metro & Regl Planning Commission, Collinsville, IL)

"The housing for small animals or fowl shall not exceed in floor area one-half percent of the lot area and neither the building nor the fence area where they are roaming shall be closer than 25 ft to a property line except by mutual recorded agreement of adjacent owners. Enclosed roaming areas shall be limited to rear yards. The keeping of mink, goats, foxes or hogs is prohibited." (Bellevue WA)

"Kennels and veterinary establishments. No kennel or animal yard shall be located within 400 ft of any dwelling, not located on the premises."

(Draft new ord, 3/16/83, Iowa City IA)

"(a) . . . Structures or enclosures used for the kennel, except property line fences, shall be located only in the rear yard, shall not occupy more the 20% of the rear yard area, and shall not be located closer than 10 ft to any property line.

"(b) For the purposes of this section, the increased setback requirement shall apply only to those portions of the kennel that are not contained within a completely enclosed structure.

"(c) Extensions of or additions to property line fences to create a kennel in such a fashion as to confine the animals to an area adjacent to the property line are prohibited."
(Charlotte NC)

"All livestock and household pets shall be kept or maintained so as not to constitute a public nuisance by causing production of flies, excessive odor, dust, noise, or other conditions detrimental to the community health and welfare."
(Hayward CA)

(~~762~~) (Published in The Wichita Beacon on September 9, 1966)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that the Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following proposed change in the text of the County Zoning Resolution, Sedgwick County, Kansas, at 2:00 p.m. on October 6, 1966, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas:

SECTION 2 - DEFINITIONS

Insert in alphabetical order as follows:

DOG: Any canine specie over 12 months of age.

KENNEL-BOARDING: Any place, area, building or structure where dogs (including those under 1 year in age) are boarded, housed, cared for, fed or trained by other than the owner.

KENNEL-BREEDER: Any place, area, building or structure where more than three (3) dogs, and not more than ten (10) dogs are kept for purposes of breeding, raising or as pets.

KENNEL-MASTER BREEDER: Any place, area, building or structure where more than ten (10) dogs are kept for breeding, raising, or as pets, or other similar purposes, but not meeting the definition of Kennel-Boarding.

SECTION 3 - "R" RURAL RESIDENTIAL DISTRICT

A. USES PERMITTED
Amend to read as follows:

Existing sub-sections 5, 6, 7 and 8 to read 6, 7, 8 and 9 respectively.

Add as follows:

5.A Kennels-Breeder, provided that:

- a) The minimum lot size shall be not less than two (2) acres;
- b) No kennel buildings or runs shall be located nearer than seventy-five (75) feet to any property lines;

- c) All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade or chainlink fence with aluminum strip intertwined or other equivalent fencing providing a sight barrier to the dogs.
- 5.B Kennels-Master Breeder. Same as Kennels-Breeder, except the minimum lot size shall be five (5) acres and the distance from property lines shall be one hundred fifty (150) feet.
9. Conditional Uses: (old sub-section 8)
- o) Clubs-Kennel.
- p) Kennels-Boarding.

SECTION 4 - "R-1" SUBURBAN RESIDENTIAL DISTRICT

A. USES PERMITTED

10. Conditional Uses:

Add as follows:

- t. Kennels-Breeder; provided that:
- 1) Minimum lot size shall be not less than one (1) acre;
 - 2) No kennel buildings or runs shall be located nearer than seventy-five (75) feet to any property line;
 - 3) All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick or stone wall, louvered wood, stockade or chainlink fence with aluminum strip intertwined or other equivalent fencing providing a sight barrier to the dogs.

SECTION 7 - "LC" LIGHT COMMERCIAL DISTRICT

A. USES PERMITTED

Amend to read as follows:

- 62. Small animal clinic and boarding kennel; for treatment and boarding of dogs, cats and other pets, provided that all animals shall be harboured indoors, no noise or odors from such use shall be discernible at any building line.

SECTION 8 - "C" GENERAL COMMERCIAL DISTRICTS

A. USES PERMITTED

Amend "3.a)" to read "3.B"

Add as follows:

- 3.A Animal Hospitals.
- 11.A Kennels-Boarding.

SECTION 9 - "I" LIGHT INDUSTRIAL DISTRICT

A. USES PERMITTED

Amend to read as follows:

- 2.b) (Reserved).

The proposed amendment will then 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 that time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the revised Zoning Resolution will be considered by the Commission as by law provided.

WITNESS MY HAND AND SEAL this 6th day of September, 1966.

C. Bickley Foster, Secretary
 Wichita-Sedgwick County Metropolitan
 Area Planning Commission

(SEAL)

Text amendments (6-2-87)

1st priorities

- kennels (Baymuth)
- home occupys in County (Hentzen)
- larger lot district in city (CC)
- administrative variance (Cherden)
- billboards on NE Exwy (Cherden)
- portable signs (Cherden)
- sign regulations generally (Cherden)

2nd priorities

- ~~land use~~ ^{screening} regulations
- PUD/CUP
- mobile homes in County

3rd priorities

- signs on office roofs > 30 ft
- "solid waste" (Gardner)
- car wash by right
- adult day care group homes parking
- elim amortiz of nonconformity
- accessory structures
- SW Bell boxes by right
- residential yard regulations
- major street setbacks
- parking standards generally
- reformat
- fees for down zoning

Jack/Bof:
let's plan to
meet tomorrow AM (Wed)
to discuss this list.
JK

Almuthami guidelines

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*Animal care advisory
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*Animal Care Advisory
Board member*

MS. LUCILLE CHAPMAN
ANIMAL CARE ORGANIZATION
3508 E. CLARK
WICHITA, KS. 67218

MR. CYREL FOOTE
2643 WELLESLEY
WICHITA, KANSAS 67220

MRS KAY HERNDON
7014 E. GILBERT
WICHITA, KANSAS 67207

MS CINDY PLANT
DEPARTMENT DIRECTOR

dup

MS. ELLEN QUERNER
1117 N. ROOSEVELT
WICHITA, KS. 67208

MR. BOB PEM

LILY W. ROOSEVELT
WICHITA, KS. 67208

MR. ROB REM
1703 CHARLESTON
WICHITA, KANSAS 67219

DR. WILLIAM C. SKAER,, D.V.M.
WICHITA-SEDGWICK COUNTY BOARD OF
6227 E. 13TH
WICHITA, KANSAS 67208

DR. HERBERT SLDAN,, D.V.M.
3500 E. 45TH ST. N.
WICHITA, KANSAS 67208

MS. JANET SMITH
HAYSVILLE
ANIMAL CONTROL
219 DWIGHT COURT
HAYSVILLE, KANSAS 67060

MR. GENE WOODARD
4230 N. MAIZE RD.
MAIZE, KANSAS 67101

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MAIZE, KANSAS 67101

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Telephone Call

For Bob
 Date 3-29 Time 1145
 Caller's Name Carmen Hearnup
 Company County Legal Dept
 Phone No. 268-7811 Ext. _____
 Call Taken By Brenda

Message

Returned your call
 Will call back at _____
 Call him/her at After 1:30 this afternoon
 Remarks _____

Johnson Printing
 348 North Washington
 Wichita, Kansas 67202
 263-2611

IMPORTANT MESSAGE

FOR Bob Young
 DATE 9-10-87 TIME 9:25 A.M.
 P.M.

WHILE YOU WERE AWAY

OF Cindy Plant
268 7529
 PHONE No. _____

TELEPHONED	PLEASE CALL	<input type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input checked="" type="checkbox"/>

MESSAGE CINDY PLANT
510 N. MAIN ST.
SUITE 502, WICHITA
67203

SIGNED [Signature]

FORM 000-017

IMPORTANT MESSAGE

FOR Bob Young
 DATE 1-4-88 TIME 1:41 A.M.
 P.M.

WHILE YOU WERE AWAY

OF Joe Meister
sed Co Animal
 PHONE No. Care Advisory

TELEPHONED	PLEASE CALL	<input type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE Board - Re:
Zoning - Kennels
722 2012
 SIGNED 722-2012

FORM 000-017

contact when scheduled by wife having 2nd time she has called.

Gary Guccione's

Sec 1

913-263-4660

registration
with the NGA

working with
Keith Dillon
Norman Hansen.

recruiting commission
members.

Terry Hoppock
- suggests a
separate standard
for grayhound breeders.
X(local) or NGA
registration

To whom it
may irritate:



Don
2-25-88

Bob -
please call Terry Hoppock,
Greyhound breeder in
Hayville, 526-9091.

Wants to know where
we are on kennel
cond use
permits. I told him
generally we were
waiting for "health
stds" from Cindy Plante.

© Hallmark Cards, Inc.

Thanks, NK

* 1. - REP. GINGER BARR
SEN. JENNIFER HOFERER

2. - DON PEZAC REP.

Introduced Bills for
equal control to the
House / Senate on
2/88.