

ACTION

DATE

COMMITTEE

Approved 11-23-87

M.A.P.C.

BCC/B Co C. Defer. 1 week 12-23-87

BCC/B Co C.

Approved 12-30-87

B Co C

DR 87-19 - POSSIBLE AMENDMENT TO THE
SEDGWICK COUNTY ZONING RESOLUTION CON-
CERNING THE LOCATION OF MINOR, ACCESSORY
STRUCTURES AND CANOPIES. UTILITY

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

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

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

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

over

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

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

Proposed Draft
NOT approved by
County Counselor

RESOLUTION

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

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 November 23, 1987, after notice and public hearing as provided by law under authority granted by Section 17.C. of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 12, 1984, and subsequently amended, SECTION 13 - "SUPPLEMENTAL REGULATIONS"; SUBSECTION F.1. "SPECIAL PERMIT" shall be amended to read as follows:

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

as per
March 1985
amendment
#R-75-1985

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

as per
January 1988
amendment
#R-421-1987

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

4. Projections Allowed into Yards and Courts:

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

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

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

SECTION V. That this resolution is passed for the purpose of correcting an error in Section 1. of Resolution #421-1987 which was adopted December 30, 1987, and published in The Daily Reporter, January 18, 1988.

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

() Published in The Daily Reporter on Jan 18, 1983

2# 421-1987

RESOLUTION

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

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

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

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

F.3, with March 85, refer to license, not MAPC review & hearing

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


4. Projections Allowed into Yards and Courts:


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

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

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

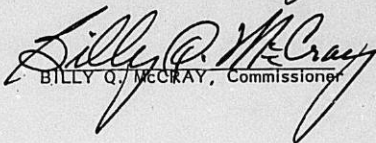
PASSED AND ADOPTED THE 30th day of December, 1987.


TOM SCOTT, Chairman

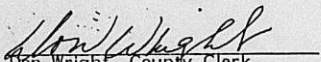

MARK F. SCHROEDER, Chairman Pro Tem


DAVID BAYOUTH, Commissioner


BERNARD A. HENTZEN, Commissioner

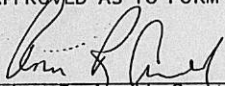

BILLY Q. MCCRAY, Commissioner

ATTEST:


Don Wright, County Clerk

(SEAL)

APPROVED AS TO FORM BY:


Robert R. Arnold, County Counselor

(_____) Published in The Daily Reporter on _____, 1987

RESOLUTION

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

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 November 23, 1987, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 13-F-1 "SPECIAL PERMIT" shall be amended to read as follows:

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

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

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

4. Projections Allowed into Yards and Courts:

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

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

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

PASSED AND ADOPTED THE _____ day of _____, 1987.

TOM SCOTT, Chairman

MARK F. SCHROEDER, Chairman Pro Tem

DAVID BAYOUTH, Commissioner

BERNARD A. HENTZEN, Commissioner

BILLY Q. McCRAY, Commissioner

ATTEST:

Don Wright, County Clerk

(SEAL)

APPROVED AS TO FORM BY:

Robert R. Arnold, County Counselor

WICHITA-SEDGWICK COUNTY

December 14, 1987

METROPOLITAN AREA PLANNING DEPARTMENT

TO: The Board of Sedgwick County Commissioners
FROM: Marvin S. Krout, Director of Planning *MS Krout*
SUBJECT: DR 87-19 - Possible amendments to the Sedgwick County Zoning Resolution concerning the location of minor accessory structures and canopies.

Attached is a delineated copy of a resolution containing proposed amendments to the Sedgwick County Zoning Resolution that were unanimously recommended for approval by the Metropolitan Area Planning Commission following a public hearing on November 23, 1987.

BACKGROUND:

Over the past several years, it has been necessary for property owners to secure the approval of special use permits to allow Southwestern Bell Telephone to install small vaults and switching cabinets on private property. These facilities are very small in size (approximately 2 feet by 6 feet wide and 5½ feet high) and have not presented locational problems or opposition from adjoining landowners. In an attempt to offer more flexibility in the County Zoning Regulations, it is proposed that these type of accessory structures be allowed in all zoning districts subject to size and height limitations and observation of required setbacks.

On the basis of a request brought before the County BZA for a setback variance to allow the construction of a service station canopy, it is also suggested that a more flexible provision relating to projections allowed into yards and courts be incorporated into the County Zoning Regulations. The provision will allow construction of canopy structures over gasoline pump islands in front of required setback lines subject to certain conditions.

SUMMARY:

The following provision is proposed to be added to article 1 of the "Special Permit" section of the Sedgwick County Zoning Resolution:

"...service panels, cabinets, vaults and other minor structures accessory to public entities and utilities, the above ground portion of which does not exceed 150 cubic feet in size and six feet in height, are permitted in any district without a special permit provided the structural surfaces are not used for advertising/display purposes and all required setbacks, are observed."

The following provision is proposed to be added to the section of the Sedgwick County Zoning Resolution concerning projections into required yards:

PL/5091/4

"Detached unenclosed canopy structures over service station gasoline pump islands may be erected in front of required setback lines, provided the supports for the structures shall not be located closer than ten feet to the public right-of-way; and provided further, no portion of the canopy shall project over the public right-of-way, utility easement, or closer to any adjacent property than five feet. Whenever this property is abandoned as a service station, all canopies shall be removed within ninety days or prior to conversion of the property to another use, whichever occurs first."

RECOMMENDATION:

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

MK/RLY:blw
Attachment

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

PL/5091/4

Deletions-marked thru
Additions underlined

RESOLUTION

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

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 November 23, 1987, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 13-F-1 "SPECIAL PERMIT" shall be amended to read as follows:

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

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

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

4. Projections Allowed into Yards and Courts:

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

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

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

PASSED AND ADOPTED THE _____ day of _____, 1987.

TOM SCOTT, Chairman

MARK F. SCHROEDER, Chairman Pro Tem

DAVID BAYOUTH, Commissioner

BERNARD A. HENTZEN, Commissioner

BILLY Q. McCRAY, Commissioner

ATTEST:

Don Wright, County Clerk

(SEAL)

APPROVED AS TO FORM BY:

Robert R. Arnold, County Counselor



The Wichita Area
BUILDERS
Association

Chairman of the Board, Elton Parsons
First Vice Chairman, M. S. Mitchell
Second Vice Chairman, Jack Simpson
Third Vice Chairman, Tamara Gross

730 North Main, Suite 1 • Wichita, Kansas 67203

Secretary/Treasurer, John Gist
Past Chairman of the Board, Stephen Critchfield
President/CEO, Wes Galyon

November 16, 1987

Mr. Robert L. Young, Principal Planner
Metropolitan Area Planning Department
455 N. Main Street
Wichita, KS. 67202

RECEIVED
NOV 19 1987
METROPOLITAN PLANNING
ROUTE _____

Dear Mr. Young:

Please be advised that we have reviewed the two amendments proposed for the Sedgwick County zoning regulations relating to "locating small utility related accessory structures and the construction of service station canopies."

It is our opinion that the proposed amendments will add the desired flexibility that is sought. However, there is one area of concern that has to do with the requirement in 14e that states, "Whenever this property is abandoned as a service station, all canopies shall be removed within ninety days or prior to conversion of the property to another use, whichever occurs first." In the event of a change in use we would not have a problem with this requirement. However, our concern has to do with the fact that a property could set vacant for a much longer period of time than ninety days with no intended use change before it's subsequently leased to another tenant and the owner might have to remove a canopy and reinstall it at a later time at undue expense. We would appreciate your comments clarifying everyone's intent in regard to such circumstances.

Sincerely,



Wesley E. Galyon
President/CEO
Wichita Area Builders Association

WEG/bjk

cc: Elton Parsons, John Gist, Larry Chambers

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MECHANICAL COUNCIL:
Tom Baizer

SPIKE CLUB:
George Fahnestock
*Deceased

Deletions-marked thru
Additions - underlined

DR 87-19

Possible amendments to the Sedgwick County Zoning Resolution concerning the location of minor accessory structures and canopies scheduled for a public hearing before the MAPC on Monday, November 23, 1987.

It is recommended that Section 13-F-1 (SPECIAL PERMIT) be amended to read as follows:

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

It is recommended that Section 14-C-1 (Projections Allowed into Yards and Courts) be amended to read as follows:

14. Projections Allowed into Yards and Courts:
- a. Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; may extend or project into a required front yard not more than three (3) feet; and may extend or project into the required rear yard.
 - b. Chimneys may also project into a required front or side yard not more than one (1) foot, provided that the width of such yard is not reduced to less than three (3) feet, and may project into the required rear yard.
 - c. Open, unenclosed stairways, or balconies, not covered by a roof or canopy, may extend or project not more than four (4) feet into any required rear yard or front yard, and into a side yard of not less than fifteen (15) feet in width.

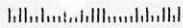
- d. Raised open, unenclosed porches, platforms or landing places, not covered by a roof or canopy and not extending above the height of the first story of the building, may extend or project into a front, rear or side yard not more than six (6) feet.
- e. Detached unenclosed canopy structures over service station gasoline pump islands may be erected in front of platted setback lines, provided the supports for the structures shall not be located closer than ten feet to the public right-of-way; and provided further, no portion of the canopy shall project over the public right-of-way, utility easements, or closer to any adjacent property than five feet. Whenever this property is abandoned as a service station, all canopies shall be removed within ninety days or prior to conversion of the property to another use, whichever occurs first.



The Wichita Area
BUILDERS
Association
730 North Main, Suite 1 • Wichita, Kansas 67203



Mr. Robert L. Young, Principal Planner
Metropolitan Area Planning Department
455 N. Main Street
Wichita, Ks. 67202



FILE COPY

FILE COPY

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

November 9, 1987

TO: Richard Euson, Assistant County Counselor
FROM: Robert L. Young, Principal Planner
SUBJECT: Amendments to the Sedgwick County Zoning Resolution

Attached is a delineated copy of a resolution containing two proposed amendments to the Sedgwick County Zoning Resolution. These amendments are scheduled for public hearing before the Planning Commission on November 23, 1987. Please look these over to see if there's any problem with the format or content. If problems exist, please let us know as soon as possible. Otherwise, we will forward the resolution to you in its undelineated final form when it is scheduled for consideration by the Board of Sedgwick County Commissioners.

BY:rh
Attachment

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: November 5, 1987

TO: Wichita-Sedgwick County Metropolitan Area Planning Commission

FROM: Marvin S. Krout, Director of Planning



SUBJECT: DR 87-19 Possible amendments to the Sedgwick County Zoning Regulations concerning the location of minor accessory structures and canopies.

Attached is a delineated copy of proposed amendments to the Sedgwick County Zoning Regulations. These amendments have been advertised for a public hearing before the Planning Commission on November 23, 1987. They are scheduled for discussion on the informal meeting agenda of November 12, 1987.

Over the past several years, it has been necessary for property owners to secure the approval of special use permits to allow Southwestern Bell Telephone to install small vaults and switching cabinets on private property. These facilities are very small in size (approximately 2 feet by 6 feet wide and 5½ feet high) and have not presented locational problems or opposition from adjoining landowners. In an attempt to offer more flexibility in the County Zoning Regulations it is proposed that these type of accessory structures be allowed in all zoning districts subject to size and height limitations and observation of required setbacks.

On the basis of a request brought before the County BZA for a setback variance to allow the construction of a service station canopy, it is also suggested that a more flexible provision of the City Zoning Ordinance relating to projections allowed into yards and courts be incorporated into the County Zoning Regulations. The provision allows for the construction of canopy structures over gasoline pump islands in front of platted setback lines subject to certain conditions.

RLY/lw

Attachment

PL/0282/1

Deletions - marked thru
Additions - underlined

DR 87-19

Possible amendments to the Sedgwick County Zoning Resolution concerning the location of minor accessory structures and canopies scheduled for a public hearing before the MAPC on Monday, November 23, 1987.

It is recommended that Section 13-F-1 (SPECIAL PERMIT) be amended to read as follows:

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

It is recommended that Section 14-C-1 (Projections Allowed into Yards and Courts) be amended to read as follows:

14. Projections Allowed into Yards and Courts:
- a. Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; may extend or project into a required front yard not more than three (3) feet; and may extend or project into the required rear yard.
 - b. Chimneys may also project into a required front or side yard not more than one (1) foot, provided that the width of such yard is not reduced to less than three (3) feet, and may project into the required rear yard.
 - c. Open, unenclosed stairways, or balconies, not covered by a roof or canopy, may extend or project not more than four (4) feet into any required rear yard or front yard, and into a side yard of not less than fifteen (15) feet in width.

- d. Raised open, unenclosed porches, platforms or landing places, not covered by a roof or canopy and not extending above the height of the first story of the building, may extend or project into a front, rear or side yard not more than six (6) feet.
- e. Detached unenclosed canopy structures over service station gasoline pump islands may be erected in front of platted setback lines, provided the supports for the structures shall not be located closer than ten feet to the public right-of-way; and provided further, no portion of the canopy shall project over the public right-of-way, utility easements, or closer to any adjacent property than five feet. Whenever this property is abandoned as a service station, all canopies shall be removed within ninety days or prior to conversion of the property to another use, whichever occurs first.

November 5, 1987

Mr. Wesley Galyon, Executive Director
Wichita Area Builders Association
730 North Main, Suite 1
Wichita, Kansas 67203

RE: DR 87-19

Dear Mr. Galyon:

Enclosed is a copy of two amendments proposed for the Sedgwick County Zoning Regulations. These amendments are scheduled for public hearing before the Metropolitan Area Planning Commission on November 23, 1987. I have sent a copy of the same to John Gist for his review.

The proposed amendments are intended to add some flexibility to the Sedgwick County Zoning Regulations for locating small utility related accessory structures and the construction of service station canopies.

If you have any questions, please contact our office.

Sincerely,

Robert L. Young
Principal Planner

RLY/lw

Enclosure

FILE COPY

November 5, 1987

Lynda Tousley, Executive Director
Wichita Metropolitan Area Board of Realtors
717 North Emporia
Wichita, Kansas 67214

RE: DR 87-19

Dear Ms. Tousley:

Enclosed is a copy of two amendments proposed for the Sedgwick County Zoning Regulations. These amendments are scheduled for public hearing before the Metropolitan Area Planning Commission on November 23, 1987.

The proposed amendments are intended to add some flexibility to the Sedgwick County Zoning Regulations for locating small utility related accessory structures and the construction of service station canopies.

If you have any questions, please contact our office.

Sincerely,

Robert L. Young
Principal Planner

RLY/lw

Enclosure

FILE COPY

November 5, 1987

Mr. Don Elliott, Regional Manager
Kansas Gas and Electric Company
P. O. Box 208
Wichita, Kansas 67201

RE: DR 87-19

Dear Mr. Elliott:

Enclosed is a copy of two amendments proposed for the Sedgwick County Zoning Regulations. These amendments are scheduled for public hearing before the Metropolitan Area Planning Commission on November 23, 1987.

The proposed amendments are intended to add some flexibility to the Sedgwick County Zoning Regulations for locating small utility related accessory structures and the construction of service station canopies.

If you have any questions, please contact our office.

Sincerely,

Robert L. Young
Principal Planner

RLY/lw

Enclosure

FILE COPY

November 5, 1987

Mr. Fred Neff
Southwestern Bell Telephone Company
154 North Broadway, Room 956
Wichita, Kansas 67202

FILE COPY

RE: DR 87-19

Dear Mr. Neff:

Enclosed is a copy of two amendments proposed for the Sedgwick County Zoning Regulations. These amendments are scheduled for public hearing before the Metropolitan Area Planning Commission on November 23, 1987.

The proposed amendments are intended to add some flexibility to the Sedgwick County Zoning Regulations for locating small utility related accessory structures and the construction of service station canopies.

If you have any questions, please contact our office.

Sincerely,

Robert L. Young
Principal Planner

RLY/lw

Enclosure

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 30th day of October , 1987 , with subsequent publications being made on the following dates:

- _____ 19 _____
- _____ 19 _____
- _____ 19 _____
- _____ 19 _____
- _____ 19 _____
- _____ 19 _____

[Signature]

Subscribed and sworn to before me this 2nd day of November , 1987.

Elva R. Meadows
Notary Public

My commission expires: February 2, 1991

Printer's fee \$ 8.78

Additional copies \$ _____

(Published in The Daily Reporter October 30, 1987.)

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

NOTICE IS HEREBY GIVEN that on November 23, 1987, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Council Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas, in a meeting beginning at 1:30 p.m., will consider the following changes to the Zoning Regulations for the unincorporated areas of Sedgwick County, Kansas:

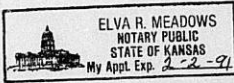
That Section 13-P-1 (SPECIAL PERMIT) be amended to allow service panels, cabinets, vaults and other minor structures accessory to public utilities and entities to be located in any zoning district without a special permit; and

That Section 14-C-4 (Projections Allowed into Yards and Courts) be amended to allow the construction of canopy structures associated with service stations to be constructed in front of platted setback lines.

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 law provided.

WITNESS MY HAND this 26th day of October, 1987.

MARVIN S. KROFT,
Secretary Wichita-Sedgwick County Metropolitan Area Planning Commission (Oct. 30)



FROM: Young DATE: 10/23

ADMINISTRATION	ADVANCE PLANS	CURRENT PLANS	GRAPHICS
<input type="checkbox"/> Krout	<input type="checkbox"/> Stockwell	<input type="checkbox"/> Galbraith	<input type="checkbox"/> Pierce
<input type="checkbox"/> Lopez	<input type="checkbox"/> Young	<input type="checkbox"/> Lytle	<input type="checkbox"/> Commer
<input type="checkbox"/> Eubanks	<input type="checkbox"/> Bechtel	<input type="checkbox"/> Harris	<input type="checkbox"/> Crook
<input type="checkbox"/> Henderson	<input type="checkbox"/> Hart	<input type="checkbox"/> Losew	<input type="checkbox"/> Jones
<input type="checkbox"/> Kelly	<input type="checkbox"/> Kelley	<input type="checkbox"/> Nagley	
<input type="checkbox"/> Wasko	<input type="checkbox"/> Kidd	<input type="checkbox"/> Olivarez	
<input checked="" type="checkbox"/> Wimbley	<input type="checkbox"/> Mitchell	<input type="checkbox"/>	
	<input type="checkbox"/> Shen		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		

P.U. 10/26/87

Brenda - please see
REMARKS that this gets
published in the Derby
Paper on Oct. 30, 1987.

- Note & Return
- Handle
- All Staff
- Comment
- Signature
- Library
- Information
- Files
- Type
- Initial

(Published in The Daily Reporter October 30, 1987.)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on November 23, 1987, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Council Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas, in a meeting beginning at 1:30 p.m., will consider the following changes to the Zoning Regulations for the unincorporated areas of Sedgwick County, Kansas:

That Section 13-F-1 (SPECIAL PERMIT) be amended to allow service panels, cabinets, vaults and other minor structures accessory to public utilities and entities to be located in any zoning district without a special permit; and,

That Section 14-C-4 (Projections Allowed into Yards and Courts) be amended to allow the construction of canopy structures associated with service stations to be constructed in front of platted setback lines.

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 law provided.

WITNESS MY HAND this 26th day of October, 1987.

MARVIN S. KROUT, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

FROM _____

[Handwritten initials]

DATE Oct 6, 1987

- | ADMINISTRATION | ADVANCE PLANS | CURRENT PLANS | GRAPHICS |
|------------------------------------|---|------------------------------------|---------------------------------|
| <input type="checkbox"/> Krout | <input type="checkbox"/> Stockwell | <input type="checkbox"/> Galbraith | <input type="checkbox"/> Pierce |
| <input type="checkbox"/> Lopez | <input checked="" type="checkbox"/> Young | <input type="checkbox"/> Lytle | <input type="checkbox"/> Commer |
| <input type="checkbox"/> Eubanks | <input type="checkbox"/> Bechtel | <input type="checkbox"/> Harris | <input type="checkbox"/> Crook |
| <input type="checkbox"/> Henderson | <input type="checkbox"/> Hart | <input type="checkbox"/> Losew | <input type="checkbox"/> Jones |
| <input type="checkbox"/> Kelly | <input type="checkbox"/> Kelley | <input type="checkbox"/> Nagley | |
| <input type="checkbox"/> Wasko | <input type="checkbox"/> Kidd | <input type="checkbox"/> Olivarez | |
| <input type="checkbox"/> Wimbley | <input type="checkbox"/> Mitchell | <input type="checkbox"/> | |
| | <input type="checkbox"/> Shen | | |
| | <input type="checkbox"/> | | |
| | <input type="checkbox"/> | | |
| | <input type="checkbox"/> | | |
| | <input type="checkbox"/> | | |

REMARKS

*Note Marvin's
 Recommendation that this
 amendment be handled
 with artist, before you
 you do at same time.*

- Note & Return
- Handle
- All Staff
- Comment
- Signature
- Library
- Information
- Files
- Type
- Initial

MK

Oct 6, 87

Under Section 14. A. 4. (page 14.3) of the County Zoning Regulation appears to be a good place to amend and add wording pertaining to canopy structures being able to extend into platted setbacks.

4. Projections Allowed into Yards and Courts:

- a. Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; may extend or project into a required front yard not more than three (3) feet; and may extend or project into the required rear yard.
- b. Chimneys may also project into a required front or side yard not more than one (1) foot, provided that the width of such side yard is not reduced to less than three (3) feet, and may project into the required rear yard.
- c. Open, unenclosed stairways, or balconies, not covered by a roof or canopy, may extend or project not more than four (4) feet into any required rear yard or front yard, and into a side yard of not less than fifteen (15) feet in width.
- d. Raised open, unenclosed porches, platforms or landing places, not covered by a roof or canopy and not extending above the height of the first story of the building, may extend or project into a front, rear or side yard not more than six (6) feet.

Add as e.

- e. Detached unenclosed canopy structures over service station gasoline pump islands may be erected in front of platted building setback lines, provided the supports for the structures shall not be located closer than ten feet to the public right-of-way, and provided further, no portion of the canopy shall project over the public right-of-way, utility easements, or closer to any adjacent property than five feet. Whenever the property is abandoned as a service station, all canopies shall be removed within ninety days or prior to conversion of the property to another use, whichever occurs first.

Your thoughts - Looks fine -
Let's do it, along w/ other amendments.
Maybe we should run this one and utility boxes
separately, before kennels & home occupancies.
Thanks / Pass this on to Bob G. MK

JLS

Section 13

September 14, 1987

DRAFT OF PROPOSED AMENDMENT OF THE
SPECIAL PERMIT PROVISIONS OF THE
SEDGWICK COUNTY ZONING ORDINANCE

It is proposed that the "SPECIAL PERMIT" section of the Sedgwick County Zoning Resolution be amended to read as follows: (additions are underlined).

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