

DR 89-21 Proposed amendment to group homes and correctional facilities zoning text.

ACTION

- | | DATE |
|------------------------------------|--|
| (1) MAPC [redacted] | defer 2-weeks for MAPC review 4/13/89 |
| (2) MAPC | propose corrections facilities requirements 4/27/89 |
| (4) Public Hearing MAPC [redacted] | Approved by [redacted] 7/6/89
Return to MAPC for Public Hearing 5/23/89 |
| (3) W.C.C. [redacted] | |
| (5) WCC | approved as recommended 8/8/89 |

Deletions marked thus
Additions underlined

ORDINANCE NO. 40-737

AN ORDINANCE AMENDING SECTIONS 28.04.021, 28.04.022, 28.04.023, 28.04.024, 28.04.025, 28.04.070, 28.04.100, 28.04.110, 28.04.130, AND 28.04.185 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO ADDING DEFINITIONS OF THE TERMS ADULT CARE CENTERS, CORRECTIONAL PLACEMENT RESIDENT (BACK-ENDED AND FRONT-ENDED), HALFWAY HOUSE—GROUP HOME, JAIL AND PRISON, AND MAJOR BARRIER; AND, TO PROVIDE FOR THE ESTABLISHMENT OF CORRECTIONAL PLACEMENT RESIDENCES (FRONT-ENDED) BY SPECIAL PERMIT IN THE "B" MULTIFAMILY, "BB" OFFICE, "OC" OFFICE COMMERCIAL, "LC" LIGHT COMMERCIAL, AND "C" GENERAL COMMERCIAL DISTRICTS; AND TO EXCLUDE THE ESTABLISHMENT OF CORRECTIONAL PLACEMENT RESIDENCES (FRONT-ENDED OR BACK-ENDED) AND JAILS AND PRISONS FROM THE "C" GENERAL COMMERCIAL, "D" CENTRAL BUSINESS, AND "F" HEAVY INDUSTRIAL DISTRICTS UNLESS SUCH USES ARE MORE THAN 750 FEET OR SEPARATED BY A MAJOR BARRIER FROM A RESIDENTIAL DISTRICT IN WHICH CASE THEY ARE PERMITTED BY RIGHT IN THE "D," "E," AND "F" DISTRICTS; AND, TO AUTHORIZE THE ESTABLISHMENT OF ADULT DAY CARE CENTERS IN THE "AA," "A," "RB," "R-5," AND "R-6," RESIDENTIAL DISTRICTS BY EXCEPTION THROUGH THE BOARD OF ZONING APPEALS; AND REPEALING THE ORIGINALS OF SAID SECTIONS.

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

SECTION 1. SECTION 28.04.021 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.021 Definitions A through C. 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. A person 18 years of age or older.
ADULT CARE CENTER. A building or portion of a building providing care, for part or all of a day or night, for adults who are aged, physically handicapped, mentally ill, mentally retarded, or otherwise developmentally disabled, away from their place of legal residence and which shall comply with the regulatory requirements of a federal, state, or local governmental agency; but not including family day care homes.

ALLEY. A public thoroughfare which ordinarily affords only a secondary means of access to abutting property and which is not over twenty feet wide.

BASEMENT OR CELLAR. A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade, which shall not be included as a story.

BOARDINGHOUSE. A building or place where for compensation and by prearrangement for definite periods, table board is provided for five or more boarders, but does not furnish meals to occasional or transient customers without such previous arrangement; provided that halfway house-group home, hotel, motel, home for the aged, or correctional placement residences are not included within this definition.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDINGS, HEIGHT OF. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch roof, or the average height of a hip roof.

BUILDING LINE. The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built, but shall not include the face of one story unoccupied gable roofed areas over open porches, entrances or like appendages.

CHILD. A person less than 18 years of age.
CHILD CARE CENTER. A building or portion of a building used as a day nursery providing care for seven or more children, for part or all of a day or night, away from the home of the parent or legal guardian; and including full day child care, nursery schools, playgroups, Head Start centers giving emphasis to programming for special children, kindergartens not operated by the public schools, and other establishments operated by groups of children for part or all of the day or night; but not including family day care homes.

COMMISSION. "Commission" means the Wichita-Sedgewick County metropolitan area planning commission.

CORRECTIONAL PLACEMENT RESIDENCES (BACK-ENDED). A facility that provides residential and rehabilitation services to offenders who have been placed in such facilities by the correctional system at or near the end of a prison sentence, such as a state operated or franchised work release program. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

CORRECTIONAL PLACEMENT RESIDENCES (FRONT-ENDED). A

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facility that provides residential and rehabilitation services to offenders who have been placed in such facilities prior to or instead of being sent to a prison or as part of a local sentence of not more than one (1) year. This would include persons receiving deferred or suspended sentences who are placed by the courts in these facilities such as under the County's community corrections program or Sheriff's work release program. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency, and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

SECTION 2. SECTION 28.04.022 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.022 Definitions D through F. District. DISTRICT. Any section of the city for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

DWELLING. A building or portion thereof which is designed or used exclusively for residential purposes. (Mobile homes and recreational vehicles shall be considered dwellings only in the sense that they are portable structures designed for long term or short term occupancy as dwelling units; however, under the terms of this title, mobile homes, manufactured homes and recreational vehicles shall be located only where they are specifically listed as a permitted use.)

One-family: A detached building used exclusively for residential purposes having suitable accommodations for only one family, which may include not to exceed four lodgers or boarders.

Two-family: A detached building used exclusively for residential purposes and designed for or occupied by two families living independently of each other, each of which may include not to exceed four lodgers or boarders.

Four family: A detached building used exclusively for residential purposes and having suitable accommodations for four families living independently of each other, and may include not more than two lodgers or boarders in each family.

Multiple: A building or portion of a building having suitable accommodations for three or more families living independently of each other who may or may not have joint use of utilities, halls, yards, etc. The term includes premises occupied more or less permanently for residential purposes in which the rooms are occupied in apartments, suites or groups, such as apartments, dormitories, lodging houses, rooming houses,

and all other dwellings similarly occupied. For purposes of this chapter, auto courts, hotels, motels, motor hotels, or tourist courts shall not be considered dwellings.

FAMILY. One person living alone or two or more persons living together, related either by birth or marriage, who, together with their servants occupy a single housekeeping unit; or a group of not more than four unrelated persons who, with their servants, occupy a single housekeeping unit. Family does not include a group occupying a club, sorority or fraternity house, etc.

FAMILY DAY CARE HOME. A home occupation, in a dwelling, in which care is given for less than twenty-four hours a day to ten or less children or adults away from their own homes, who are not related to the care provider; provided, however, the number and ages of the children and the number of adults shall not exceed that permitted by the appropriate governmental licensing agency regulations of the Kansas Department of Health and Environment.

FILLING STATION. Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automotive fuels and lubricants and automotive accessories.

FRONTAGE. The length of the property abutting on one side of a street or place measured along the dividing line between the property and the street or place. (For double frontage see Reversal of Lot Frontage and Lot or Plot, Through.)

SECTION 3. SECTION 28.04.023 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.023 Definitions G through H. GARAGE.

Private: An accessory building designed or used for the storage of privately owned, motor driven vehicles, of which not more than one may be a commercial motor vehicle of not more than two tons' capacity, and with no provision of repairing or equipping such vehicles.

Public: A building or portion thereof used for the housing of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, not including exhibition or showroom for model cars.

Storage: A building or portion thereof designed or used exclusively for housing four or more motor-driven vehicles.

GRADE. Any wall approximately parallel to and not more than five feet from a street line is not to be considered as adjoining the street. Where no sidewalk has been constructed, the city engineer shall establish

such sidewalk or its equivalent for the purpose of these regulations.

1. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street.

2. For buildings having walls adjoining more than one street, it is the average of the elevation for the sidewalks at the centers of all walls adjoining the streets.

3. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building.

GOVERNING BODY. The City Council of the city.

GROUP BOARDING HOME FOR CHILDREN. A residential facility for five or more children, who, for various reasons, cannot reside in their natural home and where twenty-four hour adult care and supervision and consultation may be available, and which is licensed by the Kansas State Board of Health, shall comply with the regulatory requirements of a federal, state, or local governmental agency.

HALFWAY HOUSE -- GROUP HOME. A residential facility for five or more adults who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities are physically handicapped, mentally ill, mentally retarded, developmentally disabled, former convicts, parolees, alcoholics, or drug addicts which makes operation in society difficult and requires the protection of a group setting to facilitate the transition to a functional member of society ~~--- former convicts, alcoholics, drug addicts, mental patients, etc. ---~~ and which provides shelter, supervision, and residential rehabilitative services; provided that correctional placement residences are not included within this definition. Halfway houses -- group homes shall comply with the regulatory requirements of a federal, state, or local governmental agency.

HOME FOR THE AGED. A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living in a protected environment.

HOME OCCUPATION. See Section 28.04.035.

HOTEL. A building which provides a common entrance, lobby, halls, and stairways, and in which lodging is provided with or without meals, to transient guests.

HOUSE TRAILER. See RECREATIONAL VEHICLE.

HOUSEKEEPING UNIT. A building or a portion of a building which is occupied or intended to be occupied as a dwelling, and which has the facilities for cooking and serving meals and for sleeping quarters, and which may

or may not include other rooms or facilities.

SECTION 4. SECTION 28.04.024 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.024 Definitions I through L. JAILS AND PRISONS. These are state correctional institutions (prisons) and local detention facilities (jails) that incarcerate inmates, adults or children, 24 hours a day, whether pretrial or sentenced. These facilities provide a highly structured living environment where inmates may be housed without jeopardizing the safety of the public, jail or prison staff, and other inmates. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects, such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LODGINGHOUSE. A building or place wherein lodging is provided for five or more lodgers pursuant to previous arrangement and not open to transients; provided that halfway house - group home, hotel, motel, home for the aged, or correctional placement residences are not included within this definition.

LOT OR PLOT. A building site or parcel of land occupied or intended to be occupied by a building and accessory buildings, and including such open spaces as are required under this chapter, and having its principal frontage upon a public street or officially approved place.

Corner: A lot abutting upon two or more streets at their intersection.

Triangular: A lot abutting on two or more streets at their junction, where the angle formed by the intersecting streets is less than forty-five degrees.

Depth of: The mean horizontal distance between the front and rear lot lines.

Interior: A lot other than a corner lot or triangular lot.

Through: An interior lot having frontage on two streets.

LOT FRONTAGE. See FRONTAGE.

LOT LINES. The lines bounding a lot as defined in this section.

LOT OF RECORD. A lot or portion of one or more

lots which are a part of a subdivision, the map of which has been recorded in the office of the register of deeds of the county, or a plot described by metes and bounds, the description of which has been recorded in the office of the register of deeds of the county.

LOT, ZONING. A parcel of land that is designated by its owner or developer, at the time of applying for an occupancy certificate as a tract, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirements of the above and the requirements of the subdivision rules and regulations, such lot may consist of:

- (1) A single lot of record; or
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

SECTION 5. SECTION 28.04.025 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.025 Definitions M through N. MAJOR BARRIER. Designated state or federal highways with limited access, the Arkansas or Little Arkansas rivers, and the Wichita-Valley Center Flood Control (Big-Ditch).

MANUFACTURED HOME: A structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards generally known as the HUD Code. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to all utilities in conformance with applicable regulations.

MANUFACTURED HOME SUBDIVISION: A subdivision within the "M" Manufactured Home District which is platted for development as individual home sites for manufactured homes or modular homes to be placed on permanent foundations as required for permanent structures.

MOBILE HOME: A movable detached single-family dwelling unit that was manufactured prior to 1976 or is not in conformance to the HUD Code as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to the utilities in conformance with all applicable regulations. A mobile home shall also include a manufactured home as defined herein when located in a mobile home park.

MOBILE HOME PARK: A parcel of land, which has been planned and improved in some manner, and used or intended to be used by one or more occupied mobile homes or manufactured homes not placed on permanent foundations. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new

or used, are parked for the purposes of storage, inspection or sale.

MODULAR HOME: A structure consisting of one or more components manufactured off-site in conformance to the standards of the building code of the city and related technical codes and moved to the construction site for final assembly as a dwelling unit.

MOTEL: A group of attached or detached permanent nonmobile buildings containing four or more individual sleeping or separate living facilities; designed and used for the accommodation of transients or nonpermanent residents. Motels shall include motor courts, auto courts and cabin or tourist courts but shall not include recreational vehicle campgrounds or courts, camp sites or mobile home parks.

NONCONFORMING USE. A building or premises legally occupied by a use that does not conform with the regulations of the district in which it is situated as established by this chapter or any prior zoning ordinance.

NURSING HOMES OR CONVALESCENT HOME. A home providing bed care for persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to care properly for themselves, but not serving or admitting alcoholics, drug addicts, or persons with mental or communicable diseases; a registered nurse on duty at all times, and wherein there is no surgery or other similar activities such as customarily provided in sanatoriums and hospitals.

SECTION 6. SECTION 28.04.070 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

- A. Use Regulations.
 1. Any use permitted in the "B" four-family dwelling district.
 2. Boardinghouses and lodginghouses.
 3. Bathhouses.
 4. Cemeteries.
 5. Doctors' offices, hospitals and clinics, including alcohol and drug intervention confinement programs, but not animal hospitals or animal clinics.
 6. Educational, religious, philanthropic and eleemosynary institutions, ~~excepting day-care for the insane.~~

7. Greenhouses.
 8. Halfway house - group home and group boarding homes for children.

9. Multiple-family dwellings.
 10. Private kindergartens, nurseries, Child care centers, adult care centers, and homes for the aged, nursing homes, and convalescent homes accommodating seven or more persons.

11. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business, and fraternity and sorority houses.

12. Parking lots as an accessory use to any use permitted in the "M" multifamily dwelling district.

13. Parking lots legally established prior to June 21, 1988, or recognized under the provisions established in paragraph "e" of this subdivision, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

a. Compliance with the requirements of Sections 28.04.14b, 28.04.14c, and 28.04.14d;

b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall;

c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet;

d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under twelve thousand pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies;

e. There is hereby established a period of sixty days from June 21, 1988, within which owners of properties that are unimproved and that qualify for use as a parking lot may submit a permit application to the superintendent of central inspection. The existence of this sixty-day period shall be officially publicized in

the Wichita Eagle/Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.14c.

B. HEIGHT REGULATIONS.

No building shall exceed fifty-five feet in height at the required front, side or rear yard lines, but above the height permitted at such yard lines, one foot may be added to the height of the building for each one foot that the building or portion thereof is set back from the required lines.

C. AREA REGULATIONS.

1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "M" multiple-family dwelling district, the minimum front yard setback shall be twenty feet; provided that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question; provided that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20' + X}{2}$$

where "X" equals the minimum front yard setback of the existing building.

Where there are through lots, the above front yard requirements shall apply to the frontage of both streets.

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet; and provided further, existing buildings on adjacent lots. Buildings placed entirely on the rear half of lots shall not be considered.

2. Side Yard.

2.1 In all locations where building lines or sidelines or corner lots are shown on plats which have been approved by the planning commission and which are

recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of four feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided, further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "B" district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to setback more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings and the depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line, except that accessory structures shall be not less than ten feet from the centerline of any platted alley.

4. Lot Area Per Family:

The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided that the application of this rule shall not reduce the yard requirements; and, provided further, that this regulation shall not apply to hotels

which do not provide cooking facilities in the individual rooms or living units.

SECTION 7. SECTION 28.04.100 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.100 "C" commercial district regulations. In the "C" commercial district of this chapter, all buildings and premises, except as otherwise provided in this chapter, may be used for any use permitted in the dwelling districts and the "LC" district or for any other purpose, except the following, and all buildings erected, enlarged, converted or altered in the "C" commercial district shall conform to the following area and height regulations:

A. USE REGULATIONS.

Uses Not Permitted:

1. Bakery employing more than fifty persons on the premises.
2. Blacksmithing or horseshoeing shop.
3. Bottling works employing more than fifty persons on the premises.
4. Building material storage yard.
5. Carting, express, hauling or storage yard.
6. Cleaning and dyeing works employing more than fifty persons on the premises.
7. Contractor's plant or storage yard employing more than five persons on the premises; except during construction of any building except within three hundred feet thereof.
8. Coal or coke yard of more than fifty tons' capacity.
9. Cooperaage works.
10. Correctional Placement Residences (front-ended or back-ended).
11. ~~11~~ 40. Foundry.
12. ~~12~~ 41. Ice plant or storage house of more than ten tons' capacity.
13. ~~13~~ Jails and prisons.
14. ~~14~~ 42. Laundry employing more than fifty persons on the premises.
15. ~~15~~ 43. Livery stable.
16. ~~16~~ 44. Machine shop employing more than ten persons on the premises.
17. ~~17~~ 45. Poultry killing establishment.
18. ~~18~~ 46. Stone yard or monument works.
19. ~~19~~ 47. Wrecking motor vehicles.
20. ~~20~~ 48. All uses excluded from the "D" central business district.

21. ~~21~~ 49. No building may be erected or used for any manufacturing process excepting that of such a kind or character that the entire frontage of the ground floor along the principal street is used for office space,

display or for wholesale or retail sales.

22 30. Animal hospitals except small animal clinics; for treatment and boarding of dogs, cats and other pets; provided, that all animals shall be harbored indoors; no noise or odors from such use shall be discernible at any building line.

23 31. Mobile home parks.

B. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

C. AREA REQUIREMENTS.

1. Front Yard:

1.1 Where all the frontage on one side of the street between two intersecting streets is located in the "C" commercial district, no front yard shall be required, and this provision shall apply equally to all buildings.

1.2 Where the frontage on the same side of the street between two intersecting streets is located partly in a dwelling district, the front yard requirements of the dwelling district shall apply to the entire frontage in both districts.

2. Side Yard:

2.1 The side yard regulations for buildings erected, enlarged, converted or structurally altered for dwelling purposes shall be the same as those in the "B" multiple-family dwelling district.

2.2 No side yard is required for buildings erected, enlarged, converted or altered for other than dwelling uses excepting at the boundary line of the "C" district and any dwelling district, in which case there shall be a side yard adjoining the dwelling district of not less than five feet. If a side yard is provided for commercial buildings, the side yard shall be not less than five feet.

3. Rear Yard:

The rear yard regulations for dwellings are the same as in the "B" multiple-family dwelling district.

4. Lot Area Per Family:

The lot area per family shall be the same as required in the "B" multiple-family dwelling district.

SECTION 8. SECTION 28.04.110 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.110 "D" central business district regulations. A. In the "D" central business district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "D" central business district shall conform to the following area and height regulations. Uses which are

not prohibited in the "C" district and uses not prohibited below are permitted in the "D" district.

B. USE REGULATIONS.

Uses Not Permitted:

1. Acetylene gas manufacture or wholesale storage.
2. Acid manufacture.
3. Alcohol manufacture.
4. Ammonia, bleaching powder or chlorine manufacture.

5. Arsenal.
6. Asphalt manufacture, refining and paving mixture plants.

7. Blast furnace.

8. Bag cleaning.

9. Boilerworks.

10. Brick, tile, pottery or terra cotta manufacture, other than the manufacture of handicraft products only.

11. Buttermilk plant which processes buttermilk or stale or rancid milk or its by-products into dry or semi-solid products.

12. Central mixing plant for cement, mortar, plaster or concrete.

13. Correctional placement residence (front-ended or back-ended); except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.

14 33. Disinfectant manufacture.

15 34. Dyestuff manufacture.

16 35. Explosive or fireworks manufacture or storage.

17 36. Extensinator and insect poison manufacture.

18 37. Fat rendering.

19 38. Fertilizer manufacture.

20 39. Forge plant.

21 40. Garbage, offal or dead animal incineration, reduction or dumping.

22 41. Gas manufacture or storage.

23 42. Glue, size or gelatine manufacture.

24 43. Grain storage.

25 44. Iron, steel, brass or copper mills engaged in the production of these metals or any of their alloys from ores or junk material.

26. Jails and Prisons; except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.

27 45. Junk, used material, auto wrecking, salvage, paper, scrap, bottles or rags, baling or storage of such materials, except where such activities are conducted entirely within an enclosed building.

28 46. Mills, feed or flour.

29 47. Oilcloth or linoleum manufacture.

- 30 38. Preparation or treatment of oiled rubber or leather goods in their raw state.
- 31 39. Ore reduction.
- 32 40. Paint, oil, shellac, turpentine or varnish manufacture, but not excluding the mixing of manufactured materials into paints.
- 33 41. Paper and pulp manufacture.
- 34 42. Petroleum or its products, including refining or wholesale storage.
- 35 43. Rubber or gutta-percha manufacture or treatment.
- 36 44. Shoe polish manufacture.
- 37 45. Smelting of tin, copper, zinc or iron ores.
- 38 46. Soap manufacture other than liquid soap.
- 39 47. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.
- 40 48. Stockyards.
- 41 49. Stove polish manufacture.
- 42 50. Tallow, grease or lard manufacture or refining, including the processing of animal fat.
- 43 51. Tanning, curing or storage of raw hides or skins.
- 44 52. Tar distillation or manufacture.
- 45 53. Tar roofing or waterproofing manufacture.
- 46 54. Vinegar manufacture.
- 47 55. Wool pulling or scouring.
- 48 56. Yeast plant.
- 49 57. Those uses which may be and as ordinarily operated generally are obnoxious or offensive by reason of emission into the air or odors, smoke, dust, paint or grease particles, wood sawdust shavings, or other waste matter, or by the emission of an unreasonable amount of noise.
- 50 58. Mobile home parks.
- C. HEIGHT REGULATIONS.
No building shall exceed a height of twenty-five stories.
- D. AREA REGULATIONS.
1. Front Yard: No front yard is required for any building for any use.
 2. Side Yard:
 - 2.1 No side yard shall be required for dwellings where the dwelling is constructed with central air conditioning and ventilating equipment.
 - 2.2 In all other cases no side yard is required, except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five feet. If a side yard is provided for a commercial or industrial building, it shall be not less than five feet.
 3. Rear Yard: No rear yard is required for any building or for any use except that, if any rear yard is provided, it shall not be less than ten feet.

4. Lot Area Per Family: Buildings which are erected, enlarged, converted or altered for residential purposes shall have a lot area of not less than two hundred fifty square feet of lot area for each family EXCEPT that for each five percent of the lot area left as open space, twelve and one-half square feet of lot area may be deducted from the original requirement of two hundred fifty square feet per family; provided, however, that in no instance shall the lot area per family be reduced below one hundred twenty-five square feet per family.

SECTION 9. SECTION 28.04.130 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.130 "F" heavy industrial district regulations. In the "F" heavy industrial district, buildings and premises may be used for any lawful purpose, subject to the following restrictions and to the following area and height regulations:

A. USE REGULATIONS.

Any building or premises may be used for any purpose not in conflict with any ordinance of the city regulating nuisances or special fire hazards; provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the city council after review, public hearing, and recommendation by the planning commission; ~~based on commission~~ and provided further that all uses specifically prohibited by Section 28.04.120 (B.2) of this chapter shall also be prohibited in the "F" heavy industrial district.

1. Acid manufacture.
2. Cement, lime, gypsum, or plaster of paris manufacture.
3. Correctional placement residences (front-ended or back-ended); except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
4. Distillation of bones.
5. Explosives manufacture or storage.
6. Fat rendering.
7. Fertilizer manufacture.
8. Garbage, offal or dead animals incineration, reduction or dumping.
9. Glue manufacture.
10. Jails and prisons; except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
11. Petroleum refinery and wholesale storage.

12 ~~40~~. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.

13 ~~44~~. Stock yards.

14 ~~44~~. Wholesale storage of gasoline or other petroleum products in car lots or more above ground.

B. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

C. AREA REGULATIONS.

1. No front yard, side yard or rear yard is required in the "F" heavy industrial district except for buildings which are hereafter erected, enlarged, converted or altered for dwelling purposes, in which case the front yard, side yard and rear yard requirements shall be the same as in the "B" multiple family dwelling district.

2. Lot Area Per Family:

The lot area per family shall be the same as in the "B" multiple family dwelling district.

SECTION 10. SECTION 28.04.185 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.185 ~~Same - Rehabilitation homes - Halfway house - group homes; Adult and child care centers; Correctional placement residences.~~

1. ~~Rehabilitation homes - Halfway house - group homes. The board of zoning appeals may, by special permit, grant exceptions and authorize halfway house - group homes or rehabilitation homes such as group boarding homes for children or halfway houses, to be located in the "A," "A," or "R-5," or "R-6" residential zoning districts subject to the following conditions and requirements:~~

1.1 The home and its sanitary facilities shall comply with all state and local codes;

1.2 The board shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case;

1.3 The use shall comply with the regulatory requirements of a federal, state, or local governmental agency the regulations of either the State Board of Health or the licensing requirements of other authorized state agencies; and the process shall be sanctioned by appropriate state or local agencies, or local united way, health planning or comprehensive planning agencies;

1.4 The board shall take into consideration the proximity and location of other such rehabilitation facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses;

1.5 The board of zoning appeals may include additional conditions as deemed necessary to provide for orderly development.

2. ~~Adult or child care centers. The board of zoning appeals may, by special permit, grant exceptions and authorize adult or child care centers to be located in the "AA," "A," "B," "R-5" and "R-6" residential zoning districts subject to the following conditions and requirements:~~

2.1 All centers shall comply with the regulatory requirements of a federal, state, or local governmental agency the licensing requirements of the Kansas State Department of Health, including all building and fire safety regulations of the state of Kansas and the city;

2.2 For child care centers, outdoor play shall be limited to the hours between seven-thirty a.m. and six-thirty p.m. when any part of the fenced play area is within one hundred feet of any occupied residence;

2.3 Before applying for an exception, evidence of being able to comply with all the regulations and standards must be submitted for review;

2.4 The board of zoning appeals shall take into consideration the proximity and location of other such facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses;

2.5 The board of zoning appeals may include additional conditions as deemed necessary to provide for orderly development.

3. ~~Correctional placement residences (front-ended). The city council may by special permit authorize correctional placement residences (front-ended) to be located in the "B," "BB," "OC," "IC," and "C," zoning districts. Any approval under this section shall be subject to the following conditions and requirements:~~

3.1 The planning commission shall review the application, conduct a public hearing and make its recommendation thereafter to the city council with respect to whether such use is in conformance with the comprehensive plan, whether the neighboring properties are adequately protected from the use, and whether the general welfare of the community is promoted.

3.2 All residences shall comply with the regulatory requirements of a federal, state, or local governmental agency including all building and fire safety regulations of the State of Kansas and the city; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

3.3 Before applying for a special permit, evidence of being able to comply with all the regulations and standards must be submitted for review.

3.4 The city council shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case.

3.5 The city council may include additional conditions as deemed necessary to provide for orderly development.

4. Correctional placement residences (back-ended or front-ended) or jails and prisons. The city council may by special permit authorize correctional placement residences (back-ended or front-ended) or jails and prisons to be less than 750 feet from residential zoning districts when such facilities are located in the "D," "E," and "F" zoning districts. Any approval under this section shall be subject to the following conditions and requirements:

4.1 The planning commission shall review the application, conduct a public hearing and make its recommendation thereafter to the city council with respect to whether such use is in conformance with the comprehensive plan, whether the neighboring properties are adequately protected from the use, and whether the general welfare of the community is promoted.

4.2 All such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency including all building and fire safety regulations of the State of Kansas and the city; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

4.3 Before applying for a special permit, evidence of being able to comply with all the regulations and standards must be submitted for review.

4.4 The city council shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case.

4.5 The city council may include additional conditions as deemed necessary to provide for orderly development.

SECTION 11. THE ORIGINAL SECTIONS 28.04.021, 28.04.022, 28.04.023, 28.04.024, 28.04.025, 28.04.070, 28.04.100, 28.04.110, 28.04.130, AND 28.04.185 OF THE CODE OF THE CITY OF WICHITA, KANSAS, ARE HEREBY REPEALED.

SECTION 12. This ordinance shall be included in the Code of the City of Wichita, Kansas, and be effective upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas this 15th day of ~~1-16~~ 1989.

ATTEST:

Bob Knight
Bob Knight, Mayor

John Moir
John Moir, City Clerk/
Director of Finance



Approved as to form:
Thomas R. Powell
Thomas R. Powell, City Attorney

WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
435 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

September 18, 1989

Margo Lytton
Supervisor of Adult Services
Department of Social and
Rehabilitation Services
P. O. Box 1620
Wichita, KS 67201

Re: Recent amendment to Wichita Zoning Ordinance regarding group
homes, etc.

Dear Ms. Lytton:

Enclosed for your information is a delineated copy of the recent amendment to Wichita's Zoning Ordinance regarding group homes, correctional placement residences, adult and child care centers, etc. The bulk of the amendment concerns the correctional placement residences; other changes are minor. Nevertheless, I thought you might find a copy of this amendment useful. If you have any questions about it, please call me or Tim Bickhaus at 268-4421.

Sincerely,

Louise Olivarez
Louise Olivarez
Principal Planner

LO:jcm
Enclosure

FILE COPY

**WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT**

DATE: September 18, 1989

TO: Leola Lindahl, R.N., Community Health Nurse
FROM: Louise Olivarez, Principal Planner *L. Olivarez*
SUBJECT: Recent amendment to Wichita Zoning Ordinance regarding
child and adult care centers, etc.

Attached for your information is a delineated copy of the recent amendment to Wichita's Zoning Ordinance regarding child and adult care centers, group homes, correctional placement residences, etc. The bulk of the amendment concerns the correctional placement residences; other changes are minor. Nevertheless, I thought you might find a copy of this amendment useful. If you have any questions about it, please call me or Tim Bickhaus at 268-4421.

LO:jcm
Attachment

FILE COPY

2732 (PUBLISHED IN THE DAILY REPORTER ON AUGUST 18, 1989)

ORDINANCE NO. 40-737

AN ORDINANCE AMENDING SECTIONS 28.04.021, 28.04.022, 28.04.023, 28.04.024, 28.04.025, 28.04.070, 28.04.100, 28.04.110, 28.04.130, AND 28.04.185 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO ADDING DEFINITIONS OF THE TERMS ADULT CARE CENTERS, CORRECTIONAL PLACEMENT RESIDENCES (BACK-ENDED AND FRONT-ENDED), HALFWAY HOUSE-GROUP HOME, JAIL AND PRISON, AND MAJOR BARRIER; AND TO PROVIDE FOR THE ESTABLISHMENT OF CORRECTIONAL PLACEMENT RESIDENCES (FRONT-ENDED) BY SPECIAL PERMIT IN THE "B" MULTIFAMILY, "BB" OFFICE, "OC" OFFICE COMMERCIAL, "LC" LIGHT COMMERCIAL, AND "C" GENERAL COMMERCIAL DISTRICTS; AND TO EXCLUDE THE ESTABLISHMENT OF CORRECTIONAL PLACEMENT RESIDENCES (FRONT-ENDED OR BACK-ENDED) AND JAILS AND PRISONS FROM THE "C" GENERAL COMMERCIAL, "D" CENTRAL BUSINESS, AND "F" HEAVY INDUSTRIAL DISTRICTS UNLESS SUCH USES ARE MORE THAN 750 FEET OR SEPARATED BY A MAJOR BARRIER FROM A RESIDENTIAL DISTRICT IN WHICH CASE THEY ARE PERMITTED BY RIGHT IN THE "D", "E", AND "F" DISTRICTS; AND TO AUTHORIZE THE ESTABLISHMENT OF ADULT DAY CARE CENTERS IN THE "AA", "A", "AB", "R-5", AND "R-6" RESIDENTIAL DISTRICTS BY EXCEPTION THROUGH THE BOARD OF ZONING APPEALS; AND REPEALING THE ORIGINALS OF SAID SECTIONS.

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

SECTION 1. SECTION 28.04.021 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.021 Definitions A through C. ACCESSORY STRUCTURE. Any construction, production or piece of work built up or composed of parts joined together and affixed to real land or real land or real building poles, fences, walks, and other such minor incidental improvements.

ADULT: A person 18 years of age or older. ADULT CARE CENTER: A building or portion of a building providing care, for part or all of a day or night, for adults who are aged, physically handicapped, mentally ill, mentally retarded, or otherwise developmentally disabled, away from their place of legal residence and which shall comply with the regulatory requirements of a federal, state, or local governmental agency; but not including family day care homes.

ADULT PUBLIC THOROUGHFARE which ordinarily affords only a secondary means of access to abutting property and which is not over twenty feet wide.

BASEMENT OR CELLAR. A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade, which shall not be included as a story.

BOARDINGHOUSE. A building or place where for compensation and by prearrangement for definite periods, table board is provided for five or more boarders, but does not include meals, occasional or transient customers without such previous arrangement; provided that halfway house-group home, hotel, motel, home for the aged, or correctional placement residences are not included within this definition.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDINGS, HEIGHT OF. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch roof, or the average height of a hip roof.

BUILDING LINE. The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built, but shall not include the face of one story unoccupied gable roofed areas over open porches, entrances or like appendages.

CHILD: A person less than 18 years of age. CHILD CARE CENTER. A building or portion of a building, for part or all of a day or night, away from the home of the parent or legal guardian; including full day child care, nursery schools, playgroups, Head Start centers giving emphasis to special programming for special children, kindergartens not operated by the public schools, and other establishments offering care to groups of children for part or all of the day or night; but not including family day care homes.

COMMISSION. "Commission" means the Wichita-Sedgwick County metropolitan area planning commission.

CORRECTIONAL PLACEMENT RESIDENCES (BACK-ENDED): A facility that provides residential and rehabilitation services to offenders who have been placed in such facilities by the correctional system at or near the end of a prison sentence, such as a state operated or franchised work-release program; such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

CORRECTIONAL PLACEMENT RESIDENCES (FRONT-ENDED): A facility that provides residential and rehabilitation services to offenders who have been placed in such facilities prior to or instead of being sent to a prison year. This would include persons receiving deferred or suspended sentences who are placed by the public corrections facilities such as under the County's community corrections program or Sheriff's work release program. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

SECTION 2. SECTION 28.04.022 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.022 Definitions D through F. DISTRICT. Any section of the city for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

DWELLING. A building or portion thereof which is designed or used exclusively for residential purposes. (Mobile homes and recreational vehicles shall be considered dwellings only in the sense that they are portable structures designed for long term or short term occupancy as a means of living units; however, under the terms of this title, mobile homes, manufactured homes and recreational vehicles shall be located only where they are specifically listed as a permitted use.) One-family. A detached building used exclusively for residential purposes having suitable accommodations for only one family which may include use as a second

for the storage of privately owned, motor driven vehicles, of which not more than one may be a commercial motor vehicle of not more than two tons' capacity, and with no provision of repairing or equipping such vehicles.

Public. A building or portion thereof used for the housing of motor vehicles or where such vehicles are equipped for operation, repaired or kept for repair, at a business, or at a place, not including exhibition or showroom for model cars.

Storage: A building or portion thereof designed or used exclusively for housing four or more motor-driven vehicles.

GRADE. Any wall approximately parallel to and not more than five feet from a street line is not to be considered as adjoining the street. Where no sidewalk has been constructed, the city engineer shall establish such sidewalk or its equivalent for the purpose of these regulations.

1. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street.

2. For buildings having walls adjoining more than one street, it is the average of the elevation for the sidewalks at the centers of all walls adjoining the streets.

3. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building.

GOVERNING BODY. The City Council of the city. GROUP BOARDING HOME FOR CHILDREN. A residential facility for five or more children, who, for various reasons, cannot reside in their natural home and where twenty-four hour adult care and supervision and consultation may be available, and which shall comply with the regulatory requirements of a federal, state, or local governmental agency.

HALFWAY HOUSE - GROUP HOME. A residential facility for five or more adults who have been institutionalized for various reasons and released, or who are physically handicapped, mentally ill, mentally retarded, developmentally disabled, or socially maladjusted, alcoholics, or drug addicts which makes operation in society difficult and requires the protection of a group setting to facilitate the transition to a functional member of society, and which provides shelter, supervision, and residential rehabilitative services; provided that correctional placement residences are not included within this definition. Halfway houses - group homes shall comply with the regulatory requirements of a federal, state, or local governmental agency.

HOME FOR THE AGED. A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living in a protected environment.

HOME OCCUPATION. See Section 28.04.035.

HOTEL. A building which provides a common entrance, lobby, halls, and stairways, and in which lodging is provided with or without meals, to transient guests.

HOUSE TRAILER. See RECREATIONAL VEHICLE.

HOUSEKEEPING UNIT. A building or a portion of a building which is occupied or intended to be occupied as a dwelling, and which has the facilities for cooking and serving meals and for sleeping quarters, and which may or may not include other rooms or facilities.

SECTION 4. SECTION 28.04.024 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.024 Definitions I through L. JAILS AND PRISONS. These are state correctional institutions (prisons) and local detention facilities (jails) that incarcerate inmates, adults or children, 24 hours a day, whether pretrial or sentenced. These facilities provide a highly structured living environment where inmates may be housed without jeopardizing the safety of the public, jail or prison staff, or other inmates. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping includes pedestrian ways, flowerbeds, ornamental objects, such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LODGINGHOUSE. A building or place wherein lodging is provided for five or more lodgers pursuant to previous arrangement and not open to transients; provided that halfway house-group home, hotel, motel, home for the aged, or correctional placement residences are not included within this definition.

LOT OR PLOT. A building site or parcel of land occupied or intended to be occupied by a building and accessory buildings, and including such open spaces as are required under this chapter, and having its principal frontage upon a public street or officially approved place.

Corner: A lot abutting upon two or more streets at their intersection.

Triangular: A lot abutting on two or more streets at their junction, where the angle formed by the intersecting streets is less than forty-five degrees.

Depth: The mean horizontal distance between the front and rear lot lines.

Interior: A lot other than a corner lot or triangular lot.

Through: An interior lot having frontage on two streets.

LOT FRONTAGE. See FRONTAGE.

LOT LINES. The lines bounding a lot as defined in this section.

LOT OF RECORD. A lot or portion of one or more lots which are a part of a subdivision, the map of which has been recorded in the office of the register of deeds of the county, or a plot described by metes and bounds, the description of which has been recorded in the office of the register of deeds of the county.

LOT, ZONING. A parcel of land that is designated its owner or developer, at the time of applying for an occupancy certificate, as a tract, an addition to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirements of the above and the requirements of the subdivision rules and regulations, such lot may consist of:

- (1) A single lot of record; or
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

NURSING HOME OR CONV. providing bed care for persons who by reason of illness are unable to care properly for or admitting alcoholics, drug mental or communicable disease at all times, and where other similar uses such as sanatoriums and hospitals.

SECTION 6. SECTION 28.04.070 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.070 "B" multiple-family dwellings. In the "B" district, no building or pre building shall be hereafter erected or altered, unless otherwise except for one or more of the following structure enlarged, "B" multiple-family dwelling the following area and height:

- A. Use Regulations.
- B. Any use permitted in the dwelling district.
- C. Boardinghouses and
- D. Bathhouses.
- E. Cemeteries.
- F. Doctors' offices, including alcohol and drug programs; but not animal hospitals.
- G. Educational, religious, or eleemosynary institutions.
- H. Greenhouses.
- I. Halfway house - group homes for children.
- J. Multiple-family dwellings.
- K. Child care centers for the aged; nursing home
- L. Private clubs, a activity of which is a service as a business or industry.
- M. Parking lots as or permitted in the "B" multiple-family dwellings legal code, effective January 1, 1988, in paragraph "e" of this sub-section is charged, and where commercial or industrial opposite the institutions, street, or public way, and conditions prevail:

- a. Compliance with the 28.04.140, 28.04.141, and 28.04.142.
- b. All parking spaces on each side that adjoins residential district (excluding intervening public ways), by masonry or concrete material (excluding chain link fence) shall be reduced to a minimum of eight feet from the front property line and, on corner lots, the setback to the side lot line shall be reduced to a minimum of eight feet and arranged and designed so a required solid wall.
- c. Only such signs as are necessary for the proper operation of the business in no event shall any area of twelve square feet, feet);

- d. The parking area of vehicles and shall delivery under twelve thousand pound in no case shall it be used for storage, dismantling or equipment, and shall be maintained.
- e. There is hereby set days from June 21, 1988, properties that are unimproved. A parking lot may be submitted to the city engineer in this sixty-day period; shall the Wichita Eagle/Beacon that is established within a permit application in accordance with the provisions of this section.

B. HEIGHT REGULATIONS. No building shall exceed the height permitted above the height permitted may be added to the height of the building or from the required line.

C. AREA REGULATIONS. 1. Front Yard: In all other than setback lines or front yard which have been approved by which are recorded in the records of the county, the same as the distance between building line or setback line 1.2 in all other multiple-family dwellings, a yard setback shall be two minimum front yard setback adjacent conforming use but then one hundred feet distance between the front line projected between the building on each side of the that the applicable minimum front yard setback to building.

Where the lot under consideration is a building, the setback shall be determined by the following:

2. Side Yard: In 2.1 in all other than setback lines or corner lots, the setback shall be determined by the following:

1.3 The application of increase the front yard setback adjacent lots. Buildings half of lots shall not be considered.

2. Side Yard: In 2.1 in all other than setback lines or corner lots, the setback shall be determined by the following:

1.3 The application of increase the front yard setback adjacent lots. Buildings half of lots shall not be considered.

2. Side Yard: In 2.1 in all other than setback lines or corner lots, the setback shall be determined by the following:

1.3 The application of increase the front yard setback adjacent lots. Buildings half of lots shall not be considered.

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1.3 The application of increase the front yard setback adjacent lots. Buildings half of lots shall not be considered.

2. Side Yard: In 2.1 in all other than setback lines or corner lots, the setback shall be determined by the following:

Continued from page 5

shall not reduce the yard requirements; and, provided further, that this regulation shall not apply to hotels which do not provide cooking facilities in the individual rooms or living units.

SECTION 7. SECTION 28.04.100 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.100 "C" commercial district regulations. In the "C" commercial district of this chapter, all buildings and premises, except as otherwise provided in this chapter, may be used for any use permitted in the dwelling districts and the "L" district or for any other purpose, except the following, and all buildings erected, enlarged, converted or altered in the "C" commercial district shall conform to the following area and height regulations:

- A. USE REGULATIONS.
 1. Uses Not Permitted:
 1. Bakery employing more than fifty persons on the premises.
 2. Blacksmithing or horseshoeing shop.
 3. Bottling works employing more than fifty persons on the premises.
 4. Building material storage yard.
 5. Carting, express, hauling or storage yard.
 6. Cleaning and dyeing works employing more than fifty persons on the premises.
 7. Contractor's plant or storage yard employing more than five persons on the premises; except during construction of any building except within three hundred feet thereof.
 8. Coal or coks yard of more than fifty tons' capacity.
 9. Cooperage works.
 10. Correctional Placement Residences (front-ended or back-ended).
 11. Foundry.
 12. Ice plant or storage house of more than ten tons' capacity.
 13. Jails and prisons.
 14. Laundry employing more than fifty persons on the premises.
 15. Livery stable.
 16. Machine shop employing more than ten persons on the premises.
 17. Poultry killing establishment.
 18. Stone yard or monument works.
 19. Wrecking motor vehicles.
 20. All uses excluded from the "D" central business district.
 21. No building may be erected or used for any manufacturing process excepting that of such a kind or character that the entire frontage of the ground floor along the principal street is used for office space, display or for wholesale or retail sales.
 22. Animal hospitals except small animal clinics; for treatment and boarding of dogs, cats and other pets; provided, that all animals shall be harbored indoors; no noise or odors from such use shall be discernible at any building line.

B. HEIGHT REGULATIONS. No building shall exceed a height of twenty-five stories.

C. AREA REQUIREMENTS.

1. Front Yard:
 - 1.1 Where all the frontage on one side of the street between two intersecting streets is located in the "C" commercial district, no front yard shall be required, and this provision shall apply equally to all buildings.
 - 1.2 Where the frontage on the same side of the street between two intersecting streets is located partly in a dwelling district, the front yard requirements of the dwelling district shall apply to the entire frontage in both districts.
2. Side Yard:
 - 2.1 The side yard regulations for buildings erected, enlarged, converted or structurally altered for dwelling purposes shall be the same as those in the "B" multiple-family dwelling district.
 - 2.2 No side yard is required for buildings erected, enlarged, converted or altered for other than dwelling uses excepting at the boundary line of the "C" district and any dwelling district, in which case there shall be a side yard adjoining the dwelling district of not less than five feet. If a side yard is provided for commercial buildings, the side yard shall be not less than five feet.
3. Rear Yard:
 - 3.1 The rear yard regulations for dwellings are the same as in the "B" multiple-family dwelling district.
4. Lot Area Per Family:
 - 4.1 The lot area per family shall be the same as required in the "B" multiple-family dwelling district.

SECTION 8. SECTION 28.04.110 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.110 "D" central business district regulations. A. In the "D" central business district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "D" central business district shall conform to the following area and height regulations. Uses which are not prohibited in the "C" district and uses not prohibited below are permitted in the "D" district.

- B. USE REGULATIONS.
 1. Uses Not Permitted:
 1. Acetylene gas manufacture or wholesale storage.
 2. Acid manufacture.
 3. Alcohol manufacture.
 4. Ammonia, bleaching powder or chlorine manufacture.
 5. Arsenal.
 6. Asphalt manufacture, refining and paving mixture plants.
 7. Blast furnaces.
 8. Bag cleaning.
 9. Boilers/works.
 10. Brick, tile, pottery or terra cotta manufacture, other than the manufacture of handicraft products only.
 11. Buttermilk plant which processes buttermilk or stale or rancid milk or its by-products into dry or semi-solid products.
 12. Central mixing plant for cement, mortar, plaster or concrete.
 13. Correctional placement residences (front-ended or back-ended); except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from

operated generally are obnoxious or offensive by reason of emission into the air or odors, smoke, dust, paint or grease particles, wood sawdust shavings, or other waste matter, or by the emission of an unreasonable amount of noise.

50. Mobile home parks.
C. HEIGHT REGULATIONS. No building shall exceed a height of twenty-five stories.

D. AREA REGULATIONS.

1. Front Yard: No front yard is required for any building for any use.
2. Side Yard:
 - 2.1 No side yard shall be required for dwellings where the dwelling is constructed with central air conditioning and ventilating equipment.
 - 2.2 In all other cases no side yard is required, except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five feet. If a side yard is provided for a commercial or industrial building, it shall be not less than five feet.
3. Rear Yard: No rear yard is required for any building or for any use except that, if any rear yard is provided, it shall not be less than ten feet.
4. Lot Area Per Family: Buildings which are erected, enlarged, converted or altered for residential purposes shall have a lot area of not less than two hundred fifty square feet of lot area for each family EXCEPT that in all cases twelve percent of the lot area left as open space, twelve and one-half square feet of lot area may be deducted from the original requirement of however, that in no instance shall the lot area per family be reduced below one hundred twenty-five square feet per family.

SECTION 9. SECTION 28.04.110 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.110 "R" heavy industrial district regulations. In the "R" heavy industrial district, buildings and premises may be used for any lawful purpose, subject to the following restrictions and to the following area and height regulations:

- A. USE REGULATIONS.
 1. Any building or premises may be used for any purpose not in conflict with any ordinance of the city regulating nuisances or special fire hazards; provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the city council after review, public hearing, and recommendation by the planning commission; and provided further that all uses specifically prohibited by Section 28.04.120 (B.2) of this chapter shall also be prohibited in the "R" heavy industrial district.
- B. AREA REGULATIONS.
 1. Cement, lime, gypsum, or plaster of paris manufacture.
 2. Correctional placement residences (front-ended or back-ended); except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
 3. Distillation of bones.
 4. Explosives manufacture or storage.
 5. Pack rendering.
 6. Fertilizer manufacture.
 7. Garbage, offal or dead animals incineration, reduction or dumping.
 8. Glass manufacture.
 9. Jails and Prisons; except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
 10. Petroleum refinery and wholesale storage.
 11. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.
 12. Stock yards.
 13. Wholesale storage of gasoline or other petroleum products in car lots or more above ground.
- C. HEIGHT REGULATIONS.
 1. No building shall exceed a height of twenty-five stories.
 2. No front yard, side yard or rear yard is required in the "R" heavy industrial district except for buildings which are erected, enlarged, converted or altered for dwelling purposes. In such case the front yard, side yard and rear yard requirements shall be the same as in the "B" multiple family dwelling district.
 3. Lot Area Per Family: The lot area per family shall be the same as in the "B" multiple family dwelling district.

SECTION 10. SECTION 28.04.185 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.185 Same - Halfway house - group homes/ Adult and child care centers; Correctional placement residences.

1. Halfway house - group homes. The board of zoning appeals may grant exceptions and authorize halfway house - group homes or group boarding homes for children to be located in the "AA", "A", "R-B", "R-5", or "R-6" residential zoning districts, subject to the following conditions and requirements:
 - 1.1 The home and its sanitary facilities shall comply with all state and local codes;
 - 1.2 The board shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case;
 - 1.3 The use shall comply with the regulatory requirements of a federal, state, or local governmental agency;
 - 1.4 The board shall take into consideration the proximity and location of other such rehabilitation facilities within the neighborhood so as not to change the character of the area, or impact a given area with such use;
 - 1.5 The board of zoning appeals may include additional conditions as deemed necessary to provide for orderly development.
2. Adult or child care centers. The board of zoning appeals may grant exceptions and authorize adult or child care centers to be located in the "AA", "A", "R-B", "R-5" or "R-6" residential zoning districts subject to the following conditions and requirements:
 - 2.1 All centers shall comply with the regulatory requirements of a federal, state, or local governmental agency, including all building and fire safety regulations of the state of Kansas and the city;
 - 2.2 For child care centers, outdoor play shall be limited to the hours between seven-thirty a.m. and

application, conduct a recommendation thereof; respect to whether such comprehensive plan, which are adequately protected, general welfare of the community.

4.2 All such facilities, regulatory requirements, governmental agency and safety regulations of the and if such facilities, unit of government, the accreditation from the AA or a substantial equivalent.

4.3 Before applying of being able to comply with the requirements.

4.4 The city council occupants permitted based the facility, and the nu for each individual case.

4.5 The city council conditions as deemed need development.

SECTION 11. THE ORIGINAL 28.04.023, 28.04.024, 28.04.025, 28.04.026 AND 28.04.027 OF THE KANSAS, ARE HEREBY REPEALED.

SECTION 12. This ordinance of the City of Wichita, Kansas, and publication once in the official newspaper of the City of Wichita, Kansas, on August 18, 1989.

ADOPTED at Wichita, Kansas, this 18th day of August, 1989.

BOB KNIGHT, MAYOR
JOHN MOIR, CITY CLERK
ATTEST: (SEAL)
(A18)

(First Published In The Daily Reporter August 11, 1989)

IN THE EIGHTEENTH JUDICIAL DISTRICT DISTRICT COURT, JUVENILE DEPARTMENT, SEDGWICK COUNTY, KANSAS

In the Interest of
DYANA DOLPHINE JAZZYME PERKINS (DOB 05-01-83)
SUMMER J. JACKSON (DOB 06-14-84)
CASE NO. 89 JC 216

NOTICE OF HEARING
State of Kansas vs DAVID DEGRACIA, ALLEGED FATHER OF SUMMER J. JACKSON, ANY UNKNOWN OR UNNAMED FATHER OF SUMMER J. JACKSON AND ANY OTHER PERSONS WHO ARE OR MAY BE CONCERNED

A Motion for Review and Termination has been filed in this court requesting that the court find the parents of Dyana Dolphine Jazzyne Perkins and Summer J. Jackson to be unfit to have custody of such children and make an order permanently terminating the parental rights of such children who have each previously been adjudged a child in need of care.

You are required to appear before this court at 8:30 a.m. on September 18, 1989, in the District Court, Juvenile Department, 1015 S. Minnesota, city of Wichita, Sedgwick County, Kansas, or prior to that time file your written response to the pleading with the clerk of court. Failure to either appear or respond may result in the court entering judgment granting the requested action.

Ky Ann Back, an attorney, has been appointed as guardian ad litem for the child. Each parent or other legal custodian of the children has the right to appear and be heard personally either with or without an attorney. The court will appoint an attorney to represent a parent who fails to appear.

Clerk of the District Court
by: McJone Krier (SEAL)

(A11, 18)

(First Published In The Daily Reporter August 11, 1989)

IN THE EIGHTEENTH JUDICIAL DISTRICT DISTRICT COURT, SEDGWICK COUNTY, KANSAS PROBATE DEPARTMENT IN THE MATTER OF THE ESTATE OF LEOTIA RUTH DAY, Deceased.
Pursuant to K.S.A. Chapter 59, Case No. 89 P 836

NOTICE OF HEARING
THE STATE OF KANSAS TO ALL PERSONS CONCERNED
You are hereby notified that a Petition has been filed in this Court by Orvetta McGlothin, adult daughter and one of the heirs of Leotia Ruth Day, deceased, praying: Decree be determined of the following described real estate situated in Sedgwick County, Kansas:

Lots 78 and 80 on Estelle Avenue, in Dixon's Addition to Wichita, Sedgwick County, Kansas, commonly known as 652 South Estelle, Wichita, Sedgwick County, Kansas 67211

and all personal property and other Kansas real estate owned by decedent at the time of death. And that such property and all personal property and other Kansas real estate owned by the decedent at the time of death be assigned pursuant to the laws of intestate succession.

You are required to file your written defenses thereto on or before the 5th day of September, 1989, at 10 a.m. in the City of Wichita, Sedgwick County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the Petition.

Orvetta McGlothin, Petitioner
William W. Thompson, Attorney

19. Hacking motor vehicles.

20. Animals excluded from the "D" central business district.

21. No building may be erected or used for any manufacturing process excepting that of such a kind or character that the entire frontage of the ground floor along the principal street is used for office space, display or for wholesale or retail sales.

22. Animal hospitals except small animal clinics; for treatment and boarding of dogs, cats and other pets; provided, that all animals shall be harbored indoors; no noise or odors from such use shall be discernible at any building line.

23. Mobile home parks.

B. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

C. AREA REQUIREMENTS.

1. Front Yard.

1.1 Where all the frontage on one side of the street between two intersecting streets is located in the "C" commercial district, no front yard shall be required, and this provision shall apply equally to all buildings.

1.2 Where the frontage on the same side of the street between two intersecting streets is located partly in a dwelling district, the front yard requirements of the dwelling district shall apply to the entire frontage in both districts.

2. Side Yard.

2.1 The side yard regulations for buildings erected, enlarged, converted or structurally altered for dwelling purposes shall be the same as those in the "B" multiple-family dwelling district.

2.2 No side yard is required for buildings erected, enlarged, converted or structurally altered for dwelling uses excepting at the boundary line of the "C" district and any dwelling district, in which case there shall be a side yard adjoining the dwelling district of not less than five feet.

3. Rear Yard.

The rear yard regulations for dwellings are the same as in the "B" multiple-family dwelling district.

4. Lot Area Per Family.

The lot area per family shall be the same as required in the "B" multiple-family dwelling district.

SECTION 9. SECTION 28.04.110 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.110 "D" central business district regulations. A. In the "D" central business district, no building or premises shall be used and no building shall be erected, enlarged, converted or structurally altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "D" central business district shall conform to the following area and height regulations. Uses which are not prohibited in the "C" district, and uses not prohibited below are permitted in the "D" district.

B. USE REGULATIONS.

Uses Not Permitted:

1. Acetylene gas manufacture or wholesale storage.
2. Acid manufacture.
3. Alcohol manufacture.
4. Ammonia, bleaching powder or chlorine manufacture.
5. Arsenal.
6. Asphalt manufacture, refining and paving mixture plants.
7. Blast furnace.
8. Bag cleaning.
9. Sole works.
10. Brick, tile, pottery or terra cotta manufacture, other than the manufacture of handicraft products only.
11. Buttermilk plant which processes buttermilk or stale or rancid milk or its by-products into dry or semi-solid products.
12. Central mixing plant for cement, mortar, plaster or concrete.
13. Correctional placement residences (front-ended or back-ended) except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
14. Disinfectant manufacture.
15. Dye stuff manufacture.
16. Explosive or fireworks manufacture or storage.
17. Extentor and insect poison manufacture.
18. Fat rendering.
19. Fertilizer manufacture.
20. Forge plant.
21. Garbage, offal or dead animal incineration, reduction or dumping.
22. Gas manufacture or storage.
23. Glue, size or gelatine manufacture.
24. Grain storage.
25. Iron, steel, brass or copper mills engaged in the production of these metals or any of their alloys from ores or junk material.
26. Jails and Prisons; except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
27. Junk, used material, auto wrecking, salvage, paper, scrap, bottles or rags, baling or storage of such materials, except where such activities are conducted entirely within an enclosed building.
28. Mills, feed or flour.
29. Oilcloth or linoleum manufacture.
30. Preparation or treatment of oiled rubber or leather goods in their raw state.
31. Ore reduction.
32. Paint, oil, shellac, turpentine or varnish manufacture, but not excluding the mixing of manufactured materials into paints.
33. Paper and pulp manufacture.
34. Petroleum or its products, including refining or wholesale storage.
35. Rubber or gutta-percha manufacture or treatment.
36. Shoe polish manufacture.
37. Smelting of tin, copper, zinc or iron ores.
38. Soap manufacture other than liquid soap.
39. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.
40. Stockyards.
41. Stove polish manufacture.
42. Tallow, grease or tard manufacture or refining, including the processing of animal fat.
43. Tanning, curing or storage of raw hides or skins.
44. Tar distillation or manufacture.
45. Tar roofing or waterproofing manufacture.
46. Vinegar manufacture.
47. Wool pulling or scouring.
48. Yeast plant.
49. Those uses which may be used as ordinarily

SECTION 10. SECTION 28.04.185 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.185 Same - Halfway house - group homes; Adult and child care centers; Correctional placement residences.

1. Halfway house - group homes. The board of zoning appeals shall grant exceptions and authorize children to be located in the "A" yard "B", "B-5" or "R-6" residential zoning districts subject to the following conditions and requirements:

- 1.1 The house and its sanitary facilities shall comply with all state and local regulations.
- 1.2 The board shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case.
- 1.3 The use shall comply with the regulatory requirements of a federal, state, or local governmental agency.
- 1.4 The board shall take into consideration the proximity and location of other such rehabilitation facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses.
- 1.5 The board of zoning appeals may include additional conditions as deemed necessary to provide for orderly development.

2. Adult and child care centers. The board of zoning appeals may grant exceptions and authorize adult "B", "B-5" and "R-6" residential zoning districts subject to the following conditions and requirements:

- 2.1 All zoning conditions and requirements: requirements of a federal, state, or local governmental agency, including all building and fire safety regulations of the state of Kansas and the city.
- 2.2 For child care centers, outdoor play shall be limited to the hours between eight a.m. and five-thirty p.m. when any part of the fenced play area is being able to comply with all regulations and standards must be submitted for review.
- 2.3 Before applying for an exception, evidence of consideration of the proximity and location of other such facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses.
- 2.5 The board of zoning appeals may include additional conditions as deemed necessary to provide for orderly development.

3. Correctional placement residences (front-ended or back-ended) except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.

3.1 The planning commission shall review the application, conduct a public hearing and make its recommendation thereafter to the city council with respect to whether such use is in conformance with the general welfare of the community is promoted and whether the regulatory requirements of a federal, state, or local safety regulations of the State of Kansas and the city; unit of government shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

3.2 Before applying for a special permit, evidence of being able to comply with all the regulations and standards must be submitted for review.

3.4 The city council shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case.

3.5 The board of zoning appeals may include additional conditions as deemed necessary to provide for orderly development.

4. Correctional placement residences (back-ended or front-ended) or jails and prisons. The city council residences (back-ended or front-ended) or jails and prisons to be less than 750 feet from residential zoning "E", and "R" zoning districts. Any approval under this section shall be subject to the following conditions and requirements:

- 4.1 The planning commission shall review the

STATE OF KANSAS vs. DAVID DEGRACIA ALLEGED FATHER OF SUMNER J. JACKSON, ANY UNKNOWN OR UNNAMED FATHER OF SUMNER J. JACKSON AND ANY OTHER PERSONS WHO ARE OR MAY BE CONCERNED

NOTICE OF HEARING

A Motion for Review and Termination has been filed in this court requesting that the court find the parents of Dyana Dolphine Jazmyne Perkins and Sumner J. Jackson to be unfit to have custody of such children and make an order permanently terminating the parental rights of such children, have each previously been adjudged a child in need of care.

You are required to appear before this court at 8:30 a.m. on September 11, 1989 in the District Court, Juvenile Department, 1015 S. Minnesota, City of Wichita, Sedgewick County, Kansas, or prior to that time file your written response with the clerk of this court. Failure to appear or respond may result in the court entering judgment granting the requested action.

Ky Ann Buck, an attorney, has been appointed as guardian ad litem for the child. Each parent or other legal custodian of the children has the right to appear and be heard personally or by counsel without an attorney. The court will appoint an attorney to represent a parent who fails to appear.

Clerk of the District Court
by /Jolene KRIEGER (SEAL)

(A11,18)

(First Published In The Daily Reporter August 11, 1989)

IN THE EIGHTEENTH JUDICIAL DISTRICT DISTRICT COURT SEDGWICK COUNTY, KANSAS PROBATE DEPARTMENT

IN THE MATTER OF THE ESTATE OF LEONIA RUTH DAY, Deceased.

Pursuant to K.S.A. Chapter 69 Case No. 89 P 836

NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a Petition has been filed in this Court by Orveta M. Clothin, adult daughter and one of the heirs of Leonia Ruth Day, Deceased. Decent is determined of the following described real estate situated in Sedgewick County, Kansas:

Lot 78 and 80 on Estelle Avenue, in Dixon's Addition to Wichita, Sedgewick County, Kansas, commonly known as 682 South Estelle, Wichita, Sedgewick County, Kansas 67211

and all personal property and other Kansas real estate owned by decedent at the time of her death. And that such property and all personal property and other Kansas real estate owned by the decedent at the time of her death be assigned pursuant to the laws of intestate succession.

You are required to file your written defenses thereto on or before the 5th day of September, 1989, at 10 a.m. in the City of Wichita, Sedgewick County, Kansas, at which time and place there shall be heard. Should you fail therein, judgment and decree will be entered in due course upon the Petition.

/Orveta M. Clothin, Petitioner
/Willard /Woody L. Thompson Jr.
WILLARD /WOODY L. THOMPSON, JR.
Attorney at Law
610 North Poplar
Wichita, Kansas 67214
(316)264-8648
(A11,18,25)

(First Published In The Daily Reporter August 11, 1989)

IN THE EIGHTEENTH JUDICIAL DISTRICT DISTRICT COURT SEDGWICK COUNTY, KANSAS

In the Interest of SCOTT A. RITZ (DOB: 03-29-76) JAMIE J. RITZ (DOB: 10-03-79) JUSTIN J. RITZ (DOB: 04-10-82) ADAM J. RITZ (DOB: 06-11-85)

CASE NO. 89 JC 215

NOTICE OF PROCEEDINGS

State of Kansas vs. DAVID DUNGAN, ALLEGED FATHER OF JAMIE J. RITZ, MICHAEL LOWMAN, ALLEGED FATHER OF ADAM J. RITZ, ANY UNKNOWN OR UNNAMED FATHER OF JAMIE J. RITZ OR ADAM J. RITZ, AND ANY OTHER PERSONS WHO ARE OR MAY BE CONCERNED

A petition has been filed in this court requesting that the court adjudge each of said children to be a child in need of care as defined in the Kansas Code for Care of Children KSA 38-1502 (a), as amended.

You are required to appear before this court at 8:30 p.m. on August 31, 1989 in the District Court, Juvenile Department, 1015 S. Minnesota, City of Wichita, Kansas, 67211; or prior to said time file your written response to said pleading with the Clerk of this court. Failure to either appear or respond may result in the court entering judgment granting the requested action.

Each parent, guardian or other legal custodian of the child or children has the right to live and be represented by an attorney. The court will appoint an attorney for a parent who is financially unable to hire one.

Clerk of the District Court
by /Jolene KRIEGER (SEAL)

(A11,18)

ter, Friday, August 18, 1989

ce the yard requirements and, provided this regulation shall not apply to hotels provide cooking facilities in the is or living units.

28.04.100 OF THE CODE OF THE CITY OF WICHITA TO READ AS FOLLOWS:

commercial district regulations. In the district of this chapter, all buildings except as otherwise provided in this chapter shall conform to the following regulations:
1. Front Yard: No front yard is required for any building for any use.
2. Side Yard: No side yard shall be required for dwellings where the dwelling is constructed with central air conditioning and ventilating equipment.

operated generally are obnoxious or offensive by reason of emission into the air of odors, smoke, dust, paint or grease particles, wood sawdust shavings, or other waste matter, or by the emission of an unreasonable amount of noise.

SECTION 9. SECTION 28.04.130 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.130 "F" heavy industrial district regulations. In the "F" heavy industrial district buildings and premises may be used for any lawful purpose, subject to the following restrictions and to the following area and height regulations:
1. Use Regulations. Any building or premises may be used for any purpose not in conflict with any ordinance of the city regulating nuisances or special fire hazards; provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the city council after review, public hearing, and recommendation by the planning commission; and provided further that all uses specifically prohibited in Section 28.04.120 (B.2) of this chapter shall also be prohibited in the "F" heavy industrial district.

application, conduct a public hearing and make its recommendation thereafter to the city council with respect to whether such use is in conformance with the comprehensive plan, whether the use is a state or local government agency, including all building and fire safety regulations of the State of Kansas and the city; and if such facilities are not directly operated by a unit of government they shall have actively sought accreditation from the American Correctional Association or a substantial equivalent.

SECTION 12. THIS ORDINANCE SHALL BE INCLUDED IN THE CODE OF THE CITY OF WICHITA, KANSAS, AND BE OFFICIALLY PASSED AND PUBLISHED ONCE IN THE OFFICIAL CITY PAPER.

ADOPTED AT Wichita, Kansas this 15th day of August, 1989.

BOB KNIGHT, MAYOR JOHN MOIR, CITY CLERK ATTEST: (SEAL) (A 18)

(First Published In The Daily Reporter August 11, 1989) IN THE EIGHTEENTH JUDICIAL DISTRICT DISTRICT COURT, SEDGWICK COUNTY, KANSAS

In the Interest of DYANA DOLPHINE JAZZMYNE PERKINS (DOB 05-01-83) SUMMER J. JACKSON (DOB 08-14-84) CASE NO. 88 JC 216 NOTICE OF HEARING

State of Kansas to: DAVID DEGRACIA, ALLEGED FATHER OF SUMMER J. JACKSON, UNKNOWN OR UNNAMED FATHER OF SUMMER J. JACKSON AND ANY OTHER PERSONS WHO ARE OR MAY BE CONCERNED

A Motion for Review and Termination has been filed in this court requesting that the court find the parents of Dyana Dolphine Jazzmyne Perkins and Summer J. Jackson to be unfit to have custody of such children and make an order permanently terminating the parental rights of such children who have each previously been adjudged a child in need of care.

You are required to appear before this court at 8:30 a.m. on September 18, 1989, in the District Court, Juvenile Department, 1015 S. Minnesota, city of Wichita, Sedgwick County, Kansas; or prior to that time file your written response to the pleading with the clerk of this court. Failure to either appear or respond may result in the court entering judgment granting the requested action.

Ky Ann Buck, an attorney, has been appointed as guardian ad litem for the child. Each parent or other legal custodian of the children has the right to appear and be heard personally either with or without an attorney. The court will appoint an attorney to represent a parent who fails to appear.

Clerk of the District Court by: JoLolene Krier (SEAL) (A 11, 18)

(First Published In The Daily Reporter August 11, 1989) IN THE EIGHTEENTH JUDICIAL DISTRICT DISTRICT COURT, SEDGWICK COUNTY, KANSAS PROBATE DEPARTMENT

IN THE MATTER OF THE ESTATE OF LETA AUSTIN DAY, Deceased Pursuant to K.S.A. Chapter 59 Case No. 89 P 836 NOTICE OF HEARING

THE STATE OF KANSAS TO ALL PERSONS CONCERNED: You are hereby notified that a Petition has been filed in this Court by Orveta McGlothin, adult daughter and one of the heirs of Leta Ruth Day, deceased, praying:

Decent be determined of the following described real estate situated in Sedgwick County, Kansas, commonly known as 652 South Estelle, Wichita, Sedgwick County, Kansas 67211

and all personal property and other Kansas real estate owned by decedent at the time of death. And that such property and all personal property and other Kansas real estate owned by the decedent at the time of death be assigned pursuant to the laws of intestate succession.

You are required to file your written defenses thereto on or before the 5th day of September, 1989, at 10 a.m. in the City of Wichita, Sedgwick County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the Petition.

Orveta McGlothin, Petitioner William Wooten, Trustee

(First Published In The Daily Reporter August 18, 1989) IN THE EIGHTEENTH JUDICIAL DISTRICT DISTRICT COURT, SEDGWICK COUNTY, KANSAS BANPLUS MORTGAGE CORP., Plaintiff,

PAUL J. GUTTENBERG AND ANN L. GUTTENBERG, et al., Defendants. K.S.A. Chapter 60 Case No. 89 C 2690 NOTICE OF SUIT

The State of Kansas to the defendants above named and designate and all other persons who are, or may be concerned; and the unknown heirs, executors, administrators, devisees, trustees, creditors and assigns of such of the defendants as may be deceased; the unknown spouses of the defendants; the unknown sisters, attorneys

SECTION 9. SECTION 28.04.130 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.130 "F" heavy industrial district regulations. In the "F" heavy industrial district buildings and premises may be used for any lawful purpose, subject to the following restrictions and to the following area and height regulations:
1. Use Regulations. Any building or premises may be used for any purpose not in conflict with any ordinance of the city regulating nuisances or special fire hazards; provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the city council after review, public hearing, and recommendation by the planning commission; and provided further that all uses specifically prohibited in Section 28.04.120 (B.2) of this chapter shall also be prohibited in the "F" heavy industrial district.

2. Cement, lime, gypsum, or plaster of paris manufacture.
3. Correctional placement residences (front-ended or back-ended); except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.

4. Distillation of bones.
5. Explosive manufacture or storage.
6. Fat rendering.
7. Fertilizer manufacture.
8. Garbage, offal or dead animals incineration, reduction or dumping.
9. Glass manufacture.
10. Jails and prisons; except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.

11. Petroleum refinery and wholesale storage.
12. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.
13. Steel yards.
14. Wholesale storage of gasoline or other petroleum products in car lots or more above ground.

B. HEIGHT REGULATIONS. No building shall exceed a height of twenty-five stories.
C. AREA REGULATIONS.

1. No front yard, side yard or rear yard is required in the "F" heavy industrial district except for buildings which have been converted, enlarged, converted or altered for dwelling purposes, subject to the following conditions and requirements:
1.1 The home and its sanitary facilities shall comply with all state and local codes;
1.2 The board shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case;
1.3 The use shall comply with the regulatory requirements of a federal, state, or local governmental agency.

2. Lot Area Per Family: The lot area per family shall be the same as in the "B" multiple family dwelling district.

SECTION 10. SECTION 28.04.185 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.185 Same - Halfway house - group homes/ Adult and child care centers; Correctional placement residences.
1. Halfway house - group homes. The board of zoning appeals may grant exceptions and authorize halfway house - group homes or group boarding homes for children to be located in the "AA", "A", "RB", "R-5", or "R-6" residential zoning districts subject to the following conditions and requirements:

1.1 The home and its sanitary facilities shall comply with all state and local codes;
1.2 The board shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case;
1.3 The use shall comply with the regulatory requirements of a federal, state, or local governmental agency.

2. Adult or child care centers. The board of zoning appeals may grant exceptions and authorize adult or child care centers to be located in the "AA", "A", "RB", "R-5" and "R-6" residential zoning districts subject to the following conditions and requirements:
2.1 All centers shall comply with the regulatory requirements of a federal, state, or local governmental agency, including all building and fire safety regulations of the state of Kansas and the city;

2.2 For child care centers, outdoor play shall be limited to the hours between seven-thirty a.m. and six-thirty p.m.
2.3 The use shall comply with the regulatory requirements of a federal, state, or local governmental agency.

3. The board of zoning appeals may include additional conditions as deemed necessary to provide for orderly development.

131/2/89
1-2-89

ORDINANCE NO. 40-737

AN ORDINANCE AMENDING SECTIONS 28.04.021, 28.04.022, 28.04.023, 28.04.024, 28.04.025, 28.04.070, 28.04.100, 28.04.110, 28.04.130, AND 28.04.185 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO ADDING DEFINITIONS OF THE TERMS ADULT CARE CENTERS, CORRECTIONAL PLACEMENT RESIDENT (BACK-ENDED AND FRONT-ENDED), HALFWAY HOUSE--GROUP HOME, JAIL AND PRISON, AND MAJOR BARRIER; AND, TO PROVIDE FOR THE ESTABLISHMENT OF CORRECTIONAL PLACEMENT RESIDENCES (FRONT-ENDED) BY SPECIAL PERMIT IN THE "B" MULTIFAMILY, "BB" OFFICE, "OC" OFFICE COMMERCIAL, "LC" LIGHT COMMERCIAL, AND "C" GENERAL COMMERCIAL DISTRICTS; AND TO EXCLUDE THE ESTABLISHMENT OF CORRECTIONAL PLACEMENT RESIDENCES (FRONT-ENDED OR BACK-ENDED) AND JAILS AND PRISONS FROM THE "C" GENERAL COMMERCIAL, "D" CENTRAL BUSINESS, AND "F" HEAVY INDUSTRIAL DISTRICTS UNLESS SUCH USES ARE MORE THAN 750 FEET OR SEPARATED BY A MAJOR BARRIER FROM A RESIDENTIAL DISTRICT IN WHICH CASE THEY ARE PERMITTED BY RIGHT IN THE "D," "E," AND "F" DISTRICTS; AND, AUTHORIZE THE ESTABLISHMENT OF ADULT DAY CARE CENTERS IN THE "AA," "A," "RB," "R-5," AND "R-6," RESIDENTIAL DISTRICTS BY EXCEPTION THROUGH THE BOARD OF ZONING APPEALS; AND REPEALING THE ORIGINALS OF SAID SECTIONS.

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

SECTION 1. SECTION 28.04.021 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.021 Definitions A through C. 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: A person 18 years of age or older.

ADULT CARE CENTER: A building or portion of a building providing care, for part or all of a day or night, for adults who are aged, physically handicapped, mentally ill, mentally retarded, or otherwise developmentally disabled, away from their place of legal residence and which shall comply with the regulatory requirements of a federal, state, or local governmental agency; but not including family day care homes.

ALLEY. A public thoroughfare which ordinarily affords only a secondary means of access to abutting property and which is not over twenty feet wide.

BASEMENT OR CELLAR. A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade, which shall not be included as a story.

BOARDINGHOUSE. A building or place where for compensation and by prearrangement for definite periods, table board is provided for five or more boarders, but does not furnish meals to occasional or transient customers without such previous arrangement; provided that halfway house-group home, hotel, motel, home for the aged, or correctional placement residences are not included within this definition.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDINGS, HEIGHT OF. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch roof, or the average height of a hip roof.

BUILDING LINE. The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built, but shall not include the face of one story unoccupied gable roofed areas over open porches, entrances or like appendages.

CHILD: A person less than 18 years of age.

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

COMMISSION. "Commission" means the Wichita-Sedgwick County metropolitan area planning commission.

CORRECTIONAL PLACEMENT RESIDENCES (BACK-ENDED): A facility that provides residential and rehabilitation services to offenders who have been placed in such facilities by the correctional system at or near the end of a prison sentence, such as a state operated or franchised work-release program. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

CORRECTIONAL PLACEMENT RESIDENCES (FRONT-ENDED). A

facility that provides residential and rehabilitation services to offenders who have been placed in such facilities prior to or instead of being sent to a prison or as part of a local sentence of not more than one (1) year. This would include persons receiving deferred or suspended sentences who are placed by the courts in these facilities such as under the County's community corrections program or Sheriff's work release program. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

SECTION 2. SECTION 28.04.022 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.022 Definitions D through F. DISTRICT. Any section of the city for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

DWELLING. A building or portion thereof which is designed or used exclusively for residential purposes. (Mobile homes and recreational vehicles shall be considered dwellings only in the sense that they are portable structures designed for long term or short term occupancy as dwelling units; however, under the terms of this title, mobile homes, manufactured homes and recreational vehicles shall be located only where they are specifically listed as a permitted use.)

One-family: A detached building used exclusively for residential purposes having suitable accommodations for only one family, which may include not to exceed four lodgers or boarders.

Two-family: A detached building used exclusively for residential purposes and designed for or occupied by two families living independently of each other, each of which may include not to exceed four lodgers or boarders.

Four-family: A detached building used exclusively for residential purposes and having suitable accommodations for four families living independently of each other, and may include not more than two lodgers or boarders in each family.

Multiple: A building or portion of a building having suitable accommodations for three or more families living independently of each other who may or may not have joint use of utilities, halls, yards, etc. The term includes premises occupied more or less permanently for residential purposes in which the rooms are occupied in apartments, suites or groups, such as apartments, dormitories, lodging houses, rooming houses,

and all other dwellings similarly occupied. For purposes of this chapter, auto courts, hotels, motels, motor hotels, or tourist courts shall not be considered dwellings.

FAMILY. One person living alone or two or more persons living together, related either by birth or marriage, who, together with their servants occupy a single housekeeping unit; or a group of not more than four unrelated persons who, with their servants, occupy a single housekeeping unit. Family does not include a group occupying a club, sorority or fraternity house, etc.

FAMILY DAY CARE HOME. A home occupation, in a dwelling, in which care is given for less than twenty-four hours a day to ten or less children or adults away from their own homes, who are not related to the care provider; provided, however, the number and ages of the children and the number of adults shall not exceed that permitted by the appropriate governmental licensing agency.

FILLING STATION. Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automotive fuels and lubricants and automotive accessories.

FRONTAGE. The length of the property abutting on one side of a street or place measured along the dividing line between the property and the street or place. (For double frontage see Reversal of Lot Frontage and Lot or Plot, Through.)

SECTION 3. SECTION 28.04.023 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.023 Definitions G through H. GARAGE.

Private: An accessory building designed or used for the storage of privately owned, motor driven vehicles, of which not more than one may be a commercial motor vehicle of not more than two tons' capacity, and with no provision of repairing or equipping such vehicles.

Public. A building or portion thereof used for the housing of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, not including exhibition or showroom for model cars.

Storage: A building or portion thereof designed or used exclusively for housing four or more motor-driven vehicles.

GRADE. Any wall approximately parallel to and not more than five feet from a street line is not to be considered as adjoining the street. Where no sidewalk has been constructed, the city engineer shall establish

such sidewalk or its equivalent for the purpose of these regulations.

1. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street.

2. For buildings having walls adjoining more than one street, it is the average of the elevation for the sidewalks at the centers of all walls adjoining the streets.

3. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building.

GOVERNING BODY. The City Council of the city.

GROUP BOARDING HOME FOR CHILDREN. A residential facility for five or more children, who, for various reasons, cannot reside in their natural home and where twenty-four hour adult care and supervision and consultation may be available, and which shall comply with the regulatory requirements of a federal, state, or local governmental agency.

HALFWAY HOUSE -- GROUP HOME. A residential facility for five or more adults who have been institutionalized for various reasons and released, or who are physically handicapped, mentally ill, mentally retarded, developmentally disabled, former convicts, parolees, alcoholics, or drug addicts which makes operation in society difficult and requires the protection of a group setting to facilitate the transition to a functional member of society, and which provides shelter, supervision, and residential rehabilitative services; provided that correctional placement residences are not included within this definition. Halfway houses -- group homes shall comply with the regulatory requirements of a federal, state, or local governmental agency.

HOME FOR THE AGED. A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living in a protected environment.

HOME OCCUPATION. See Section 28.04.035.

HOTEL. A building which provides a common entrance, lobby, halls, and stairways, and in which lodging is provided with or without meals, to transient guests.

HOUSE TRAILER. See RECREATIONAL VEHICLE.

HOUSEKEEPING UNIT. A building or a portion of a building which is occupied or intended to be occupied as a dwelling, and which has the facilities for cooking and serving meals and for sleeping quarters, and which may

or may not include other rooms or facilities.

SECTION 4. SECTION 28.04.024 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.024 Definitions I through L. JAILS AND PRISONS. These are state correctional institutions (prisons) and local detention facilities (jails) that incarcerate inmates, adults or children, 24 hours a day, whether pretrial or sentenced. These facilities provide a highly structured living environment where inmates may be housed without jeopardizing the safety of the public, jail or prison staff, and other inmates. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects, such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LODGINGHOUSE. A building or place wherein lodging is provided for five or more lodgers pursuant to previous arrangement and not open to transients; provided that halfway house - group home, hotel, motel, home for the aged, or correctional placement residences are not included within this definition.

LOT OR PLOT. A building site or parcel of land occupied or intended to be occupied by a building and accessory buildings, and including such open spaces as are required under this chapter, and having its principal frontage upon a public street or officially approved place.

Corner: A lot abutting upon two or more streets at their intersection.

Triangular: A lot abutting on two or more streets at their junction, where the angle formed by the intersecting streets is less than forty-five degrees.

Depth of: The mean horizontal distance between the front and rear lot lines.

Interior: A lot other than a corner lot or triangular lot.

Through: An interior lot having frontage on two streets.

LOT FRONTAGE. See **FRONTAGE.**

LOT LINES. The lines bounding a lot as defined in this section.

LOT OF RECORD. A lot or portion of one or more

lots which are a part of a subdivision, the map of which has been recorded in the office of the register of deeds of the county, or a plot described by metes and bounds, the description of which has been recorded in the office of the register of deeds of the county.

LOT, ZONING. A parcel of land that is designated by its owner or developer, at the time of applying for an occupancy certificate as a tract, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirements of the above and the requirements of the subdivision rules and regulations, such lot may consist of:

- (1) A single lot of record; or
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

SECTION 5. SECTION 28.04.025 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.025 Definitions M through N. MAJOR BARRIER. Designated state or federal highways with limited access, the Arkansas or Little Arkansas rivers, and the Wichita-Valley Center Flood Control (Big-Ditch).

MANUFACTURED HOME: A structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards generally known as the HUD Code. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to all utilities in conformance with applicable regulations.

MANUFACTURED HOME SUBDIVISION: A subdivision within the "G" Manufactured Home District which is platted for development as individual home sites for manufactured homes or modular homes to be placed on permanent foundations as required for permanent structures.

MOBILE HOME: A movable detached single-family dwelling unit that was manufactured prior to 1976 or is not in conformance to the HUD Code as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to the utilities in conformance with all applicable regulations. A mobile home shall also include a manufactured home as defined herein when located in a mobile home park.

MOBILE HOME PARK: A parcel of land, which has been planned and improved in some manner, and used or intended to be used by one or more occupied mobile homes or manufactured homes not placed on permanent foundations. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new

or used, are parked for the purposes of storage, inspection or sale.

MODULAR HOME: A structure consisting of one or more components manufactured off-site in conformance to the standards of the building code of the city and related technical codes and moved to the construction site for final assembly as a dwelling unit.

MOTEL. A group of attached or detached permanent nonmobile buildings containing four or more individual sleeping or separate living facilities; designed and used for the accommodation of transients or nonpermanent residents. Motels shall include motor courts, auto courts and cabin or tourist courts but shall not include recreational vehicle campgrounds or courts, camp sites or mobile home parks.

NONCONFORMING USE. A building or premises legally occupied by a use that does not conform with the regulations of the district in which it is situated as established by this chapter or any prior zoning ordinance.

NURSING HOMES OR CONVALESCENT HOME. A home providing bed care for persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to care properly for themselves, but not serving or admitting alcoholics, drug addicts, or persons with mental or communicable diseases; a registered nurse on duty at all times, and wherein there is no surgery or other similar activities such as customarily provided in sanatoriums and hospitals.

SECTION 6. SECTION 28.04.070 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

- A. Use Regulations.
1. Any use permitted in the "RB" four-family dwelling district.
 2. Boardinghouses and lodginghouses.
 3. Boathouses.
 4. Cemeteries.
 5. Doctors' offices, hospitals and clinics, including alcohol and drug intervention confinement programs; but not animal hospitals or animal clinics.
 6. Educational, religious, philanthropic and eleemosynary institutions.

7. Greenhouses.
8. Halfway house - group home and group boarding homes for children.
9. Multiple-family dwellings.
10. Child care centers; adult care centers; homes for the aged; nursing homes; and convalescent homes
11. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.
12. Parking lots as an accessory use to any use permitted in the "B" multifamily dwelling district.
13. Parking lots legally established prior to June 21, 1988, or recognized under the provisions established in paragraph "e" of this subdivision, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:
 - a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143;
 - b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall;
 - c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet;
 - d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under twelve thousand pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies;
 - e. There is hereby established a period of sixty days from June 21, 1988, within which owners of properties that are unimproved and that qualify for use as a parking lot may submit a permit application to the superintendent of central inspection. The existence of this sixty-day period shall be officially publicized in

the Wichita Eagle/Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.145.

B. HEIGHT REGULATIONS.

No building shall exceed fifty-five feet in height at the required front, side or rear yard lines, but above the height permitted at such yard lines, one foot may be added to the height of the building for each one foot that the building or portion thereof is set back from the required lines.

C. AREA REGULATIONS.

1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "B" multiple-family dwelling district, the minimum front yard setback shall be twenty feet; provided that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question; provided that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20' + X}{2}$$

where "X" equals the minimum front yard setback of the existing building.

Where there are through lots, the above front yard requirements shall apply to the frontage of both streets.

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet; and provided further, existing buildings on adjacent lots. Buildings placed entirely on the rear half of lots shall not be considered.

2. Side Yard.

2.1 In all locations where building lines or sidelines or corner lots are shown on plats which have been approved by the planning commission and which are

recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of four feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided, further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "B" district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to setback more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings and the depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line, except that accessory structures shall be not less than ten feet from the centerline of any platted alley.

4. Lot Area Per Family:

The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided that the application of this rule shall not reduce the yard requirements; and, provided further, that this regulation shall not apply to hotels

which do not provide cooking facilities in the individual rooms or living units.

SECTION 7. SECTION 28.04.100 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.100 "C" commercial district regulations. In the "C" commercial district of this chapter, all buildings and premises, except as otherwise provided in this chapter, may be used for any use permitted in the dwelling districts and the "LC" district or for any other purpose, except the following, and all buildings erected, enlarged, converted or altered in the "C" commercial district shall conform to the following area and height regulations:

- A. USE REGULATIONS.
- Uses Not Permitted:
1. Bakery employing more than fifty persons on the premises.
 2. Blacksmithing or horseshoeing shop.
 3. Bottling works employing more than fifty persons on the premises.
 4. Building material storage yard.
 5. Carting, express, hauling or storage yard.
 6. Cleaning and dyeing works employing more than fifty persons on the premises.
 7. Contractor's plant or storage yard employing more than five persons on the premises; except during construction of any building except within three hundred feet thereof.
 8. Coal or coke yard of more than fifty tons' capacity.
 9. Cooperaage works.
 10. Correctional Placement Residences (front-ended or back-ended).
 11. Foundry.
 12. Ice plant or storage house of more than ten tons' capacity.
 13. Jails and prisons.
 14. Laundry employing more than fifty persons on the premises.
 15. Livery stable
 16. Machine shop employing more than ten persons on the premises.
 17. Poultry killing establishment.
 18. Stone yard or monument works.
 19. Wrecking motor vehicles.
 20. All uses excluded from the "D" central business district.
 21. No building may be erected or used for any manufacturing process excepting that of such a kind or character that the entire frontage of the ground floor along the principal street is used for office space,

display or for wholesale or retail sales.

22. Animal hospitals except small animal clinics; for treatment and boarding of dogs, cats and other pets; provided, that all animals shall be harbored indoors; no noise or odors from such use shall be discernible at any building line.

23. Mobile home parks.

B. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

C. AREA REQUIREMENTS.

1. Front Yard:

1.1 Where all the frontage on one side of the street between two intersecting streets is located in the "C" commercial district, no front yard shall be required, and this provision shall apply equally to all buildings.

1.2 Where the frontage on the same side of the street between two intersecting streets is located partly in a dwelling district, the front yard requirements of the dwelling district shall apply to the entire frontage in both districts.

2. Side Yard:

2.1 The side yard regulations for buildings erected, enlarged, converted or structurally altered for dwelling purposes shall be the same as those in the "B" multiple-family dwelling district.

2.2 No side yard is required for buildings erected, enlarged, converted or altered for other than dwelling uses excepting at the boundary line of the "C" district and any dwelling district, in which case there shall be a side yard adjoining the dwelling district of not less than five feet. If a side yard is provided for commercial buildings, the side yard shall be not less than five feet.

3. Rear Yard:

The rear yard regulations for dwellings are the same as in the "B" multiple-family dwelling district.

4. Lot Area Per Family:

The lot area per family shall be the same as required in the "B" multiple-family dwelling district.

SECTION 8. SECTION 28.04.110 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.110 "D" central business district regulations. A. In the "D" central business district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "D" central business district shall conform to the following area and height regulations. Uses which are

not prohibited in the "C" district and uses not prohibited below are permitted in the "D" district.

B. USE REGULATIONS.

Uses Not Permitted:

1. Acetylene gas manufacture or wholesale storage.
2. Acid manufacture.
3. Alcohol manufacture.
4. Ammonia, bleaching powder or chlorine manufacture.
5. Arsenal.
6. Asphalt manufacture, refining and paving mixture plants.
7. Blast furnace.
8. Bag cleaning.
9. Boilerworks.
10. Brick, tile, pottery or terra cotta manufacture, other than the manufacture of handicraft products only.
11. Buttermilk plant which processes buttermilk or stale or rancid milk or its by-products into dry or semi-solid products.
12. Central mixing plant for cement, mortar, plaster or concrete.
13. Correctional placement residences (front-ended or back-ended); except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
14. Disinfectant manufacture.
15. Dyestuff manufacture.
16. Explosive or fireworks manufacture or storage.
17. Exterminator and insect poison manufacture.
18. Fat rendering.
19. Fertilizer manufacture.
20. Forge plant.
21. Garbage, offal or dead animal incineration, reduction or dumping.
22. Gas manufacture or storage.
23. Glue, size or gelatine manufacture.
24. Grain storage.
25. Iron, steel, brass or copper mills engaged in the production of these metals or any of their alloys from ores or junk material.
26. Jails and Prisons; except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
27. Junk, used material, auto wrecking, salvage, paper, scrap, bottles or rags, baling or storage of such materials, except where such activities are conducted entirely within an enclosed building.
28. Mills, feed or flour.
29. Oilcloth or linoleum manufacture.

- 30. Preparation or treatment of oiled rubber or leather goods in their raw state.
- 31. Ore reduction.
- 32. Paint, oil, shellac, turpentine or varnish manufacture, but not excluding the mixing of manufactured materials into paints,
- 33. Paper and pulp manufacture.
- 34. Petroleum or its products, including refining or wholesale storage.
- 35. Rubber or gutta-percha manufacture or treatment.
- 36. Shoe polish manufacture.
- 37. Smelting of tin, copper, zinc or iron ores.
- 38. Soap manufacture other than liquid soap.
- 39. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.
- 40. Stockyards.
- 41. Stove polish manufacture.
- 42. Tallow, grease or lard manufacture or refining, including the processing of animal fat.
- 43. Tanning, curing or storage of raw hides or skins.
- 44. Tar distillation or manufacture.
- 45. Tar roofing or waterproofing manufacture.
- 46. Vinegar manufacture.
- 47. Wool pulling or scouring.
- 48. Yeast plant.
- 49. Those uses which may be and as ordinarily operated generally are obnoxious or offensive by reason of emission into the air or odors, smoke, dust, paint or grease particles, wood sawdust shavings, or other waste matter, or by the emission of an unreasonable amount of noise.

50. Mobile home parks.

C. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

REGULATIONS.

1. Front Yard: No front yard is required for any building for any use.

2. Side Yard:

2.1 No side yard shall be required for dwellings where the dwelling is constructed with central air conditioning and ventilating equipment.

2.2 In all other cases no side yard is required, except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five feet. If a side yard is provided for a commercial or industrial building, it shall be not less than five feet.

3. Rear Yard: No rear yard is required for any building or for any use except that, if any rear yard is provided, it shall not be less than ten feet.

D. AREA

4. Lot Area Per Family: Buildings which are erected, enlarged, converted or altered for residential purposes shall have a lot area of not less than two hundred fifty square feet of lot area for each family EXCEPT that for each five percent of the lot area left as open space, twelve and one-half square feet of lot area may be deducted from the original requirement of two hundred fifty square feet per family; provided, however, that in no instance shall the lot area per family be reduced below one hundred twenty-five square feet per family.

SECTION 9. SECTION 28.04.130 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.130 "F" heavy industrial district regulations. In the "F" heavy industrial district, buildings and premises may be used for any lawful purpose, subject to the following restrictions and to the following area and height regulations:

A. USE REGULATIONS.

Any building or premises may be used for any purpose not in conflict with any ordinance of the city regulating nuisances or special fire hazards; provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the city council after review, public hearing, and recommendation by the planning commission; and provided further that all uses specifically prohibited by Section 28.04.120 (B.2) of this chapter shall also be prohibited in the "F" heavy industrial district.

1. Acid manufacture.
2. Cement, lime, gypsum, or plaster of paris manufacture.
3. Correctional placement residences (front-ended or back-ended); except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
4. Distillation of bones.
5. Explosives manufacture or storage.
6. Fat rendering
7. Fertilizer manufacture.
8. Garbage, offal or dead animals incineration, reduction or dumping.
9. Glue manufacture.
10. Jails and Prisons; except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
11. Petroleum refinery and wholesale storage.

12. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.

13. Stock yards.

14. Wholesale storage of gasoline or other petroleum products in car lots or more above ground.

B. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

C. AREA REGULATIONS.

1. No front yard, side yard or rear yard is required in the "F" heavy industrial district except for buildings which are hereafter erected, enlarged, converted or altered for dwelling purposes, in which case the front yard, side yard and rear yard requirements shall be the same as in the "B" multiple family dwelling district.

2. Lot Area Per Family:

The lot area per family shall be the same as in the "B" multiple family dwelling district.

SECTION 10. SECTION 28.04.185 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.185 Same - Halfway house - group homes; Adult and child care centers; Correctional placement residences.

1. Halfway house - group homes. The board of zoning appeals may grant exceptions and authorize halfway house - group homes or group boarding homes for children to be located in the "AA," "A," "RB," "R-5," or "R-6" residential zoning districts subject to the following conditions and requirements:

1.1 The home and its sanitary facilities shall comply with all state and local codes;

1.2 The board shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case;

1.3 The use shall comply with the regulatory requirements of a federal, state, or local governmental agency;

1.4 The board shall take into consideration the proximity and location of other such rehabilitation facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses;

1.5 The board of zoning appeals may include additional conditions as deemed necessary to provide for orderly development.

2. Adult or child care centers. The board of zoning appeals may grant exceptions and authorize adult or child care centers to be located in the "AA," "A," "RB," "R-5" and "R-6" residential zoning districts subject to the following conditions and requirements:

2.1 All centers shall comply with the regulatory requirements of a federal, state, or local governmental agency, including all building and fire safety regulations of the state of Kansas and the city;

2.2 For child care centers, outdoor play shall be limited to the hours between seven-thirty a.m. and six-thirty p.m. when any part of the fenced play area is within one hundred feet of any occupied residence;

2.3 Before applying for an exception, evidence of being able to comply with all the regulations and standards must be submitted for review;

2.4 The board of zoning appeals shall take into consideration the proximity and location of other such facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses;

2.5 The board of zoning appeals may include additional conditions as deemed necessary to provide for orderly development.

3. Correctional placement residences (front-ended). The city council may by special permit authorize correctional placement residences (front-ended) to be located in the "B," "BB," "OC," "LC," and "C," zoning districts. Any approval under this section shall be subject to the following conditions and requirements:

3.1 The planning commission shall review the application, conduct a public hearing and make its recommendation thereafter to the city council with respect to whether such use is in conformance with the comprehensive plan, whether the neighboring properties are adequately protected from the use, and whether the general welfare of the community is promoted.

3.2 All residences shall comply with the regulatory requirements of a federal, state, or local governmental agency including all building and fire safety regulations of the State of Kansas and the city; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

3.3 Before applying for a special permit, evidence of being able to comply with all the regulations and standards must be submitted for review.

3.4 The city council shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case.

3.5 The city council may include additional conditions as deemed necessary to provide for orderly development.

4. Correctional placement residences (back-ended or front-ended) or jails and prisons. The city council may by special permit authorize correctional placement residences (back-ended or front-ended) or jails and prisons to be less than 750 feet from residential zoning districts when such facilities are located in the "D," "E," and "F" zoning districts. Any approval under this section shall be subject to the following conditions and requirements:

4.1 The planning commission shall review the application, conduct a public hearing and make its recommendation thereafter to the city council with respect to whether such use is in conformance with the comprehensive plan, whether the neighboring properties are adequately protected from the use, and whether the general welfare of the community is promoted.

4.2 All such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency including all building and fire safety regulations of the State of Kansas and the city; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

4.3 Before applying for a special permit, evidence of being able to comply with all the regulations and standards must be submitted for review.

4.4 The city council shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case.

4.5 The city council may include additional conditions as deemed necessary to provide for orderly development.

SECTION 11. THE ORIGINAL SECTIONS 28.04.021, 28.04.022, 28.04.023, 28.04.024, 28.04.025, 28.04.070, 28.04.100, 28.04.110, 28.04.130, AND 28.04.185 OF THE CODE OF THE CITY OF WICHITA, KANSAS, ARE HEREBY REPEALED.

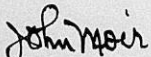
SECTION 12. This ordinance shall be included in the Code of the City of Wichita, Kansas, and be effective upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas this 15th day of JUG, 1989.

ATTEST:



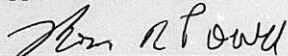
Bob Knight, Mayor



John Moir, City Clerk/
Director of Finance



Approved as to form:



Thomas R. Powell, City Attorney

Zoning law controls jail facilities

New city zoning laws will keep correctional facilities from getting too close to residential neighborhoods, Wichita City Council members said Tuesday. The new rules cover halfway houses, various kinds of community-based corrections programs, jails and prisons.

In most cases, new facilities would need a special permit from the city to locate within 750 feet of a residential neighborhood.

E/B 8/9/89

~~File~~ Tim
Louise
Ruby legal
opinions
lk

THE CITY OF WICHITA

OFFICE OF LAW DEPARTMENT

DATE August 2, 1989

TO Marvin Krout, Director of Planning

FPOM Thomas R. Powell, Director of law

SUBJECT County Counselor Opinion

Attached find an opinion written by Richard Euson, Assistant County Counselor. The opinion does not effect the proposed zoning ordinance that applies to group homes. I also believe that in most instances the City would prevail if the County attempted to come out from under City zoning regulations under the Brown v. Kansas Forestry, Fish and Game Commission case.

Thomas R. Powell
Thomas R. Powell
Director of Law

TRP:kh
Attachment

cc: Chris Cherches

RECEIVED

AUG 04 1989

METROPOLITAN PLANNING

ROUTE _____



SEDGWICK COUNTY, KANSAS
LEGAL DEPARTMENT

RICHARD A. EUSON
ASSISTANT COUNTY COUNSELOR

COUNTY COURTHOUSE • SUITE 359 • WICHITA, KANSAS 67203-3790 • TELEPHONE (316) 268-7111

TO: Kenneth W. Arnold, Special Projects Coordinator
FROM: Richard A. Euson, Assistant County Counselor *RAE*
DATE: July 26, 1989
RE: City of Wichita Zoning Amendments

This is in response to your memo of July 3, 1989. You attach proposed amendments to the Wichita Zoning Code, which amendments intend to regulate jails, work-release facilities and community corrections facilities. You asked (1) whether the Board of County Commissioners is subject to a city's zoning regulations, and (2) if so subject, what relief the Board of County Commissioners has from the regulations imposed.

In Kansas, the Courts have adopted a five-point test to determine whether one governmental agency may impose zoning regulations on another. Thus, in Brown v. Kansas Forestry, Fish and Game Commission, 2 Kan. App. 2d 102 (1978), the Kansas Court of Appeals held that, in absence of legislative intent, the Court would balance the following factors to determine whether the regulations should apply:

- (1) the nature and scope of the government seeking immunity;
- (2) the proposed land use;
- (3) extent of the public interest to be served by the use;
- (4) the effect of the local regulation on the proposed use;
- (5) impact of the proposed use on legitimate local interests.

The Court further held that no one factor is automatically entitled to greater weight than the others but that, under some circumstances, one factor could conceivably be controlling. The Court used these factors to decide that even though the Forestry, Fish and Game Commission has power of eminent domain, it could not locate a parking lot in a residential subdivision in Riley County.

Kenneth W. Arnold
July 26, 1989
Page Two

In determining whether the Wichita Zoning Code applies to Sedgwick County, the five factors in Brown must be analyzed and applied in a specific factual context. Thus, it is not possible to generally conclude either that the City regulations apply or that they do not apply. Factual scenarios can be envisioned wherein the County could make compelling arguments for exemption (the current SCALDF, for instance), but they can also be envisioned wherein the local land-use regulations should apply (halfway house in a residential subdivision zoned for single-family). In general, we believe that the Wichita City Council has authority to regulate the proposed land uses but not necessarily in all cases.

Once the City regulations become effective, the County is limited in seeking relief from the same. In all foreseeable circumstances, the MAPD staff is probably going to require that the County submit a zone-change or special permit application; and if the city attorney agrees, then the County must process the application through the MAPC and the City Council, or the County must then initiate a quo warranto or other judicial proceeding seeking relief from the intended regulation.

RAE/msp

cc: Henry H. Blase
Paul W. Hancock
Bernard A. Hentzen
David Bayouth
Billy Q. McCray
Mark F. Schroeder
Kim Dewey

Planning Agenda Item # _____

City of Wichita
City Council Meeting
August 1, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: DR 89-8 - AMENDMENT TO THE CITY ZONING CODE WITH REGARD TO
CORRECTIONAL PLACEMENT RESIDENCES, GROUP HOMES AND ADULT DAY
CARE.

INITIATED BY: Metropolitan Area Planning Department *M. K. [unclear]*

AGENDA ACTION: Planning

MAPC Recommendation: Approve (7-0)

Staff Recommendation: Approve

Background: The Planning Department was directed by the Wichita City Council to prepare and advertise for a public hearing before the Metropolitan Area Planning Commission amendments to the City Zoning Code regarding location of correctional facilities in the City. The proposed amendments would

- add definitions of the terms adult care centers, correctional placement resident (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier;
- provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multiple family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts;
- exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet or separated by a major barrier from a residential district in which case they are permitted by right in the "D," "E," and "F" districts;
- authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the board of zoning appeals.

DR 89-8 - AMENDMENT TO THE CITY ZONING CODE

Page 2

A public hearing on this matter was scheduled for July 6, 1989, meeting of the MAPC. Prior to the public hearing, three work sessions were held with members of the Planning Commission, representatives of the County Manager's Office and neighboring property owners of a proposed County community corrections site at Seneca and May. In addition, each of the ten CPO neighborhood councils reviewed the MAPC recommendations on correctional facilities and other group homes. Attached is a delineated copy of the appropriate sections of the city zoning code, based on the recommendations of the MAPC, along with the CPO recommendations that the Council received previously.

Analysis: Presently, correctional placement residences (front-ended) such as the County's community corrections program or Sheriff's work release program are permitted by-right, with no consideration for distance from adjoining residential zoning districts, in the "B" multiple family, "BB" office, "LC" light commercial, "C" commercial, and "D" central business zoned districts; and, presently these facilities are not allowed in the "E" light industry or "F" heavy industrial zoned districts.

The proposed changes to the City's zoning code would restrict the siting of correctional placement residences (front-ended) by-right to the "D" central business, "E" light industrial, and "F" heavy industrial districts when such a facility is more than 750 feet or separated by a major barrier from a residential zoned property. Such front-ended facilities may be permitted 750 feet or less from a residential zoning district, and also may be allowed in the "B" multiple family, "BB" office, "O-C" office commercial, "LC" light commercial, and "C" commercial zoned districts by a special use permit after a public hearing by the Planning Commission and approval of the City Council.

Presently, correctional placement residences (back-ended), such as a state operated or franchised work-release program (VIP), and jails and prisons are allowed by-right in the "C" commercial, "D" central business, "E" light industrial, and "F" heavy industrial zoned districts without regard to distance from residential zoning districts.

The proposed changes to the City's zoning code would allow these uses in the "D" central business, "E" light industrial, and "F" heavy industrial districts by-right when they are located more than 750 feet or separated by a major barrier from a residential zoning district. Such uses may be allowed 750 feet or less from a residential zoning district by a special use permit only after a public hearing by the Planning Commission and approval of the City Council.

The suggested amendments also contain a requirement that any future correctional facilities not operated directly by a government unit be required to meet recognized national standards for operation and safety. The Planning Commission further suggested that the City Council direct staff to investigate licensing provisions or other means to apply these standards to existing facilities as well.

Another issue addressed by the Planning Commission and proposed in this amendment to the City's zoning code is adult day care facilities. After study into the nature of such facilities it is apparent that in several instances in the community some group homes also serve as a temporary care facility providing supervision during the day for an adult who must be separated from the person who would typically provide such care. The Planning Commission felt that such uses should be treated in the City's zoning code similarly to day care centers for children.

Legal Considerations: The Planning Commission considered these amendments at a public hearing on July 6, 1989 and recommended that the amending ordinance be adopted. According to state law, if the City Council disagrees with any portion of the recommendation of the Planning Commission, for whatever reason, the proposed amendment must be returned to the Planning Commission for reconsideration.

- Recommendations/Actions:
1. Concur in the recommendation of the MAPC and place an ordinance on first reading; or
 2. Return the proposed amendment to MAPC stating reasons.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 6, 1989

7. DR 89-8 Proposed amendment to group homes and correctional facilities zoning text.

KROUT stated that several months ago the City Council asked the Planning Commission to review the zoning regulations concerning correctional facilities and other group homes in the community. He said that the Planning Commission decided to confine most of its review to correctional facilities, feeling that group homes was an issue that needed more time for discussion. **KROUT** said that in April he recommended to the City Council a set of suggested amendments dealing with distance requirements and special permit requirements for correctional facilities. The Council reviewed the Planning Commission's recommendations and directed the staff to advertise for a public hearing (the purpose of the hearing this afternoon) to formally consider proposed amendments to the city zoning ordinance concerning correctional facilities. **KROUT** said that staff has basically defined three types of correctional facilities in the proposed text amendments. One is a jail or prison with 24-hour confinement, such as the County's detention facility. The second is a "back-ended" correctional placement facility where prisoners who are at the end of their terms are sent to a work release program, like the VIP facility. Finally, the third type is the "front-ended" correctional placement residence, such as the County's community correctional facility. These are for people who have been sent to this type of facility instead of serving a prison sentence for more minor offenses. He said that the proposed changes would establish some distance and some special use permit requirements. A jail or a back-ended correctional placement residence like the VIP facility would be permitted only in the "D" Central Business District, "E" Light Industrial, and "F" Heavy Industrial District. They would be permitted by right if they were more than 750 feet from a residential district or separated by a major barrier, as defined in the proposed amendments. He said that if they were in the "D", "E" and "F" districts and 750 feet or less from a residential district, then a special use permit request would have to be submitted. That permit involves an advertised hearing, notice to property owners, Planning Commission public hearing, and finally City Council approval in order to permit a jail or a back-ended correctional placement residence facility within 750 feet of a residential district.

KROUT stated that a front-ended correctional placement residence would be permitted by a special use permit process in the "B" Multiple Family District and the light commercial and commercial districts. It would also be permitted in the "D", "E" and "F" districts. He said that like the other two facilities, if it was in the "D", "E" and "F" district and 750 feet or less from a residential district, it would require a special use permit to be approved. If it was more than 750 feet and in one of those districts, it would be permitted by right.

KROUT stated that in the definition section, it is indicated that any one of these facilities, unless they are directly operated by a unit of government, would have to be accredited or seeking accreditation in order to meet the American Correctional Association standards for operation and safety. He said that staff has also done several other types of small cleanup changes in the text, one of which is adding a definition for an adult day care center, which is a use that is becoming more common in the community. There has been some question in the past as to whether or not it should fall under child care facilities or under group care facilities, so a specific new definition has been added and changes have been made to various other parts of the text where that type of use would be permitted.

CROCKETT asked Krout to give some background as to why they need to consider putting correctional facilities within cities and why, under federal requirements, they need to be near jobs and available to public transportation.

KROUT explained that in order to make those types of facilities work and provide for the gradual transition to normal life and society, the idea is to provide for integration through daily work in the workplace, and jobs are generally available only in and near cities. He said that transportation problems of locating a facility in another county or in a rural area become very difficult and unmanageable from a cost standpoint for the government unit that is operating these programs, so some place near job opportunities needs to be found for these facilities. He said that they think that there are ample areas within the city limits, however, even subtracting the areas that are in and near residential areas. He said that there are a number of suitable locations for work release facilities where they would be compatible with surrounding uses and would not be too close to residential areas.

KROUT further explained that some of the correctional facilities will not be permitted in residential areas, with the more limited type allowed only by special permit, and the jails and back-ended facilities would need to be a minimum distance or require a special permit. He said that in all cases where they are more restrictive, they are taking a closer look through public hearings at the location of these facilities.

CROCKETT remarked that they have also specified some operational guidelines.

KEN ARNOLD, County Manager's office, stated that they have worked with the Planning staff in working on these proposed zoning amendments and language. However, the documents are still under review by the County Counselor's office and the County Commission.

ARNOLD commented on **Crockett's** earlier question, saying that the state statute in some cases requires that detention facilities be located within the county seat, so there are certain statutory requirements that would have to be changed in the case of some facilities.

CROCKETT commented that it is a natural inclination that people would just as soon have these types of places away from cities.

ARNOLD stated that that was very natural, all the way across the country. He added that where the statutes require that they specifically house these individuals within city limits, you also have to look at whether these people are pretrial or whether they have been in the trial process or have been sentenced. Some important questions are, have they been sentenced for a year or less where they are housed in a local jail for a year or more, where they are housed in State Prison facilities? He felt that the new zoning amendments deal with these issues in the definition phase by dealing with the different types of facilities and whether they are private and governmentally run facilities. He said that there are some questions on the County's side that still need to be reviewed.

KROUT stated for the record that on attachment No. 5, page 1 of the proposed amendments, a proposed addition that did not make the copy sent to the Commission last week is on hospitals which are in "B" and "BB" zoning districts today. Where the local court is sentencing someone to a drug or rehabilitation facility that is technically a lockup or confined facility, staff recommends under the new proposed 7 in the section on "Uses permitted in the "B" Multiple Family Dwelling District" where it describes doctor's offices, hospitals and clinics, that they add the phrase "including alcohol and drug intervention confinement program" so that those uses can continue to be permitted as accessory uses to hospitals in those districts.

SUSANNE SMITH, 9115 Murray Court, stated that she is the resident manager for Seneca Village townhouses, located at 2016 South Elizabeth and 1333 West May. She said that they sit directly next door to the Seneca Manor property, and they are familiar with front-ended and back-ended correction facilities because their neighborhood feels that they have been on the possible receiving end of having both such facilities being located at Seneca Manor. She said that it is because of a great howl put forth by the neighborhood that they are probably standing here now. **SMITH** said that she would speak on behalf of the cooperative membership of Seneca Village townhouses. She said that it is a townhouse co-op. They have 123 members, all of whom have expressed to her the wish that they protect not only the residents of their neighborhood, the people of Seneca Village and the people in the homes surrounding Seneca Manor, but the people in residential neighborhoods all over the City of Wichita. She said

that since they began to investigate what was going on their neighborhood, and when they started hearing rumors that maybe they will move it here, or maybe they will move it there, they began to realize that there are a lot of neighborhoods where such a facility should not be located. In reviewing the amendments that were sent to them and listening to what is being said today, they said certainly the Planning Commission is on the right track in making some corrections. She said that the biggest loophole they saw existing today was that the correction facilities were grouped in with group homes, and the proposed division in itself makes a big difference to them and to the people of Wichita. She said that it also pleases them that zones such as "B", "C", and "D" would all have to apply for a special permit to enable them to put them those districts. As it stood before, that was not the case and that is why they had quite a scare on their hands when there is only a chainlink fence separating families with small children and such a facility.

SMITH said that they know on a first-hand basis that the existing law is not right, is not safe, and does not promote the welfare of the neighborhood and the community, and that there are a lot of corrections that need to be made. She said that she is hearing from the group that is with her today, and it is made up of a lot of the elderly residents of that neighborhood; many of these facilities back up against their property, and there is a fear that if a special permit is allowed, it would be very easy to get a special permit. She said it was her understanding that it would be very difficult for someone to get a special permit to go around the new laws, should they take place. SMITH said that with an empty building sitting there, a lot of people are living in fear that they are going to have to go through this process over and over again and continue to fight it. She said that they have a lot of retirees in the neighborhood who just don't feel they have the strength to continue to fight this over and over again, so she would like to feel that they are protected.

SMITH stated that she sees where the County has a problem in finding the right place for these facilities, and she understands that it is necessary to put it in the city limits, but finding a building is not always the solution, and they really have to look at the neighborhood. She felt that was what the Planning Commission was doing and that was what the City Council was trying to do, and they just wanted to lend their support to that and ask for some clarification on the special permit process.

GOEBEL asked Krout to elaborate on the special permit process.

KROUT stated that this ordinance would allow only the community correction facility and front-ended types of facilities to apply for a special permit. The facility that was first proposed for that location (VIP type facility) fits under the category "back-ended" and along with jail and prisons, these facilities

would not be permitted in that zoning district even by special permit. They would have to be located in "D", "E", or "F" zoning districts. The special permit process would apply to the front-ended type of facility. He said that the special permit is like a zoning change in that there is an advertisement in the newspaper, notification of surrounding property owners within 200 feet, and a public hearing. The Planning Commission holds the public hearing and sends its recommendation to the City Council; the City Council has the final say on the approval of special permits. As part of that process, the Planning Commission and the City Council can impose special conditions as part of the special permit process. If there are issues about population size, landscaping, buffering, or similar issues, or any type of facility that comes under a special permit process, they attempt to make it as compatible as possible. KROUT continued that whether or not the City Council decides that the special permit is approved or not depends on how they view the case, the testimony that they take. Both the Planning Commission and City Council are bound by Policy 10, which is largely a set of criteria where Kansas courts have ruled that any zone change or special permit should go through a process of scrutiny that involves looking at the compatibility of the use, the detrimental effect on surrounding properties, and whether or not the property is suitable under its current zoning without a special permit that may be requested. He felt that those kind of questions have to be answered on a case by case basis. He said that even if there was not a special use procedure, it would still be possible for someone to come in and request a zone change to another category, so whether it is a special permit or the possibility of a zone change, that option is always there for a property owner. He felt that one of the things that may happen as a result of adopting these amendments is that groups who are interested in opening up facilities like this will probably look for the easiest course that requires the least amount of time and controversy, and will probably look first at all of the sites available without having to apply for a special permit which may end up being controversial and protracted. However, he could not say that no one may apply for a special permit for that site or other sites like it in the future, and that the City Council may not approve it.

WINKLER stated that the one thing that bothers her is that the County Commission is, by statute, the governing body who deals in this, and she would desire to have input from them, yet since this was a charge from the City Council, she would be willing to pass this through the City Council on their agenda, recognizing the need of the County to respond to any of the suggested amendments. Perhaps there should be another public hearing for the County, or perhaps the County would give the Planning Commission a new charge based on the changes to the City text.

CROCKETT stated that at the Commission's informal meeting they had talked about a way of having present operations comply

with the new operational requirements that this amendment makes. She asked if there was a way this can be investigated through the licensing procedure, or if they need to alter the amendment.

KROUT felt that was an issue separate from the zoning amendment, but felt that City Attorney Joe Lang should respond, for the record, on what is possible.

JOE ALLEN LANG, Law Department, responded that this issue takes a little study, but as he indicated in the informal meeting, it would not be a control through zoning because it would be affecting a use that is already there and operating. It would have to be some other regulatory matter. He said that since such an agency, right now, does not get a city license to operate, it works through the state, he would certainly recommend the first approach to see what requirements the state was making and whether that can be affected. He felt that a study would be appropriate to see if through the building code or through some type of licensing procedure the city could make certain controls on that.

MOTION: That the Planning Commission requests the City Council to investigate ways of applying operation standards to existing facilities. **Crockett** moved, **Brinegar** seconded and it carried unanimously. **Miles**, **Parsons** and **Sherman** were absent.

MOTION: That the Planning Commission send the recommended amendment to the City Council. **Winkler** moved, **Goebel** seconded and it carried unanimously. **Miles**, **Parsons** and **Sherman** were absent.

MOTION: That the Planning Commission send the proposed amendments to the County Commission for their remarks and suggestions. **Winkler** moved, **Goebel** seconded and it carried unanimously. **Miles**, **Parsons** and **Sherman** were absent.

BRINEGAR stated for the record that he was becoming quite concerned about the increase in the number of group homes, treatment centers, shelters and other similar type facilities being located in the Midtown area. He said that he supports the work being performed by the organizations that utilize this type of facility, but believes there needs to be a provision in the zoning ordinance to provide that this type of facility be located in various areas of the city or spread out to prohibit the concentrations, as the concentration appears to be occurring more in the Midtown area.

GARDNER concurred.

RECEIVED

MAY 17 1989

METROPOLITAN PLANNING

ROUTE *ML*

DATE: May 18, 1989

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

TO: Mayor and City Council, through
Chris Cherches, City Manager

FROM: Stanley J. Scott, CP Coordinator *Stan Scott*

SUBJECT: Group Home Regulations

During their first round of May meetings, the ten CPO Neighborhood Councils reviewed changes in the regulation of group homes as recommended by the Planning Department and Planning Commission. CPO Council members were provided reports summarizing the recommendations of MAPD and MAPC.

Listed below are the Councils' recommendations and comments.

- 1A Voted 5-0 to support the more restrictive regulations suggested by the Planning Department with a 2,500 (rather than 1,000 foot) separation between facilities.
Comments: The Council supports efforts to provide a broader distribution of group facilities throughout the City, rather than the current concentration in the Midtown Neighborhood.
- 1B Voted 5-0 to recommend approval of the changes with a tighter definition of "major barrier" and a requirement of certification for future facilities.
- 2A No recommendation.
Comments: Doctor and Brant expressed concerns about increased traffic congestion in neighborhoods should nursing/convalescent homes be permitted. Doctor suggested that all group home applicants be required to seek exception and participate in the public hearing process.
- 2B No recommendation.
Comments: The Council noted that they would like to see the full report on group homes, but based on the information provided they felt the recommendations to the City Council were feasible.
- 3A Voted 7-1 to endorse the proposed changes.
Comments: Combs noted that she didn't feel the spacing requirements were adequate and should be at least 1,000 feet.
- 3B No recommendation.
Comments: Voted 6-0 to recommend that should the City ordinance be modified, there should be a 5-year waiting period before the ordinance is put into effect.

Harris suggested that after the ordinance is amended, that City officials must strictly adhere to the new policy. Harris noted that too many exceptions are granted to individuals/businesses. Keith added that local property owners must be protected should group homes be established in area neighborhoods.

4A No recommendation.

Comments: Pat Gulick noted that there needs to be more emphasis on the requirement for a special permit under 2. Koon endorsed the concept of requiring facilities to be certified. Jim Gulick noted that he would like to see a better definition of "major barrier".

4B Voted 8-0 to recommend approval of the MAPC proposed changes.

Comments: Gramke voiced concerns about the "Back Ended" programs that may deal with violent offenders. According to Gramke, due to a rate of recidivism, he had fears about the "back ended" individual possibly could harm area residents. Dillard also expressed fears about violent offenders being placed in neighborhood facilities. Fields supported community correction facilities and stated that such programs are needed in our community.

5A No recommendation.

Comments: The proposed modifications pertaining to detention/correction facilities should not be implemented. The current regulation should be kept intact. The members had difficulty in discerning the difference between "Adult Foster" and "Group Care/Family Care" homes. The proposed 1,000 feet distance between group homes was not needed. The Council recommended that group homes be located throughout the entire City and not located in particular areas/neighborhoods.

5B Voted 8-0 to support the more restrictive regulations suggested by the Planning Department.

Please consider the Councils' recommendations when the City Council considers changes in the regulation of group homes.

SJS:dm

~~Deletions marked thru~~
Additions underlined

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 28.04.021, 28.04.022, 28.04.023, 28.04.024, 28.04.025, 28.04.070, 28.04.100, 28.04.110, 28.04.130, AND 28.04.185 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO ADDING DEFINITIONS OF THE TERMS ADULT CARE CENTERS, CORRECTIONAL PLACEMENT RESIDENT (BACK-ENDED AND FRONT-ENDED), HALFWAY HOUSE--GROUP HOME, JAIL AND PRISON, AND MAJOR BARRIER; AND, TO PROVIDE FOR THE ESTABLISHMENT OF CORRECTIONAL PLACEMENT RESIDENCES (FRONT-ENDED) BY SPECIAL PERMIT IN THE "B" MULTIFAMILY, "BB" OFFICE, "OC" OFFICE COMMERCIAL, "LC" LIGHT COMMERCIAL, AND "C" GENERAL COMMERCIAL DISTRICTS; AND TO EXCLUDE THE ESTABLISHMENT OF CORRECTIONAL PLACEMENT RESIDENCES (FRONT-ENDED OR BACK-ENDED) AND JAILS AND PRISONS FROM THE "C" GENERAL COMMERCIAL, "D" CENTRAL BUSINESS, AND "F" HEAVY INDUSTRIAL DISTRICTS UNLESS SUCH USES ARE MORE THAN 750 FEET OR SEPARATED BY A MAJOR BARRIER FROM A RESIDENTIAL DISTRICT IN WHICH CASE THEY ARE PERMITTED BY RIGHT IN THE "D," "E," AND "F" DISTRICTS; AND, AUTHORIZE THE ESTABLISHMENT OF ADULT DAY CARE CENTERS IN THE "AA," "A," "RB," "R-5," AND "R-6," RESIDENTIAL DISTRICTS BY EXCEPTION THROUGH THE BOARD OF ZONING APPEALS; AND REPEALING THE ORIGINALS OF SAID SECTIONS.

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

SECTION 1. SECTION 28.04.021 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.021 Definitions A through C. 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: A person 18 years of age or older.

ADULT CARE CENTER: A building or portion of a building providing care, for part or all of a day or night, for adults who are aged, physically handicapped, mentally ill, mentally retarded, or otherwise developmentally disabled, away from their place of legal residence and which shall comply with the regulatory requirements of a federal, state, or local governmental agency; but not including family day care homes.

ALLEY. A public thoroughfare which ordinarily affords only a secondary means of access to abutting property and which is not over twenty feet wide.

BASEMENT OR CELLAR. A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade, which shall not be included as a story.

BOARDINGHOUSE. A building or place where for compensation and by prearrangement for definite periods, table board is provided for five or more boarders, but does not furnish meals to occasional or transient customers without such previous arrangement; provided that halfway house-group home, hotel, motel, home for the aged, or correctional placement residences are not included within this definition.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDINGS, HEIGHT OF. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch roof, or the average height of a hip roof.

BUILDING LINE. The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built, but shall not include the face of one story unoccupied gable roofed areas over open porches, entrances or like appendages.

CHILD: A person less than 18 years of age.

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

COMMISSION. "Commission" means the Wichita-Sedgwick County metropolitan area planning commission.

CORRECTIONAL PLACEMENT RESIDENCES (BACK-ENDED): A facility that provides residential and rehabilitation services to offenders who have been placed in such facilities by the correctional system at or near the end of a prison sentence, such as a state operated or franchised work-release program. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

CORRECTIONAL PLACEMENT RESIDENCES (FRONT-ENDED). A

facility that provides residential and rehabilitation services to offenders who have been placed in such facilities prior to or instead of being sent to a prison or as part of a local sentence of not more than one (1) year. This would include persons receiving deferred or suspended sentences who are placed by the courts in these facilities such as under the County's community corrections program or Sheriff's work release program. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

SECTION 2. SECTION 28.04.022 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.022 Definitions D through F. District. DISTRICT. Any section of the city for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

DWELLING. A building or portion thereof which is designed or used exclusively for residential purposes. (Mobile homes and recreational vehicles shall be considered dwellings only in the sense that they are portable structures designed for long term or short term occupancy as dwelling units; however, under the terms of this title, mobile homes, manufactured homes and recreational vehicles shall be located only where they are specifically listed as a permitted use.)

One-family: A detached building used exclusively for residential purposes having suitable accommodations for only one family, which may include not to exceed four lodgers or boarders.

Two-family: A detached building used exclusively for residential purposes and designed for or occupied by two families living independently of each other, each of which may include not to exceed four lodgers or boarders.

Four family: A detached building used exclusively for residential purposes and having suitable accommodations for four families living independently of each other, and may include not more than two lodgers or boarders in each family.

Multiple: A building or portion of a building having suitable accommodations for three or more families living independently of each other who may or may not have joint use of utilities, halls, yards, etc. The term includes premises occupied more or less permanently for residential purposes in which the rooms are occupied in apartments, suites or groups, such as apartments, dormitories, lodging houses, rooming houses,

and all other dwellings similarly occupied. For purposes of this chapter, auto courts, hotels, motels, motor hotels, or tourist courts shall not be considered dwellings.

FAMILY. One person living alone or two or more persons living together, related either by birth or marriage, who, together with their servants occupy a single housekeeping unit; or a group of not more than four unrelated persons who, with their servants, occupy a single housekeeping unit. Family does not include a group occupying a club, sorority or fraternity house, etc.

FAMILY DAY CARE HOME. A home occupation, in a dwelling, in which care is given for less than twenty-four hours a day to ten or less children or adults away from their own homes, who are not related to the care provider; provided, however, the number and ages of the children and the number of adults shall not exceed that permitted by the appropriate governmental licensing agency regulations of the Kansas Department of Health and Environment.

FILLING STATION. Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automotive fuels and lubricants and automotive accessories.

FRONTAGE. The length of the property abutting on one side of a street or place measured along the dividing line between the property and the street or place. (For double frontage see Reversal of Lot Frontage and Lot or Plot, Through.)

SECTION 3. SECTION 28.04.023 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.023 Definitions G through H. GARAGE.

Private: An accessory building designed or used for the storage of privately owned, motor driven vehicles, of which not more than one may be a commercial motor vehicle of not more than two tons' capacity, and with no provision of repairing or equipping such vehicles.

Public. A building or portion thereof used for the housing of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, not including exhibition or showroom for model cars.

Storage: A building or portion thereof designed or used exclusively for housing four or more motor-driven vehicles.

GRADE. Any wall approximately parallel to and not more than five feet from a street line is not to be considered as adjoining the street. Where no sidewalk has been constructed, the city engineer shall establish

such sidewalk or its equivalent for the purpose of these regulations.

1. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street.

2. For buildings having walls adjoining more than one street, it is the average of the elevation for the sidewalks at the centers of all walls adjoining the streets.

3. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building.

GOVERNING BODY. The City Council of the city.

GROUP BOARDING HOME FOR CHILDREN. A residential facility for five or more children, who, for various reasons, cannot reside in their natural home and where twenty-four hour adult care and supervision and consultation may be available, and which is licensed by the Kansas State Board of Health, shall comply with the regulatory requirements of a federal, state, or local governmental agency.

HALFWAY HOUSE -- GROUP HOME. A residential facility for five or more adults who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities are physically handicapped, mentally ill, mentally retarded, developmentally disabled, former convicts, parolees, alcoholics, or drug addicts which makes operation in society difficult and requires the protection of a group setting to facilitate the transition to a functional member of society (e.g., former convicts, alcoholics, drug addicts, mental patients, etc.), and which provides shelter, supervision, and residential rehabilitative services; provided that correctional placement residences are not included within this definition. Halfway houses -- group homes shall comply with the regulatory requirements of a federal, state, or local governmental agency.

HOME FOR THE AGED. A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living in a protected environment.

HOME OCCUPATION. See Section 28.04.035.

HOTEL. A building which provides a common entrance, lobby, halls, and stairways, and in which lodging is provided with or without meals, to transient guests.

HOUSE TRAILER. See RECREATIONAL VEHICLE.

HOUSEKEEPING UNIT. A building or a portion of a building which is occupied or intended to be occupied as a dwelling, and which has the facilities for cooking and serving meals and for sleeping quarters, and which may

or may not include other rooms or facilities.

SECTION 4. SECTION 28.04.024 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.024 Definitions I through L. JAILS AND PRISONS. These are state correctional institutions (prisons) and local detention facilities (jails) that incarcerate inmates, adults or children, 24 hours a day, whether pretrial or sentenced. These facilities provide a highly structured living environment where inmates may be housed without jeopardizing the safety of the public, jail or prison staff, and other inmates. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects, such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LODGINGHOUSE. A building or place wherein lodging is provided for five or more lodgers pursuant to previous arrangement and not open to transients; provided that halfway house - group home, hotel, motel, home for the aged, or correctional placement residences are not included within this definition.

LOT OR PLOT. A building site or parcel of land occupied or intended to be occupied by a building and accessory buildings, and including such open spaces as are required under this chapter, and having its principal frontage upon a public street or officially approved place.

Corner: A lot abutting upon two or more streets at their intersection.

Triangular: A lot abutting on two or more streets at their junction, where the angle formed by the intersecting streets is less than forty-five degrees.

Depth of: The mean horizontal distance between the front and rear lot lines.

Interior: A lot other than a corner lot or triangular lot.

Through: An interior lot having frontage on two streets.

LOT FRONTAGE. See FRONTAGE.

LOT LINES. The lines bounding a lot as defined in this section.

LOT OF RECORD. A lot or portion of one or more

lots which are a part of a subdivision, the map of which has been recorded in the office of the register of deeds of the county, or a plot described by metes and bounds, the description of which has been recorded in the office of the register of deeds of the county.

LOT, ZONING. A parcel of land that is designated by its owner or developer, at the time of applying for an occupancy certificate as a tract, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirements of the above and the requirements of the subdivision rules and regulations, such lot may consist of:

- (1) A single lot of record; or
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

SECTION 5. SECTION 28.04.025 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.025 Definitions M through N. MAJOR BARRIER. Designated state or federal highways with limited access, the Arkansas or Little Arkansas rivers, and the Wichita-Valley Center Flood Control (Big-Ditch).

MANUFACTURED HOME: A structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards generally known as the HUD Code. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to all utilities in conformance with applicable regulations.

MANUFACTURED HOME SUBDIVISION: A subdivision within the "G" Manufactured Home District which is platted for development as individual home sites for manufactured homes or modular homes to be placed on permanent foundations as required for permanent structures.

MOBILE HOME: A movable detached single-family dwelling unit that was manufactured prior to 1976 or is not in conformance to the HUD Code as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to the utilities in conformance with all applicable regulations. A mobile home shall also include a manufactured home as defined herein when located in a mobile home park.

MOBILE HOME PARK: A parcel of land, which has been planned and improved in some manner, and used or intended to be used by one or more occupied mobile homes or manufactured homes not placed on permanent foundations. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new

or used, are parked for the purposes of storage, inspection or sale.

MODULAR HOME: A structure consisting of one or more components manufactured off-site in conformance to the standards of the building code of the city and related technical codes and moved to the construction site for final assembly as a dwelling unit.

MOTEL. A group of attached or detached permanent nonmobile buildings containing four or more individual sleeping or separate living facilities; designed and used for the accommodation of transients or nonpermanent residents. Motels shall include motor courts, auto courts and cabin or tourist courts but shall not include recreational vehicle campgrounds or courts, camp sites or mobile home parks.

NONCONFORMING USE. A building or premises legally occupied by a use that does not conform with the regulations of the district in which it is situated as established by this chapter or any prior zoning ordinance.

NURSING HOMES OR CONVALESCENT HOME. A home providing bed care for persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to care properly for themselves, but not serving or admitting alcoholics, drug addicts, or persons with mental or communicable diseases; a registered nurse on duty at all times, and wherein there is no surgery or other similar activities such as customarily provided in sanatoriums and hospitals.

SECTION 6. SECTION 28.04.070 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

- A. Use Regulations.
 1. Any use permitted in the "RB" four-family dwelling district.
 2. Boardinghouses and lodginghouses.
 3. Boathouses.
 4. Cemeteries.
 5. Doctors' offices, hospitals and clinics, including alcohol and drug intervention confinement programs; but not animal hospitals or animal clinics.
 6. Educational, religious, philanthropic and eleemosynary institutions, ~~excepting asylums for the insane.~~

7. Greenhouses.

8. Halfway house - group home and group boarding homes for children.

9. Multiple-family dwellings.

10. Private Kindergartens, nurseries, Child care centers; adult care centers; and homes for the aged; nursing homes; and convalescent homes accommodating seven or more persons.

11. Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.

12. Parking lots as an accessory use to any use permitted in the "B" multifamily dwelling district.

13. Parking lots legally established prior to June 21, 1988, or recognized under the provisions established in paragraph "e" of this subdivision, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143;

b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than six feet or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall;

c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet;

d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under twelve thousand pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies;

e. There is hereby established a period of sixty days from June 21, 1988, within which owners of properties that are unimproved and that qualify for use as a parking lot may submit a permit application to the superintendent of central inspection. The existence of this sixty-day period shall be officially publicized in

the Wichita Eagle/Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.145.

B. HEIGHT REGULATIONS.

No building shall exceed fifty-five feet in height at the required front, side or rear yard lines, but above the height permitted at such yard lines, one foot may be added to the height of the building for each one foot that the building or portion thereof is set back from the required lines.

C. AREA REGULATIONS.

1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "B" multiple-family dwelling district, the minimum front yard setback shall be twenty feet; provided that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question; provided that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20' + X}{2}$$

where "X" equals the minimum front yard setback of the existing building.

Where there are through lots, the above front yard requirements shall apply to the frontage of both streets.

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet; and provided further, existing buildings on adjacent lots. Buildings placed entirely on the rear half of lots shall not be considered.

2. Side Yard.

2.1 In all locations where building lines or sidelines or corner lots are shown on plats which have been approved by the planning commission and which are

recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet; provided, further, that multiple-family dwellings which are constructed with the front entrance to two or more units facing the side of the lot shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.

2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches having auditoriums seating two hundred fifty persons or more, community houses and other public and semi-public buildings used, constructed or enlarged in the "B" district.

2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures in this district; however, an accessory structure shall not be required to setback more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. No accessory structure shall be located on any platted or recorded easement, or over any known utility.

3. Rear Yard:

3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings and the depth of the rear yard of the rear building shall be not less than ten feet.

3.2 Accessory structures shall not be less than five feet from any rear yard line, except that accessory structures shall be not less than ten feet from the centerline of any platted alley.

4. Lot Area Per Family:

The lot area per family for single-family dwellings shall be not less than two thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family; provided that the application of this rule shall not reduce the yard requirements; and, provided further, that this regulation shall not apply to hotels

which do not provide cooking facilities in the individual rooms or living units.

SECTION 7. SECTION 28.04.100 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.100 "C" commercial district regulations. In the "C" commercial district of this chapter, all buildings and premises, except as otherwise provided in this chapter, may be used for any use permitted in the dwelling districts and the "LC" district or for any other purpose, except the following, and all buildings erected, enlarged, converted or altered in the "C" commercial district shall conform to the following area and height regulations:

A. USE REGULATIONS.

Uses Not Permitted:

1. Bakery employing more than fifty persons on the premises.
2. Blacksmithing or horseshoeing shop.
3. Bottling works employing more than fifty persons on the premises.
4. Building material storage yard.
5. Carting, express, hauling or storage yard.
6. Cleaning and dyeing works employing more than fifty persons on the premises.
7. Contractor's plant or storage yard employing more than five persons on the premises; except during construction of any building except within three hundred feet thereof.
8. Coal or coke yard of more than fifty tons' capacity.
9. Cooperage works.
10. Correctional Placement Residences (front-ended or back-ended).
- 11 ~~10.~~ Foundry.
- 12 ~~11.~~ Ice plant or storage house of more than ten tons' capacity.
13. Jails and prisons.
- 14 ~~12.~~ Laundry employing more than fifty persons on the premises.
- 15 ~~13.~~ Livery stable
- 16 ~~14.~~ Machine shop employing more than ten persons on the premises.
- 17 ~~15.~~ Poultry killing establishment.
- 18 ~~16.~~ Stone yard or monument works.
- 19 ~~17.~~ Wrecking motor vehicles.
- 20 ~~18.~~ All uses excluded from the "D" central business district.
- 21 ~~19.~~ No building may be erected or used for any manufacturing process excepting that of such a kind or character that the entire frontage of the ground floor along the principal street is used for office space,

display or for wholesale or retail sales.

22 20. Animal hospitals except small animal clinics; for treatment and boarding of dogs, cats and other pets; provided, that all animals shall be harbored indoors; no noise or odors from such use shall be discernible at any building line.

23 21. Mobile home parks.

B. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

C. AREA REQUIREMENTS.

1. Front Yard:

1.1 Where all the frontage on one side of the street between two intersecting streets is located in the "C" commercial district, no front yard shall be required, and this provision shall apply equally to all buildings.

1.2 Where the frontage on the same side of the street between two intersecting streets is located partly in a dwelling district, the front yard requirements of the dwelling district shall apply to the entire frontage in both districts.

2. Side Yard:

2.1 The side yard regulations for buildings erected, enlarged, converted or structurally altered for dwelling purposes shall be the same as those in the "B" multiple-family dwelling district.

2.2 No side yard is required for buildings erected, enlarged, converted or altered for other than dwelling uses excepting at the boundary line of the "C" district and any dwelling district, in which case there shall be a side yard adjoining the dwelling district of not less than five feet. If a side yard is provided for commercial buildings, the side yard shall be not less than five feet.

3. Rear Yard:

The rear yard regulations for dwellings are the same as in the "B" multiple-family dwelling district.

4. Lot Area Per Family:

The lot area per family shall be the same as required in the "B" multiple-family dwelling district.

SECTION 8. SECTION 28.04.110 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.110 "D" central business district regulations. A. In the "D" central business district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "D" central business district shall conform to the following area and height regulations. Uses which are

not prohibited in the "C" district and uses not prohibited below are permitted in the "D" district.

B. USE REGULATIONS.

Uses Not Permitted:

1. Acetylene gas manufacture or wholesale storage.
2. Acid manufacture.
3. Alcohol manufacture.
4. Ammonia, bleaching powder or chlorine manufacture.
5. Arsenal.
6. Asphalt manufacture, refining and paving mixture plants.
7. Blast furnace.
8. Bag cleaning.
9. Boilerworks.
10. Brick, tile, pottery or terra cotta manufacture, other than the manufacture of handicraft products only.
11. Buttermilk plant which processes buttermilk or stale or rancid milk or its by-products into dry or semi-solid products.
12. Central mixing plant for cement, mortar, plaster or concrete.
13. Correctional placement residences (front-ended or back-ended); except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
- 14 13. Disinfectant manufacture.
- 15 14. Dyestuff manufacture.
- 16 15. Explosive or fireworks manufacture or storage.
- 17 16. Exterminator and insect poison manufacture.
- 18 17. Fat rendering.
- 19 18. Fertilizer manufacture.
- 20 19. Forge plant.
- 21 20. Garbage, offal or dead animal incineration, reduction or dumping.
- 22 21. Gas manufacture or storage.
- 23 22. Glue, size or gelatine manufacture.
- 24 23. Grain storage.
- 25 24. Iron, steel, brass or copper mills engaged in the production of these metals or any of their alloys from ores or junk material.
26. Jails and Prisons; except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
- 27 25. Junk, used material, auto wrecking, salvage, paper, scrap, bottles or rags, baling or storage of such materials, except where such activities are conducted entirely within an enclosed building.
- 28 26. Mills, feed or flour.
- 29 27. Oilcloth or linoleum manufacture.

- 30 28. Preparation or treatment of oiled rubber or leather goods in their raw state.
- 31 29. Ore reduction.
- 32 30. Paint, oil, shellac, turpentine or varnish manufacture, but not excluding the mixing of manufactured materials into paints,
- 33 31. Paper and pulp manufacture.
- 34 32. Petroleum or its products, including refining or wholesale storage.
- 35 33. Rubber or gutta-percha manufacture or treatment.
- 36 34. Shoe polish manufacture.
- 37 35. Smelting of tin, copper, zinc or iron ores.
- 38 36. Soap manufacture other than liquid soap.
- 39 37. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.
- 40 38. Stockyards.
- 41 39. Stove polish manufacture.
- 42 40. Tallow, grease or lard manufacture or refining, including the processing of animal fat.
- 43 41. Tanning, curing or storage of raw hides or skins.
- 44 42. Tar distillation or manufacture.
- 45 43. Tar roofing or waterproofing manufacture.
- 46 44. Vinegar manufacture.
- 47 45. Wool pulling or scouring.
- 48 46. Yeast plant.
- 49 47. Those uses which may be and as ordinarily operated generally are obnoxious or offensive by reason of emission into the air or odors, smoke, dust, paint or grease particles, wood sawdust shavings, or other waste matter, or by the emission of an unreasonable amount of noise.

50 48. Mobile home parks.

C. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

D. AREA

REGULATIONS.

1. Front Yard: No front yard is required for any building for any use.
2. Side Yard:
 - 2.1 No side yard shall be required for dwellings where the dwelling is constructed with central air conditioning and ventilating equipment.
 - 2.2 In all other cases no side yard is required, except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five feet. If a side yard is provided for a commercial or industrial building, it shall be not less than five feet.
3. Rear Yard: No rear yard is required for any building or for any use except that, if any rear yard is provided, it shall not be less than ten feet.

4. Lot Area Per Family: Buildings which are erected, enlarged, converted or altered for residential purposes shall have a lot area of not less than two hundred fifty square feet of lot area for each family EXCEPT that for each five percent of the lot area left as open space, twelve and one-half square feet of lot area may be deducted from the original requirement of two hundred fifty square feet per family; provided, however, that in no instance shall the lot area per family be reduced below one hundred twenty-five square feet per family.

SECTION 9. SECTION 28.04.130 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.130 "F" heavy industrial district regulations. In the "F" heavy industrial district, buildings and premises may be used for any lawful purpose, subject to the following restrictions and to the following area and height regulations:

A. USE REGULATIONS.

Any building or premises may be used for any purpose not in conflict with any ordinance of the city regulating nuisances or special fire hazards; provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the city council after review, public hearing, and recommendation by the planning commission; ~~board of commissioners;~~ and provided further that all uses specifically prohibited by Section 28.04.120 (B.2) of this chapter shall also be prohibited in the "F" heavy industrial district.

1. Acid manufacture.
2. Cement, lime, gypsum, or plaster of paris manufacture.
3. Correctional placement residences (front-ended or back-ended); except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
- 4 ~~3~~. Distillation of bones.
- 5 4. Explosives manufacture or storage.
- 6 5. Fat rendering
- 7 6. Fertilizer manufacture.
- 8 7. Garbage, offal or dead animals incineration, reduction or dumping.
- 9 8. Glue manufacture.
10. Jails and Prisons; except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
- 11 9. Petroleum refinery and wholesale storage.

~~12~~ ~~10~~. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.

~~13~~ ~~11~~. Stock yards.

~~14~~ ~~12~~. Wholesale storage of gasoline or other petroleum products in car lots or more above ground.

B. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

C. AREA REGULATIONS.

1. No front yard, side yard or rear yard is required in the "F" heavy industrial district except for buildings which are hereafter erected, enlarged, converted or altered for dwelling purposes, in which case the front yard, side yard and rear yard requirements shall be the same as in the "B" multiple family dwelling district.

2. Lot Area Per Family:

The lot area per family shall be the same as in the "B" multiple family dwelling district.

SECTION 10. SECTION 28.04.185 OF THE CODE OF THE CITY OF WICHITA SHALL BE AMENDED TO READ AS FOLLOWS:

28.04.185 Same - ~~Rehabilitation homes~~ Halfway house - group homes; Adult and child care centers; Correctional placement residences.

1. ~~Rehabilitation homes.~~ Halfway house - group homes. The board of zoning appeals may, by special permit, grant exceptions and authorize halfway house - group homes or rehabilitation homes such as group boarding homes for children or halfway houses, to be located in the "AA," "A," ~~or~~ "RB," "R-5," or "R-6" residential zoning districts subject to the following conditions and requirements:

1.1 The home and its sanitary facilities shall comply with all state and local codes;

1.2 The board shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case;

1.3 The use shall comply with the regulatory requirements of a federal, state, or local governmental agency ~~the regulations of either the State Board of Health, or the licensing requirements of other authorized state agencies;~~ and the program shall be sanctioned by appropriate state or local agencies, or local united way, health planning or comprehensive planning agencies;

1.4 The board shall take into consideration the proximity and location of other such rehabilitation facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses;

1.5 The board of zoning appeals may include additional conditions as deemed necessary to provide for orderly development.

2. Adult or child care centers. The board of zoning appeals may, by special permit, grant exceptions and authorize adult or child care centers to be located in the "AA," "A," "RB," "R-5" and "R-6" residential zoning districts subject to the following conditions and requirements:

2.1 All centers shall comply with the regulatory requirements of a federal, state, or local governmental agency ~~the licensing requirements of the Kansas state Department of Health,~~ including all building and fire safety regulations of the state of Kansas and the city;

2.2 For child care centers, outdoor play shall be limited to the hours between seven-thirty a.m. and six-thirty p.m. when any part of the fenced play area is within one hundred feet of any occupied residence;

2.3 Before applying for an exception, evidence of being able to comply with all the regulations and standards must be submitted for review;

2.4 The board of zoning appeals shall take into consideration the proximity and location of other such facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses;

2.5 The board of zoning appeals may include additional conditions as deemed necessary to provide for orderly development.

3. Correctional placement residences (front-ended). The city council may by special permit authorize correctional placement residences (front-ended) to be located in the "B," "BB," "OC," "LC," and "C," zoning districts. Any approval under this section shall be subject to the following conditions and requirements:

3.1 The planning commission shall review the application, conduct a public hearing and make its recommendation thereafter to the city council with respect to whether such use is in conformance with the comprehensive plan, whether the neighboring properties are adequately protected from the use, and whether the general welfare of the community is promoted.

3.2 All residences shall comply with the regulatory requirements of a federal, state, or local governmental agency including all building and fire safety regulations of the State of Kansas and the city; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

3.3 Before applying for a special permit, evidence of being able to comply with all the regulations and standards must be submitted for review.

3.4 The city council shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case.

3.5 The city council may include additional conditions as deemed necessary to provide for orderly development.

4. Correctional placement residences (back-ended or front-ended) or jails and prisons. The city council may by special permit authorize correctional placement residences (back-ended or front-ended) or jails and prisons to be less than 750 feet from residential zoning districts when such facilities are located in the "D," "E," and "F" zoning districts. Any approval under this section shall be subject to the following conditions and requirements:

4.1 The planning commission shall review the application, conduct a public hearing and make its recommendation thereafter to the city council with respect to whether such use is in conformance with the comprehensive plan, whether the neighboring properties are adequately protected from the use, and whether the general welfare of the community is promoted.

4.2 All such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency including all building and fire safety regulations of the State of Kansas and the city; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

4.3 Before applying for a special permit, evidence of being able to comply with all the regulations and standards must be submitted for review.

4.4 The city council shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case.

4.5 The city council may include additional conditions as deemed necessary to provide for orderly development.

SECTION 11. THE ORIGINAL SECTIONS 28.04.021, 28.04.022, 28.04.023, 28.04.024, 28.04.025, 28.04.070, 28.04.100, 28.04.110, 28.04.130, AND 28.04.185 OF THE CODE OF THE CITY OF WICHITA, KANSAS, ARE HEREBY REPEALED.

SECTION 12. This ordinance shall be included in the Code of the City of Wichita, Kansas, and be effective upon its passage and publication once in the official city paper.

20 of 20

ADOPTED at Wichita, Kansas this _____ day of
_____, 1989.

ATTEST:

Bob Knight, Mayor _____

John Moir, City Clerk/
Director of Finance _____

(SEAL)

Approved as to form:

Thomas R. Powell, City Attorney _____

A.

7/21/89

August 1, 1989 - Staff Report
- CPO Memo
- Ordinance

distribution -

- 1) 9 copies to City Manager
plus 1 original
- 2) 1 to Ken Arnold
plus 5 for County
Commissioners
- 3) 1 to Jack
- 4) 1 to Marvin
- 5) 1 to File
- 6) 1 to Tom Powell
- 7) 1 to Joe Lang

T.B.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: July 12, 1989

TO: Board of County Commissioners
FROM: Marvin S. Krout, Director of Planning *MSK*
SUBJECT: Correction Facilities

Last week, at the direction of the Wichita City Council, the MAPC held a public hearing and made recommendations on amendments to the city zoning ordinance concerning the location of future correctional facilities in the city limits. Their suggestions generally would require new such facilities to be located in industrial districts or the downtown area, and away from residential areas, unless approved individually through a special permit process.

We have been working with County staff, through Ken Arnold, to clarify definitions and intent of the proposed amendments, and they have all been very helpful. But as Ken told the MAPC, the County has yet to be briefed on the legal implications of these proposed changes and has not taken a formal position on them.

The MAPC directed that the proposed changes be sent to the County Commission officially, to allow for your comments to the City Council. Attached is a copy of the changes as recommended by the MAPC for your review. I understand that Hank Blase is reviewing these changes, and Ken Arnold and I are both available to meet with you, individually or as a group.

The City Council is scheduled to review these recommendations at their August 1 meeting. I'm sure they would like to receive any comments from the Commission before that date, or to hear if you need additional time to respond.

MSK:rme
Attachment

cc: Kim Dewey, County Manager
Ken Arnold, Special Projects Coordinator
Chris Cherches, City Manager

PL1/2

THE CITY OF WICHITA
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: June 30, 1989

TO: Metropolitan Area Planning Commission
FROM: Marvin S. Krout, Director of Planning *MSK*
SUBJECT: Proposed amendments to City Zoning Code with regard
to correctional placement residences and group
homes.

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's July 6, 1989, meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on July 6, 1989, beginning at 12:45 p.m., in the Planning Commission Conference Room on the Tenth Floor of City Hall.

Attached are delineated copies of Sections 28.04.021, 28.04.023, 28.04.024, 28.04.025, 28.04.070, 28.04.100, 28.04.110, 28.04.130, and 28.04.185 of the City Zoning Code.

MSK:RTB:svm
Attachments

Proposed Amendment to the City Zoning Code

Additions are underlined

Deletions are ~~marked thru~~

28.04.021 Definitions A through C. 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: A person 18 years of age or older.

ADULT CARE CENTER: A building or portion of a building providing care, for part or all of a day or night, for adults who are aged, physically handicapped, mentally ill, mentally retarded, or otherwise developmentally disabled, away from their place of legal residence and shall comply with the regulatory requirements of a federal, state, or local governmental agency.

ALLEY. A public thoroughfare which ordinarily affords only a secondary means of access to abutting property and which is not over twenty feet wide.

BASEMENT OR CELLAR. A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade, which shall not be included as a story.

BOARDINGHOUSE. A building or place where for compensation and by prearrangement for definite periods, table board is provided for five or more boarders, but does not furnish meals to occasional or transient customers without such previous arrangement; provided that halfway house-group home, hotel, motel, home for the aged, or correctional placement residences are not included within this definition.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDINGS, HEIGHT OF. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch roof, or the average height of a hip roof.

BUILDING LINE. The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built, but shall not include the face of one story unoccupied gable roofed areas over open porches, entrances or like appendages.

CHILD: A person less than 18 years of age.

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

COMMISSION. "Commission" means the Wichita-Sedgwick County metropolitan area planning commission.

CORRECTIONAL PLACEMENT RESIDENCES (BACK-ENDED): A facility that provides residential and rehabilitation services to offenders who have been placed in such facilities by the correctional system, at or near the end of a prison sentence such as a state operated or franchised work-release program. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

CORRECTIONAL PLACEMENT RESIDENCES (FRONT-ENDED). A facility that provides residential and rehabilitation services to offenders who have been placed in such facilities prior to or instead of being sent to a prison or as part of a local sentence of less than one (1) year. This would include persons receiving deferred or suspended sentences who are placed by the courts in these facilities such as under the County's community corrections program or Sheriff's work release facility. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

Proposed Amendment to the City Zoning Code

Additions are underlined

Deletions are ~~marked thru~~

28.04.023 Definitions G through H. GARAGE.

Private: An accessory building designed or used for the storage of privately owned, motor driven vehicles, of which not more than one may be a commercial motor vehicle of not more than two tons' capacity, and with no provision of repairing or equipping such vehicles.

Public. A building or portion thereof used for the housing of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, not including exhibition or showroom for model cars.

Storage: A building or portion thereof designed or used exclusively for housing four or more motor-driven vehicles.

GRADE. Any wall approximately parallel to and not more than five feet from a street line is not to be considered as adjoining the street. Where no sidewalk has been constructed, the city engineer shall establish such sidewalk or its equivalent for the purpose of these regulations.

1. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street.

2. For buildings having walls adjoining more than one street, it is the average of the elevation for the sidewalks at the centers of all walls adjoining the streets.

3. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building.

GOVERNING BODY. The City Council of the city.

GROUP BOARDING HOME FOR CHILDREN. A residential facility for five or more children, who, for various reasons, cannot reside in their natural home and where twenty-four hour adult care and supervision and

consultation may be available, and which is licensed by the ~~Kansas State Board of Health~~, shall comply with the regulatory requirements of a federal, state, or local governmental agency.

HALFWAY HOUSE -- GROUP HOME. A residential facility for five or more adults who have been institutionalized for various reasons and released, or who ~~have or have had physical or social disabilities~~ are physically handicapped, mentally ill, mentally retarded, developmentally disabled, former convicts, parolees, alcoholics, or drug addicts which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g., ~~former convicts, alcoholics, drug addicts, mental patients, etc.~~), which provides shelter, supervision, and/or residential rehabilitative services, and shall comply with the regulatory requirements of a federal, state, or local governmental agency; provided that correctional placement residences are not included within this definition.

HOME FOR THE AGED. A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living in a protected environment.

HOME OCCUPATION. See Section 28.04.035.

HOTEL. A building which provides a common entrance, lobby, halls, and stairways, and in which lodging is provided with or without meals, to transient guests.

HOUSE TRAILER. See RECREATIONAL VEHICLE.

HOUSEKEEPING UNIT. A building or a portion of a building which is occupied or intended to be occupied as a dwelling, and which has the facilities for cooking and serving meals and for sleeping quarters, and which may or may not include other rooms or facilities.

Proposed Amendment to the City Zoning Code

Additions are underlined

Deletions are ~~marked thru~~

28.04.024 Definitions I through L. JAILS AND PRISONS. These are state correctional institutions (prisons) and local detention facilities (jails) that incarcerate inmates, adults or children, 24 hours a day, whether pretrial or sentenced. These facilities provide a highly structured living environment where inmates may be housed without jeopardizing the safety of the public, jail or prison staff, and other inmates. Such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent.

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects, such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LODGINGHOUSE. A building or place wherein lodging is provided for five or more lodgers pursuant to previous arrangement and not open to transients; provided that halfway house - group home, hotel, motel, home for the aged, or correctional placement residences are not included within this definition.

LOT OR PLOT. A building site or parcel of land occupied or intended to be occupied by a building and accessory buildings, and including such open spaces as are required under this chapter, and having its principal frontage upon a public street or officially approved place.

Corner: A lot abutting upon two or more streets at their intersection.

Triangular: A lot abutting on two or more streets at their junction, where the angle formed by the intersecting streets is less than forty-five degrees.

Depth of: The mean horizontal distance between the front and rear lot lines.

Interior: A lot other than a corner lot or triangular lot.

Through: An interior lot having frontage on two streets.

LOT FRONTAGE. See FRONTAGE.

LOT LINES. The lines bounding a lot as defined in this section.

LOT OF RECORD. A lot or portion of one or more lots which are a part of a subdivision, the map of which has been recorded in the office of the register of deeds of the county, or a plot described by metes and bounds, the description of which has been recorded in the office of the register of deeds of the county.

LOT, ZONING. A parcel of land that is designated by its owner or developer, at the time of applying for an occupancy certificate as a tract, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirements of the above and the requirements of the subdivision rules and regulations, such lot may consist of:

- (1) A single lot of record; or
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

Proposed Amendment to the City Zoning Code

Additions are underlined

Deletions are ~~marked thru~~

28.04.025 Definitions M through N. MAJOR BARRIER.
Are designated state or federal highways with limited
access, the Arkansas or Little Arkansas rivers, and the
Wichita-Valley Center Flood Control (Big-Ditch).

MANUFACTURED HOME: A structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards generally known as the HUD Code. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to all utilities in conformance with applicable regulations.

MANUFACTURED HOME SUBDIVISION: A subdivision within the "G" Manufactured Home District which is platted for development as individual home sites for manufactured homes or modular homes to be placed on permanent foundations as required for permanent structures.

MOBILE HOME: A movable detached single-family dwelling unit that was manufactured prior to 1976 or is not in conformance to the HUD Code as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to the utilities in conformance with all applicable regulations. A mobile home shall also include a manufactured home as defined herein when located in a mobile home park.

MOBILE HOME PARK: A parcel of land, which has been planned and improved in some manner, and used or intended to be used by one or more occupied mobile homes or manufactured homes not placed on permanent foundations. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of storage, inspection or sale.

MODULAR HOME: A structure consisting of one or more components manufactured off-site in conformance to the standards of the building code of the city and related technical codes and moved to the construction site for final assembly as a dwelling unit.

MOTEL. A group of attached or detached permanent nonmobile buildings containing four or more individual sleeping or separate living facilities; designed and used for the accommodation of transients or nonpermanent residents. Motels shall include motor courts, auto courts and cabin or tourist courts but shall not include recreational vehicle campgrounds or courts, camp sites or mobile home parks.

NONCONFORMING USE. A building or premises legally occupied by a use that does not conform with the regulations of the district in which it is situated as established by this chapter or any prior zoning ordinance.

NURSING HOMES OR CONVALESCENT HOME. A home providing bed care for persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to care properly for themselves, but not serving or admitting alcoholics, drug addicts, or persons with mental or communicable diseases; a registered nurse on duty at all times, and wherein there is no surgery or other similar activities such as customarily provided in sanatoriums and hospitals.

Proposed Amendment to the City Zoning Code

Additions are underlined

Deletions are ~~marked thru~~

28.04.070 "B" multiple-family dwelling district regulations. In the "B" multiple-family dwelling district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "B" multiple-family dwelling district shall conform to the following area and height regulations:

- A. Use Regulations.
 1. Any use permitted in the "RB" four-family dwelling district.
 2. Adult care centers.
 3. ~~2~~ Boardinghouses and lodginghouses.
 4. ~~3~~ Boathouses.
 5. ~~4~~ Cemeteries.
 6. Child care centers.
 7. ~~5~~ Doctors' offices, hospitals and clinics, but not animal hospitals or animal clinics.
 8. ~~6~~ Educational, religious, philanthropic and eleemosynary institutions, ~~excepting asylums for the insane.~~
 9. 7. Greenhouses.
 10. Group boarding homes for children.
 11. Halfway house - group home.
 12. ~~8~~ Multiple-family dwellings.
 13. ~~9~~ Private kindergartens, nurseries, child care centers and homes for the aged, accommodating seven or more persons.
 14. ~~10~~ Private clubs, excepting those the chief activity of which is a service, customarily carried on as a business; and fraternity and sorority houses.
 15. ~~11~~ Signs, as permitted by Section 28.04.139 of this code.
 16. ~~12~~ Parking lots as an accessory use to any use permitted in the "B" multifamily dwelling district.
 17. ~~13~~ Parking lots legally established prior to June 21, 1988, or recognized under the provisions

established in paragraph "e" of this subdivision, whether or not a fee is charged, and when adjacent to an office, commercial or industrial district or immediately opposite the districts when separated by an alley, street, or public way, and provided that the following conditions prevail:

a. Compliance with the requirements of Sections 28.04.140, 28.04.141, and 28.04.143;

b. All parking lots shall be effectively screened on each side that adjoins any property situated in a residential district (excluding alleys, streets or intervening public ways), by a solid wall, constructed of masonry architectural tile, wood or other similar material (excluding chain link fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback; and, on corner lots, the solid wall shall not be placed closer to the side lot line abutting the street than the required side yard setback. Parking lots shall be arranged and designed so as to prevent damage to the required solid wall;

c. Only such signs as are necessary for the proper operation of the parking lot shall be permitted and in no event shall signs exceed an aggregate total area of twelve square feet, or exceed the height of ten feet;

d. The parking area shall be used for passenger vehicles and small delivery and service type vehicles under twelve thousand pound tag rating (12M) only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies;

e. There is hereby established a period of sixty days from June 21, 1988, within which owners of properties that are unimproved and that qualify for use as a parking lot may submit a permit application to the superintendent of central inspection. The existence of this sixty-day period shall be officially publicized in the Wichita Eagle/Beacon newspaper. Any parking lot that is established within six months of approval of a permit application in accordance with the standards of this section is not required to comply with the provisions of Section 28.04.145.

B. HEIGHT REGULATIONS.

No building shall exceed fifty-five feet in height at the required front, side or rear yard lines, but above the height permitted at such yard lines, one foot may be added to the height of the building for each one foot that the building or portion thereof is set back from the required lines.

C. AREA REGULATIONS.

1. Front Yard:

1.1 In all locations where building lines or setback lines or front yard lines are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum front yard shall be the same as the distance between the front lot line and the building line or setback line shown on the plat.

1.2 In all other locations in the "B" multiple-family dwelling district, the minimum front yard setback shall be twenty feet; provided that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question; provided that the application of this rule shall not reduce the minimum front yard setback to less than fifteen feet.

Where the lot under consideration adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$\frac{20' + X}{2}$$

where "X" equals the minimum front yard setback of the existing building.

Where there are through lots, the above front yard requirements shall apply to the frontage of both streets.

1.3 The application of these regulations shall not increase the front yard setback to more than thirty feet; and provided further, existing buildings on adjacent lots. Buildings placed entirely on the rear half of lots shall not be considered.

2. Side Yard.

2.1 In all locations where building lines or sidelines or corner lots are shown on plats which have been approved by the planning commission and which are recorded in the office of the register of deeds of the county, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.

2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width; provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), having a width of four feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not

Proposed Amendment to the City Zoning Code

Additions are underlined

Deletions are ~~marked thru~~

28.04.100 "C" commercial district regulations. In the "C" commercial district of this chapter, all buildings and premises, except as otherwise provided in this chapter, may be used for any use permitted in the dwelling districts and the "LC" district or for any other purpose, except the following, and all buildings erected, enlarged, converted or altered in the "C" commercial district shall conform to the following area and height regulations:

A. USE REGULATIONS.

Uses Not Permitted:

1. Bakery employing more than fifty persons on the premises.
2. Blacksmithing or horseshoeing shop.
3. Bottling works employing more than fifty persons on the premises.
4. Building material storage yard.
5. Carting, express, hauling or storage yard.
6. Cleaning and dyeing works employing more than fifty persons on the premises.
7. Contractor's plant or storage yard employing more than five persons on the premises; except during construction of any building except within three hundred feet thereof.
8. Coal or coke yard of more than fifty tons' capacity.
9. Cooperage works.
10. Correctional Placement Residences (front-end or back-end).
- 11 ~~10~~. Foundry.
- 12 ~~11~~. Ice plant or storage house of more than ten tons' capacity.
13. Jails and prisons.
- 14 ~~12~~. Laundry employing more than fifty persons on the premises.
- 15 ~~13~~. Livery stable

16 14. Machine shop employing more than ten persons on the premises.

17 15. Poultry killing establishment.

18 16. Stone yard or monument works.

19 17. Wrecking motor vehicles.

20 18. All uses excluded from the "D" central business district.

21 19. No building may be erected or used for any manufacturing process excepting that of such a kind or character that the entire frontage of the ground floor along the principal street is used for office space, display or for wholesale or retail sales.

22 20. Animal hospitals except small animal clinics; for treatment and boarding of dogs, cats and other pets; provided, that all animals shall be harbored indoors; no noise or odors from such use shall be discernible at any building line.

23 21. Mobile home parks.

B. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

C. AREA REQUIREMENTS.

1. Front Yard:

1.1 Where all the frontage on one side of the street between two intersecting streets is located in the "C" commercial district, no front yard shall be required, and this provision shall apply equally to all buildings.

1.2 Where the frontage on the same side of the street between two intersecting streets is located partly in a dwelling district, the front yard requirements of the dwelling district shall apply to the entire frontage in both districts.

2. Side Yard:

2.1 The side yard regulations for buildings erected, enlarged, converted or structurally altered for dwelling purposes shall be the same as those in the "B" multiple-family dwelling district.

2.2 No side yard is required for buildings erected, enlarged, converted or altered for other than dwelling uses excepting at the boundary line of the "C" district and any dwelling district, in which case there shall be a side yard adjoining the dwelling district of not less than five feet. If a side yard is provided for commercial buildings, the side yard shall be not less than five feet.

3. Rear Yard:

The rear yard regulations for dwellings are the same as in the "B" multiple-family dwelling district.

4. Lot Area Per Family:

The lot area per family shall be the same as required in the "B" multiple-family dwelling district.

Proposed Amendment to the City Zoning Code

Additions are underlined>

Deletions are ~~marked thru~~

28.04.110 "D" central business district regulations. A. In the "D" central business district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered for any use prohibited in this section, and all buildings erected, enlarged, converted or altered in the "D" central business district shall conform to the following area and height regulations. Uses which are not prohibited in the "C" district and uses not prohibited below are permitted in the "D" district.

B. USE REGULATIONS.

Uses Not Permitted:

1. Acetylene gas manufacture or wholesale storage.
2. Acid manufacture.
3. Alcohol manufacture.
4. Ammonia, bleaching powder or chlorine manufacture.
5. Arsenal.
6. Asphalt manufacture, refining and paving mixture plants.
7. Blast furnace.
8. Bag cleaning.
9. Boilerworks.
10. Brick, tile, pottery or terra cotta manufacture, other than the manufacture of handicraft products only.
11. Buttermilk plant which processes buttermilk or stale or rancid milk or its by-products into dry or semi-solid products.
12. Central mixing plant for cement, mortar, plaster or concrete.

13. Correctional placement residences (front-ended or back-ended); except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
- 14 ~~13~~. Disinfectant manufacture.
 15 ~~14~~. Dyestuff manufacture.
 16 ~~15~~. Explosive or fireworks manufacture or storage.
 17 ~~16~~. Exterminator and insect poison manufacture.
 18 ~~17~~. Fat rendering.
 19 ~~18~~. Fertilizer manufacture.
 20 ~~19~~. Forge plant.
 21 ~~20~~. Garbage, offal or dead animal incineration, reduction or dumping.
 22 ~~21~~. Gas manufacture or storage.
 23 ~~22~~. Glue, size or gelatine manufacture.
 24 ~~23~~. Grain storage.
 25 ~~24~~. Iron, steel, brass or copper mills engaged in the production of these metals or any of their alloys from ores or junk material.
26. Jails and Prisons; except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
 27 ~~25~~. Junk, used material, auto wrecking, salvage, paper, scrap, bottles or rags, baling or storage of such materials, except where such activities are conducted entirely within an enclosed building.
 28 ~~26~~. Mills, feed or flour.
 29 ~~27~~. Oilcloth or linoleum manufacture.
 30 ~~28~~. Preparation or treatment of oiled rubber or leather goods in their raw state.
 31 ~~29~~. Ore reduction.
 32 ~~30~~. Paint, oil, shellac, turpentine or varnish manufacture, but not excluding the mixing of manufactured materials into paints,
 33 ~~31~~. Paper and pulp manufacture.
 34 ~~32~~. Petroleum or its products, including refining or wholesale storage.
 35 ~~33~~. Rubber or gutta-percha manufacture or treatment.
 36 ~~34~~. Shoe polish manufacture.
 37 ~~35~~. Smelting of tin, copper, zinc or iron ores.
 38 ~~36~~. Soap manufacture other than liquid soap.
 39 ~~37~~. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.
 40 ~~38~~. Stockyards.
 41 ~~39~~. Stove polish manufacture.
 42 ~~40~~. Tallow, grease or lard manufacture or refining, including the processing of animal fat.

43 41. Tanning, curing or storage of raw hides or skins.

44 42. Tar distillation or manufacture.

45 43. Tar roofing or waterproofing manufacture.

46 44. Vinegar manufacture.

47 45. Wool pulling or scouring.

48 46. Yeast plant.

49 47. Those uses which may be and as ordinarily operated generally are obnoxious or offensive by reason of emission into the air or odors, smoke, dust, paint or grease particles, wood sawdust shavings, or other waste matter, or by the emission of an unreasonable amount of noise.

50 48. Mobile home parks.

C. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

D. AREA REGULATIONS.

1. Front Yard: No front yard is required for any building for any use.

2. Side Yard:

2.1 No side yard shall be required for dwellings where the dwelling is constructed with central air conditioning and ventilating equipment.

2.2 In all other cases no side yard is required, except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five feet. If a side yard is provided for a commercial or industrial building, it shall be not less than five feet.

3. Rear Yard: No rear yard is required for any building or for any use except that, if any rear yard is provided, it shall not be less than ten feet.

4. Lot Area Per Family: Buildings which are erected, enlarged, converted or altered for residential purposes shall have a lot area of not less than two hundred fifty square feet of lot area for each family EXCEPT that for each five percent of the lot area left as open space, twelve and one-half square feet of lot area may be deducted from the original requirement of two hundred fifty square feet per family; provided, however, that in no instance shall the lot area per family be reduced below one hundred twenty-five square feet per family.

6-30-89
DR 89-8

Attachment No. 8

Proposed Amendment to the City Zoning Code

Additions are underlined

Deletions are ~~marked thru~~

28.04.130 "F" heavy industrial district regulations. In the "F" heavy industrial district, buildings and premises may be used for any lawful purpose, subject to the following restrictions and to the following area and height regulations:

A. USE REGULATIONS.

Any building or premises may be used for any purpose not in conflict with any ordinance of the city regulating nuisances or special fire hazards; provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the city council; board of commissioners, and provided further that all uses specifically prohibited by Section 28.04.120 (B.2) of this chapter shall also be prohibited in the "F" heavy industrial district.

1. Acid manufacture.
2. Cement, lime, gypsum, or plaster of paris manufacture.
3. Correctional placement residences (front-ended or back-ended); except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
- ~~4~~ 3. Distillation of bones.
- ~~5~~ 4. Explosives manufacture or storage.
- ~~6~~ 5. Fat rendering
- ~~7~~ 6. Fertilizer manufacture.
- ~~8~~ 7. Garbage, offal or dead animals incineration, reduction or dumping.
- ~~9~~ 8. Glue manufacture.
10. Jails and Prisons; except when such a use is more than 750 feet or separated by a major barrier from a residential zoning district as measured with a straight line from zoning lot line to zoning lot line.
- 11 9. Petroleum refinery and wholesale storage.

12 ~~10~~. Slaughter and dressing of animals and disposal of waste from such processing, but not including poultry and rabbit dressing.

13 ~~11~~. Stock yards.

14 ~~12~~. Wholesale storage of gasoline or other petroleum products in car lots or more above ground.

B. HEIGHT REGULATIONS.

No building shall exceed a height of twenty-five stories.

C. AREA REGULATIONS.

1. No front yard, side yard or rear yard is required in the "F" heavy industrial district except for buildings which are hereafter erected, enlarged, converted or altered for dwelling purposes, in which case the front yard, side yard and rear yard requirements shall be the same as in the "B" multiple family dwelling district.

2. Lot Area Per Family:

The lot area per family shall be the same as in the "B" multiple family dwelling district.

6-30-89
DR 89-8

Attachment No. 9

Proposed Amendment to the City Zoning Code

Additions are underlined

Deletions are ~~marked thru~~

28.04.185 Same - ~~Rehabilitation homes~~ Halfway house - group homes - Adult and child care centers - Correctional placement residences.

1. ~~Rehabilitation homes.~~ Halfway house - group homes. The board of zoning appeals may, ~~by special permit,~~ grant exceptions and authorize halfway house - group homes or rehabilitation homes such as group boarding homes for children or halfway houses, to be located in the "AA," "A," ~~or "RB,"~~ "R-5," or "R-6" residential zoning districts subject to the following conditions and requirements:

1.1 The home and its sanitary facilities shall comply with all state and local codes;

1.2 The board shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case;

1.3 The use shall comply with the regulatory requirements of a federal, state, or local governmental ~~agency the regulations of either the State Board of Health, or the licensing requirements of other authorized state agencies; and the program shall be sanctioned by appropriate state or local agencies, or local united way, health planning or comprehensive planning agencies;~~

1.4 The board shall take into consideration the proximity and location of other such rehabilitation facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses;

1.5 The board of zoning appeals may include additional conditions as deemed necessary to provide for orderly development.

2. Adult or child care centers. The board of zoning appeals may, ~~by special permit,~~ grant exceptions and authorize adult or child care centers to be located in the "AA," "A," "RB," "R-5" and "R-6" residential zoning districts subject to the following conditions and requirements:

2.1 All centers shall comply with the regulatory requirements of a federal, state, or local governmental agency ~~the licensing requirements of the Kansas state Department of Health,~~ including all building and fire safety regulations of the state of Kansas and the city;

2.2 For child care centers; outdoor play shall be limited to the hours between seven-thirty a.m. and six-thirty p.m. when any part of the fenced play area is within one hundred feet of any occupied residence;

2.3 Before applying for an exception, evidence of being able to comply with all the regulations and standards must be submitted for review;

2.4 The board of zoning appeals shall take into consideration the proximity and location of other such facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses;

2.5 The board of zoning appeals may include additional conditions as deemed necessary to provide for orderly development.

3. Correctional placement residences (front-ended). ~~The city council may by special permit authorize correctional placement residences (front-ended), to be located in the "B," "BB," "OC," "LC," and "C," zoning districts.~~

Any approval under this section shall be subject to the following conditions and requirements:

3.1 The planning commission shall review the application, conduct a public hearing and make its recommendation thereafter to the city council with respect to whether such use is in conformance with the comprehensive plan, whether the neighboring properties are adequately protected from the use, and whether the general welfare of the community is promoted.

3.2 All residences shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent, including all building and fire safety regulations of the State of Kansas and the city.

3.3 Before applying for a special permit, evidence of being able to comply with all the regulations and standards must be submitted for review.

3.4 The city council shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case.

3.5 The city council may include additional conditions as deemed necessary to provide for orderly development.

4. Correctional placement residences (back-ended or front-ended) or jails and prisons. The city council may by special permit authorize correctional placement residences (back-ended or front-ended) or jails and prisons to be less than 750 feet from residential zoning districts when such facilities are located in the "D," "E," and "F" zoning districts. Any approval under this section shall be subject to the following conditions and requirements:

4.1 The planning commission shall review the application, conduct a public hearing and make its recommendation thereafter to the city council with respect to whether such use is in conformance with the comprehensive plan, whether the neighboring properties are adequately protected from the use, and whether the general welfare of the community is promoted.

4.2 All such facilities shall comply with the regulatory requirements of a federal, state, or local governmental agency; and if such facilities are not directly operated by a unit of government they shall have or actively seek accreditation from the American Correctional Association or a substantial equivalent, including all building and fire safety regulations of the State of Kansas and the city.

4.3 Before applying for a special permit, evidence of being able to comply with all the standards must be submitted for review.

4.4 The city council shall determine the number of occupants permitted based on the sleeping capacity of the facility, and the number of required parking spaces for each individual case.

4.5 The city council may include additional conditions as deemed necessary to provide for orderly development.

THE CITY OF WICHITA
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: June 30, 1989

TO: Tom Powell, Director of Law
FROM: Marvin S. Krout, Director of Planning *MSK*
SUBJECT: Public Hearing on Proposed Amendment to the City
Zoning Code (DR 89-8)

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's July 6, 1989, meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on July 6, 1989, beginning at 12:45 p.m., in the Planning Commission Conference Room on the Tenth Floor of City Hall.

MSK:RTB:svm
Attachments

THE CITY OF WICHITA
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: June 30, 1989

TO: Monty Robson, Superintendent of Central Inspection
FROM: Marvin S. Krout, Director of Planning *MSK*
SUBJECT: Public Hearing on Proposed Amendment to the City
Zoning Code (DR 89-8)

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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MSK:RTB:svm
Attachments

THE CITY OF WICHITA
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: June 30, 1989

TO: Glen Dockery, Interm Director
Department of Housing and Economic Development

FROM: Marvin S. Krout, Director of Planning *MSK*

SUBJECT: Public Hearing on Proposed Amendment to the City
Zoning Code (DR 89-8)

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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MSK:RTB:svm
Attachments

THE CITY OF WICHITA
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: June 30, 1989

TO: Jeffery D. Loane, Director
Community Corrections Department

FROM: Marvin S. Krout, Director of Planning *MSK*

SUBJECT: Public Hearing on Proposed Amendment to the City
Zoning Code (DR 89-8)

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's July 6, 1989, meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on July 6, 1989, beginning at 12:45 p.m., in the Planning Commission Conference Room on the Tenth Floor of City Hall.

MSK:RTB:svm

THE CITY OF WICHITA
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: June 30, 1989

TO: Ken Arnold, Special Projects Coordinator
County Corrections Department

FROM: Marvin S. Krout, Director of Planning *MSK*

SUBJECT: Public Hearing on Proposed Amendment to the City
Zoning Code (DR 89-8)

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

We plan to schedule a formal public hearing on this matter of the Metropolitan Area Planning Commission's July 6, 1989, meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal luncheon meeting of the Planning Commission on July 6, 1989, beginning at 12:45 p.m., in the Planning Commission Conference Room on the Tenth Floor of City Hall.

MSK:RTB:svm

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1668
(316) 268-4561

June 30, 1989

Sue Smith
2016 Elizabeth
Wichita, KS 67213

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Ms. Smith:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

We plan to have a formal public hearing on this matter of the Metropolitan Area Planning Commission's July 6, 1989, 1:30 p.m., meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal meeting of the Planning Commission on July 6, 1989, beginning at 12:45 p.m., in the Planning Commission Conference Room on the Tenth Floor of City Hall.

Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm
Attachments

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 30, 1989

Wichita Area Builders Association
Attn: Wess Galyon, President/CEO
730 N. Main, Suite 1
Wichita, KS 67203

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Mr. Galyon:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

We plan to have a formal public hearing on this matter of the Metropolitan Area Planning Commission's July 6, 1989, 1:30 p.m., meeting agenda. Prior to the official public hearing, we hope to have a discussion of the proposed amendment during an informal meeting of the Planning Commission on July 6, 1989, beginning at 12:45 p.m., in the Planning Commission Conference Room on the Tenth Floor of City Hall.

Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm
Attachments

WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4551

June 30, 1989

Margo Gilstrap, L.B.S.W.
Supervisor Adult Services
P.O. Box 1620
Wichita, KS 67201

*new
margogilstrap
(9/89)*

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Ms. Gilstrap:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm
Attachments

WICHITA SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 30, 1989

League of Women Voters of Wichita
350 N. Market
Wichita, KS 67202

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

To Whom It May Concern:

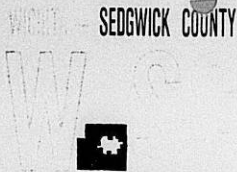
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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm
Attachments



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 30, 1989

Mid-Town Citizens Assoc.
Attn: Tim Richardson
805 Ridge Point Dr.
Wichita, KS 67203

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

To Whom It May Concern:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm
Attachments



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 266-4351

June 30, 1989


Joel Pollack
1035 N. Emporia
Wichita, KS 67214

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Mr. Pollack:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm
Attachments

WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 30, 1989

Starkey Developmental Center
Attn: Bill Brotton
144 S. Young
Wichita, KS 67209

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Mr. Brotton:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm
Attachments

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 30, 1989

Wichita Board of Realtors
c/o Lynda Tousley
717 North Emporia
Wichita, KS 67214

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Ms. Tousley:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm
Attachments

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 258-4561

June 30, 1989

Building Owners & Managers Assoc.
Union Center, Inc.
150 N. Main
P.O. Box 637
Wichita, KS 67201

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

To Whom It May Concern:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

WICHITA SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 30, 1989

The Chamber of Commerce
350 W. Douglas
Wichita, KS 67202

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

To Whom It May Concern:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm
Attachments

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 30, 1989

Melvin L. Satterthwaite, Etux
1302 Jewell
Wichita, KS 67213 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Mr. Satterthwaite:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 30, 1989

Gary L. Fallon, Et al.
2806 Timbercreek Cir.
Wichita, KS 67204 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Mr. Fallon:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4551

June 30, 1989

Mr. Robert H. & Cheryl D. Fritze
1314 May
Wichita, KS 67213 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Mr. Fritze & Ms. Fritze:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 266-4561

June 30, 1989

Larry Lee Riley
1302 May
Wichita, KS 67213 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Mr. Riley:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN ST., EET
WICHITA, KANSAS 67202-1688
(316) 256-4561

June 30, 1989

Margaret B. Brown
1210 Jewell
Wichita, KS 67213 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Ms. Brown:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

June 30, 1989

Emily Scroggy
1226 Jewell
Wichita, KS 67213 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Ms. Scroggy:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 30, 1989

Amy Burns, et al.
1310 W. May
Wichita, KS 67213 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Ms. Burns:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "IC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

SEDGWICK COUNTY

METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
435 NORTH MAIN STREET
WICHITA, KANSAS 67202-1689
(316) 268-4581

June 30, 1989

Seneca Village Townhouses Inc.
1333 W. May
Wichita, KS 67213 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

To Whom It May Concern:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,



R. Timothy Bickhaus
Associate Planner

RTB:svm

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 30, 1989

Emily Scroggy
1226 Jewell
Wichita, KS 67213 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Ms. Scroggy:

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 30, 1989

William C. Foundray, Etux
1130 Jewell
Wichita, KS 67213 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Mr. Foundray:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 30, 1989

James L. Nungesser, Et al.
8815 Birch Ln.
Wichita, KS 67212 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Mr. Nungesser:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KAN. 67202-1888
(316) 268-4551

June 30, 1989

Benjamin E. Brown, Etux
1204 Jewell
Wichita, KS 67213 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Mr. Brown:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

June 30, 1989

Kenneth M. McCauley, Etux
1214 Jewell
Wichita, KS 67213 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Mr. McCauley:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 30, 1989

Jimmie L. Blees, Etux
1218 Jewell
Wichita, KS 67213 6702

Re: Public Hearing on Proposed Amendment to the City Zoning
Code with Regard to Correctional Placement Residences
and Group Homes (DR 89-8)

Dear Mr. Blees:

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Sincerely,

R. Timothy Bickhaus
Associate Planner

RTB:svm



RECEIVED

JUN 20 1989

METROPOLITAN PLANNING

ROUTE _____

Jim Bickhaus
MAPD

SEDGWICK COUNTY, KANSAS

County Manager's Office

Kim C. Dewey
County Manager

TO: Distribution
FROM: Kenneth W. Arnold, Special Projects Coordinator
DATE: June 19, 1989
SUBJECT: City of Wichita Zoning Amendments

As I discussed with you on the phone today, the Metropolitan Area Planning Department (MAPD) has been directed to prepare an amendment to the City of Wichita Zoning Regulations regarding group homes, particularly as they related to correctional facilities.

Attached is a copy of the proposed changes as drafted by MAPD. Please review these and come prepared to discuss them at a meeting on Wednesday, June 28 at 1:30 p.m. in the Accounting Office Conference Room, Third Floor, County Courthouse. Our goal is to provide MAPD with a document which will allow the City to control the referenced facilities, but also allow users, such as your department, to meet their procedures, obligations, legal requirements, etc. and the guidelines of the County Commission.

Please advise if you have any questions.

KWA:ler

Attachments

1. Distribution List
2. MAPD Letter dated June 16, 199 w/attachment

cc: Kim Dewey, County Manager, w/o attachment #2

DISTRIBUTION LIST - ZONING CHANGE PROPOSAL

Sheriff Mike Hill - 268-7264
Sheriff's Dept.

✓ Jeff Loane - 268-7003
Community Corrections

✓ Larry Vardaman - 794-8666
Youth Facilities
(KCA Pres.)

✓ Mark Bechtel - 268-7824
Dept. on Aging

✓ John Duvall - 268-8251
Mental Health Dept.

✓ Max Field - 268-7050
Mental Retardation

✓ Ken Arnold - 268-7575
County Manager's Office

Tim Bickhaus - 268-4421 (w/o attach. #2)
MAPD

6/30/89
Dropped 17 copies of
6/30/89 Dratt
to Ken Arnold.
He said he
would get
it to the
above.

THE CITY OF WICHITA
METROPOLITAN AREA PLANNING DEPARTMENT

6/21 work with Joe Lang #4681
DATE: June 16, 1989

TO: Tom Powell, Director of Law
FROM: Marvin S. Krout, Director of Planning
SUBJECT: Public Hearing on Proposed Amendment to the City Zoning Code (DR 89-8)

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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Attached are delineated copies of Sections 28.04.021, 28.04.023, 28.04.024, 28.04.025, 28.04.070, 28.04.100, 28.04.110, 28.04.130, and 28.04.185 of the City Zoning Code.

MSK:RTB:svm

THE CITY OF WICHITA
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: June 16, 1989

Monty said he would review this & get back to me later in the week if he has any concerns. 6/20/89

TO: Monty Rebson, Superintendent of Central Inspection

FROM: Marvin S. Krout, Director of Planning

SUBJECT: Public Hearing on Proposed Amendment to the City Zoning Code (DR 89-8)

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "I" heavy industrial districts unless such uses are more than 700 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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MSK:RTB:svm

THE CITY OF WICHITA
METROPOLITAN AREA PLANNING DEPARTMENT

He will take a close look and give his any comments will call me 6/20/89

DATE: June 16, 1989

TO: Jeffery D. Loane, Director
Community Corrections Department

FROM: Marvin S. Krout, Director of Planning

SUBJECT: Public Hearing on Proposed Amendment to the City
Zoning Code (DR 89-8)

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), half-way house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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MSK:RTB:svm

THE CITY OF WICHITA
METROPOLITAN AREA PLANNING DEPARTMENT

He will call me with any comments he has any 6/20/89
DATE: June 16, 1989

TO: Ken Arnold, Special Projects Coordinator
County Corrections Department

FROM: Marvin S. Krout, Director of Planning

SUBJECT: Public Hearing on Proposed Amendment to the City
Zoning Code (DR 89-8)

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MSK:RTB:svm

THE CITY OF WICHITA
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: June 16, 1989

TO: Glen Dockery, Interm Director
Department of Housing and Economic Development

FROM: Marvin S. Krout, Director of Planning

SUBJECT: Public Hearing on Proposed Amendment to the City
Zoning Code (DR 89-8)

This is to advise you that the City Council has directed the Planning Department to prepare and advertise for public hearing a proposed amendment to the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA," "A," "RB," "R-5," and "R-6," residential districts by exception through the Board of Zoning Appeals.

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MSK:RTB:svm

STATE OF KANSAS
Sedgwick County) ss.

Rebecca E. Frock, being first duly sworn, Deposits
and says: That he is General Manager 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.

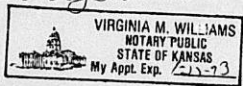
Said newspaper is a daily published Monday through Friday and
has been so published continuously and uninterrupted in said county
and state for a period of more than five years prior to the first
publication of said notice; and has been admitted at the post office of
Derby, Kansas, in said County as 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 13th day of
June, 1989, with subsequent publications
being made on the following dates:

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

Rebecca E. Frock
Subscribed and sworn to before me this 14th
day of June, 1989

Virginia M. Williams
Notary Public



Printer's fee \$ 63 Lines x 1 Col. = 12.57
Additional copies \$ _____

2458 (Published in The Daily Reporter on June 13, 1989)

OFFICIAL NOTICE
TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:
NOTICE IS HEREBY GIVEN THAT ON THURSDAY, July 6, 1989, 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 in Title 28, the Code of the City of Wichita, Kansas:

Amendments to Sections 28.04.021, 28.04.023, 28.04.024, 28.04.025, 28.04.070, 28.04.100, 28.04.110, 28.04.130 and 28.04.185 of the City Zoning Code to add definitions of the terms correctional placement residence (back-ended and front-ended), halfway house-group home, jail and prison, and major barrier; and, to provide for the establishment of correctional placement residences (front-ended) by special permit in the "B" multi-family, "BB" office, "OC" office commercial, "LC" light commercial, and "C" general commercial districts; and to exclude the establishment of correctional placement residences (front-ended or back-ended) and jails and prisons from the "C" general commercial, "D" central business, and "F" heavy industrial districts unless such uses are more than 750 feet from a residential district or separated by a major barrier in which case they are permitted by right in the "D", "E", and "F" districts; and, authorize the establishment of adult day care centers in the "AA", "A", "RB", "R-5", and "R-6", residential districts by exception through the Board of Zoning Appeals.

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

The proposed amendments will there be discussed and considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission as by law provided.

WITNESS MY HAND this 13th day of June, 1989.
Marvin S. Krout, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
(J 13)

() Published in The Daily Reporter on , 1989
(One Time)

OFFICIAL NOTICE

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WITNESS MY HAND this 13th day of June, 1989.

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

RECEIVED

MAY 17 1989

METROPOLITAN PLANNING
ROUTE *MP*

DATE: May 18, 1989

**THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION**

TO: Mayor and City Council, through
Chris Cherches, City Manager

FROM: Stanley J. Scott, CP Coordinator *Stan Scott*

SUBJECT: Group Home Regulations

During their first round of May meetings, the ten CPO Neighborhood Councils reviewed changes in the regulation of group homes as recommended by the Planning Department and Planning Commission. CPO Council members were provided reports summarizing the recommendations of MAPD and MAPC.

Listed below are the Councils' recommendations and comments.

- 1A Voted 5-0 to support the more restrictive regulations suggested by the Planning Department with a 2,500 (rather than 1,000 foot) separation between facilities.
Comments: The Council supports efforts to provide a broader distribution of group facilities throughout the City, rather than the current concentration in the Midtown Neighborhood.
- 1B Voted 5-0 to recommend approval of the changes with a tighter definition of "major barrier" and a requirement of certification for future facilities.
- 2A No recommendation.
Comments: Doctor and Brant expressed concerns about increased traffic congestion in neighborhoods should nursing/convalescent homes be permitted. Doctor suggested that all group home applicants be required to seek exception and participate in the public hearing process.
- 2B No recommendation.
Comments: The Council noted that they would like to see the full report on group homes, but based on the information provided they felt the recommendations to the City Council were feasible.
- 3A Voted 7-1 to endorse the proposed changes.
Comments: Combs noted that she didn't feel the spacing requirements were adequate and should be at least 1,000 feet.
- 3B No recommendation.
Comments: Voted 6-0 to recommend that should the City ordinance be modified, there should be a 5-year waiting period before the ordinance is put into effect.

Harris suggested that after the ordinance is amended, that City officials must strictly adhere to the new policy. Harris noted that too many exceptions are granted to individuals/businesses. Keith added that local property owners must be protected should group homes be established in area neighborhoods.

4A No recommendation.

Comments: Pat Gulick noted that there needs to be more emphasis on the requirement for a special permit under 2. Koon endorsed the concept of requiring facilities to be certified. Jim Gulick noted that he would like to see a better definition of "major barrier".

4B Voted 8-0 to recommend approval of the MAPC proposed changes.

Comments: Gramke voiced concerns about the "Back Ended" programs that may deal with violent offenders. According to Gramke, due to a rate of recidivism, he had fears about the "back ended" individual possibly could harm area residents. Dillard also expressed fears about violent offenders being placed in neighborhood facilities. Fields supported community correction facilities and stated that such programs are needed in our community.

5A No recommendation.

Comments: The proposed modifications pertaining to detention/correction facilities should not be implemented. The current regulation should be kept intact. The members had difficulty in discerning the difference between "Adult Foster" and "Group Care/Family Care" homes. The proposed 1,000 feet distance between group homes was not needed. The Council recommended that group homes be located throughout the entire City and not located in particular areas/neighborhoods.

5B Voted 8-0 to support the more restrictive regulations suggested by the Planning Department.

Please consider the Councils' recommendations when the City Council considers changes in the regulation of group homes.

SJS:dm

INTEROFFICE MEMORANDUM

Date: 28-Apr-1989 09:20am CDT
From: Marvin Krout
KROUT_M
Dept: Metropolitan Planning
Tel No: 268-4425

TO: Chris Cherches (CHERCHES C)
TO: Stanley J. Scott (SCOTT_S)
CC: MAPC (PAPER MAIL)
CC: Thomas R. Powell (POWELL T)
CC: GALBRAITH_J (PAPER MAIL)

Subject: MAPC RECOMMENDATIONS ON GROUP HOMES

The Metropolitan Area Planning Commission studied the current regulations for correctional facilities and other group homes as requested by the City Council, and has made the following conclusions:

1. Group homes encompass a wide variety of types and sizes of facilities that will require further time for study. The MAPC focused its attention in this short period on facilities which are part of "the legal system" - detention and correction facilities.

2. MAPC recommended new definitions be established for three different types of detention/correction facilities:

a) "correctional placement residences" that are "front-ended." This would include facilities that provide residential and rehabilitation services to offenders who have been placed in those facilities prior to or instead of being sent to a prison. This would include persons receiving deferred or suspended sentences who are placed by the courts in these facilities, such as under the County's community corrections program. The courts are assumed to have made a judgement that persons placed in these facilities will not constitute an unacceptable risk to the general public; these persons are usually first-time offenders, and have not been convicted of violent crimes.

b) correctional placement residences that are "back-ended." These would include facilities that provide residential and rehabilitation services to offenders who have been placed in those facilities by the correctional system at the end of a jail sentence, such as under the VIP-operated work-release program. These persons may have been convicted of a wider variety of crimes.

c) jails and prisons. These are "detention" facilities in which prisoners are confined 24 hours a day.

2. MAPC recommended that "front-ended" correctional placement residences, such as the County's community corrections facility, be permitted "by right" (without public hearings) if located in the D (downtown), E (light industrial), or F (heavy industrial) zoning districts, so long as they are more than 750 feet distant, or separated by a "major barrier" (e.g. floodway, turnpike), from a residential district. They could also be permitted in those three districts even if they do not meet the separation requirement, or in the B, BB, LC, and C districts, but only by a special permit approved by the governing body with notice and public hearing by MAPC.

Currently, these uses are permitted "by right" in the B through the D districts, and are not permitted under any circumstance in the E or F district.

3. MAPC recommended that the "back-ended" correctional placement residences, such as the work-release center, along with full-fledged "jails", be permitted in the D, E, and F districts "by right" if more than 750 feet or separated by a "major barrier" from a residential district, or by special permit if that separation requirement is not met. They did not recommend that these uses be permitted in the B through C districts under any circumstances.

Currently, these uses are permitted "by right" on any tract in the D, E, or F districts.

4. It was recommended that some type of certification, such as provided by the American Correctional Association, be maintained by any new detention or correctional facility, in order to provide assurance to the public of adequate staffing and facilities. This area will be researched further over the next several weeks.

5. Parking requirements for these uses need to be clarified; however, MAPC thought it best to leave this item to be handled along with parking standards for a number of other uses that are being reviewed by a special subcommittee of the Commission.

Please transmit these recommendations to the City Council and CPO. We are available to answer any questions that arise between now and May 9, which is the last regular date for the Council to consider this question before the 60-day moratorium ends.

GROUP RESIDENTIAL FACILITIES

for the

**WICHITA - SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION**

by the

**Wichita - Sedgwick County
Metropolitan Area Planning Department**

(April 13, 1989)

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GROUP RESIDENTIAL FACILITIES

On March 21, 1989 the City Council declared a temporary 60-day moratorium on the issuance of building permits for the remodeling or construction of new correctional facilities. The "issue" of group homes was referred to the Metropolitan Area Planning Commission (MAPC) for study, hearing and recommendations to be returned to the City Council prior to May 20, 1989. This report will attempt to review the nature of group residential facilities for the Commission with the purpose and intent of assisting this body in developing a more rational, current, and comprehensive policy regarding such facilities. Much of what follows is descriptive and comparative of how other communities of similar size to Wichita treat group residential facilities in their respective zoning codes. After a good deal of study one is led to the conclusion that there is little consensus in these codes, though certain patterns do emerge. The main pattern is that most communities include group residential facilities, with a few exceptions, within two broad categories; the correctional system and the health system (mental & physical). Taking this broad-brush approach, this document will cover the following: (1) The full range of facilities in these two categories, and also the exceptions are reviewed. (2) The State preemptive law on small group homes and licensing requirements for these and other facilities is described. (3) A summary of how other cities treat group facilities is presented. (4) Wichita regulations are described, focusing on definitions, where these types of facilities are permitted, and some special considerations the zoning text takes. (5) Possible amendments to the current zoning text are explored.

RANGE OF GROUP RESIDENTIAL FACILITIES

Correctional System

From what is an admittedly select reading of the literature and brief conversations with those in the correctional field, a basic understanding of the various residential correctional facilities can be defined. It is a comfort to know that the most violent and offensive of individuals are removed from the community where they can do no more harm. However, it is acknowledged that the community's "window of opportunity" to rehabilitate the offender in a structured environment is the length of sentence. What form this "structure" takes relies on basic checks and balances that we shall

not attempt to evaluate or discuss here. It will serve our purpose to recognize that in this system of correction the prison is viewed as the proverbial "stick" and what follows is the "carrot" and the community's chance to aid the offender in the transition in becoming a functional member of the community.

A jail or prison is a facility that incarcerates inmates 24 hours a day and provides a highly structured living environment. The daily activities of the inmates are programed to meet both the facilities need for security and the community's desire to rehabilitate the prisoners, in a humane manner, before they have completed their sentence and are returned to the community. Often, the overriding concern is security and is so stated in the prison's name, for example a "maximum security prison." Typically, these facilities are introverted fortresses and leave little doubt as to their purpose. One needs only a glimpse of the County Jail, across the street from City Hall, to understand the serious mission of these facilities. These large scale facilities are typically state or county operated, though there is no guarantee that in the future they will not be contracted out to private firms. To be cost effective, prisons usually have a capacity in the range of 300 or more prisoners. It is self-evident that as the number of inmates increases, and approaches or exceeds its capacity, the role of these facilities change from being secure institutions of rehabilitation to human warehouses. This very issue before the Commission has its genesis in state prison facilities, as there is presently inadequate prison space in Kansas according to the U.S. District Court. Though we are hardly competent to thoroughly comment on the problems facing our correctional institutions, given the short time frame in which this study was undertaken, it is clear that these highly institutionalized facilities, alone, cannot "rehabilitate" or "teach" offenders to lead non-criminal lives, nor is it likely that the construction of a new prison facility will solve the State's immediate concern and the potential of a wholesale discharge of prisoners into the community. The National Institute of Justice estimates that a "five year lead time might be required to acquire a suitable site and to design, construct, and activate a new prison." It is our impression, from published news releases, that U.S. District Judge Richard Rogers is looking at a one to two year horizon.

Work release centers are facilities that provide job-placement, structured counseling and supervision, and room and board for persons legally confined and under the jurisdiction of either a state, county, or city correction agencies. Those confined to such facilities typically, though not always, have less than a year of sentence remaining or have committed non-violent and minor crimes. The difference between these facilities and those run by community corrections is that the residents are in a stage of

rehabilitation from a prison facility. Typically, the offender's whereabouts are known at all times, but they are not incarcerated 24 hours a day as they would be in a prison. Work release centers usually do not appear to be correctional facilities, rather they seek to de-institutionalize their facade so as to blend into the surroundings as best as can be expected for a facility with 100 or more residents. To be cost effective the number enrolled in work release programs is around 100 to 300, for example the Sheriff's Work Release Center at Harry and McLean, has a capacity of 102, and the new State Corrections Work Release Center at the old Livestock Exchange Building has a capacity of 206.

The Sheriff's Work Release Center and the State Corrections Work Release Center have an interesting polarity. The Sheriff's Work Release Center is publicly operated while the State Corrections Work Release Center will be operated by VIP Cos., a private company based in Oklahoma City. As mentioned above, because of the lead time required for building new prisons and the U.S. District Courts time horizon for a solution to overcrowding, the state is really forced in depending on private enterprise to solve the overcrowding problem. Companies like VIP have a working management formula that allow them to operate these facilities at less cost and in less time than the state. They are not nearly as burdened by the normal checks and balances expected of government, nor do they suffer the political consequences of site selection, if they are properly zoned. Their management package is not of concern here, but their site selection is. They seek sound facilities that have outlived their usefulness; and are thus undervalued in the market place.

Community correction facilities are similar to the work release centers except residents have, in a sense, received suspended or deferred sentences on condition of their acceptance into such a facility or were convicted of minor and non-violent offenses. However, recently the state legislature has reviewed placement requirements for these facilities, in committee, and has proposed legislation that would open eligibility to those who have committed serious felonies including voluntary manslaughter, attempted second degree murder, aggravated kidnapping, conspiracy to commit first-degree murder, aggravated kidnapping, conspiracy to commit first-degree murder, robbery, aggravated battery and aggravated burglary. The proposal exempts only drug- and sex-related crimes from community correctional facilities. These facilities provide job-placement, structured counseling and supervision, and room and board. The residents whereabouts are known at all times and they must follow a strict regime of rules with infractions leading to the possibility of being sentenced to a more institutionalized facility. To be cost effective the number enrolled in community correction facilities is 25 to 100; for example the Community Corrections Facility at 309 N. Main, has a capacity of

55. These facilities visually appear to be nothing more than a large boarding and rooming house. If nothing else is achieved through the counseling of residents in these facilities, since the residents are not hardened criminals and typically first-time offenders, it is hoped that this brush with a restricted living environment will hint of things to come if their ways are not changed. The siting of new facilities are similar to the work release centers and the strategies employed by private companies have not gone unnoticed by the county as is shown in its recent desire to renovate a facility that was no longer economically viable as a nursing home at Seneca and May and now a most recent proposal to purchase Louisiana Renaissance Suites at 209 and 219 N. Emporia "a failed suite-style hotel."

A halfway house or residential facility for ex-convicts provides counseling service and room and board. To be cost effective these homes usually house 10 to 25 residents. The living environment is not nearly as structured as the previous three, but rather are transitional facilities to aid the ex-convict or parolee in adjusting to the community after having lived in the regimented environment of a prison. A "Rip van Winkle effect" normally takes place after having been in an institution, of any type for that matter, and the easing into the freedoms of the community are needed and quite beneficial to both the ex-convict and the community. This is a place where normal adjusting difficulties can be expressed in group sessions with peers who are sympathetic to their problems. The halfway house is just what its name implies, halfway between the institution and the community. Typically, these facilities are in renovated homes and attempt to create a family atmosphere. Often it is difficult to discern that there is anything at all special about the structure; as can be witnessed by the Federal Adult Halfway House at 1137 N. Broadway.

Health System (mental & physical)

The planning literature is more prolific in addressing the siting requirements and type of facilities in the health care system -- especially the family style group homes -- than it is in addressing correctional facilities. It also seems that the licensing and information about health care facilities is more readily available from the various agencies involved. No doubt to health providers there are subtle and distinct differences in the type of facilities or programs that are offered and may take issue with the distilled categories provided below. From a land use standpoint, however, we are concerned with the externalities of the various facilities and not nearly as much with the nuance of the various programs. This disclaimer, if you will,

is offered to explain how, for example, adult family home and adult foster home are treated as a similar use and definition when experts in the health care field might insist there are real differences, of course they would admit they are both programs that attempt to offer participants a single family living environment.

If there is an equivalent in the health system to a jail or prison, in character and neighborhood impact, it is the large institutional hospital or sanitarium. Though issues surrounding the siting of these large campus-like facilities are not reviewed in this study we would feel delinquent not to mention that they are included under this heading. Three large facilities in Wichita that immediately come to mind are the 886 - bed St. Francis Regional Medical Center at 929 N. St. Francis, the 760 - bed HCA Westly Medical Center at 550 N. Hillside, and the 222 - bed Veterans Medical Center at 5500 E. Kellogg.

Facilities whose primary attribute is care for the aged, though not a researched topic of this report, offer a variety of services for the elderly. For example, skilled nursing facilities for the aged; defined in the Wichita zoning text as nursing homes or convalescent home. Characteristically, these facilities provide bed care and a 24-hour nursing staff for the elderly; but their clientele need not necessarily be aged. Residents may be frail or medically fragile, and/or in need of help to eat, bathe or dress. These facilities typically enter into provider agreements with Social and Rehabilitation Services to participate in Medicare/Medicaid/Medikan programs and are licensed by Community Health.

Another type of residential facility for the aged or frail are retirement and life care communities; defined in the Wichita zoning text as homes for the aged. These facilities provide assistance with everyday activities of living in a protected environment, but do not provide nursing care. As part of a large retirement community they are adjuncts to a nursing home (Of course, this relationship may be viewed inversely). These facilities may have the appearance of a nursing home or may seem as nothing more than a cluster development of attached dwelling units with a central residential facility. These "cluster developments" often depend on residents to supervise and care for each other. Companionship and sympathy in times of need, with those experiencing similar life problems, is a strong attribute of these facilities. A transition from semi-independent to dependent living is typically their marketing theme.

A residential care facility provides non-medical care or supervision for up to 40 persons who are ambulatory clients who may need reminders to

take medication, perform their own personal hygiene and live in a supervised environment. These facilities are licensed by Social and Rehabilitation Services. These facilities are similar to homes for the aged; except they usually serve the mentally retarded, mentally ill, and/or the physically disabled or other developmentally disabled difficulties. These facilities may provide a full range of programs including: adult day care, adult life skills training, work activity, vocational evaluation and work adjustment. From their exterior they may appear to be either a nursing home, dormitory or a cluster development.

A family care home or group home for the physically handicapped, mentally retarded, mentally ill, or those with other developmentally disabled difficulties, by Kansas statute, is defined as a dwelling occupied by not more than eight persons with the above described difficulties and not exceeding two staff members and are licensed by a regulatory agency of Kansas; typically that agency is Social and Rehabilitation Services. These are usually, though it is not a requirement, a converted single family home in a single family neighborhood. The intent of this living arrangement is to provide supervision for persons with these difficulties but in as "normal" an environment as possible. Advocates of such facilities, and the courts, are quick to point out that residents of these facilities are not a suspect class and therefore should not be treated differently than what is defined as a family in a community's zoning text. Though the state preemptive statute makes regulating this type of group housing somewhat of a moot point, there are still some aspects of these facilities that may be regulated. We shall give a more thorough treatment of these facilities later in this report.

An adult family home or adult foster home provides a full-time, family-type living arrangement, in a home, under which a person or family provide services of room, board, personal assistance, general supervision, and health monitoring for not more than four adult residents who are aged, physically handicapped, mentally retarded or otherwise developmentally disabled and are licensed by Social and Rehabilitation Services or Community Health depending on the degree of medical care. Typically, an older or retired couple has taken a sympathetic attitude for people with these difficulties and -- finding they have ample space -- ask the state if they might participate in such a program. Compensation is minimal considering the task; but the emotional rewards are great and no doubt give real satisfaction.

Other Types of Group Residential Facilities

The Kansas Department of Social and Rehabilitation Services classify drug and alcohol treatment centers in five sub-categories by the nature of the treatment programs they offer. We classify these facilities in this "catch-all" section because they are not strictly medical in nature, but are the result of behavioral problems that may lead or have led to medical complications. And these facilities may offer treatment to public offenders as part of their rehabilitation program. The five programs or type of facilities as defined by SRS are as follows:

"An emergency acute care treatment program is a 21-day or less program which provides 24-hour availability of non-surgical medical treatment for acute intoxication and/or life-threatening conditions, under the direction of a physician in a hospital or other suitably equipped medical setting, with continuous services to persons afflicted with an alcohol and/or drug related crisis. (Note: These programs are offered only in hospitals or hospital-like facilities and would thus have a similar land use impact and appear as a hospital.)

"A Sub-acute detoxification treatment program is a 21-day or less program which provides 24-hour non-hospital treatment to persons under the influence of alcohol and/or drugs who are free from severe physical and/or psychiatric complications. Such persons should be ambulatory, free from a need for physical restraints, and can benefit from a structured non-hospital setting with continuous supervision provided by specially trained staff. (Note: These facilities are usually adjuncts to hospitals or may be considered as a more intensive nursing home and would have a similar land use impact as these facilities.)

"An inpatient treatment program provides medical, social, diagnostic, and treatment services on a 24-hour basis, with each client under the direction of, or in consultation with, a physician in a hospital or other suitably equipped medical setting with continuous nursing services to screen and treat persons who suffer from acute or chronic medical and/or psychiatric illnesses related to the misuse or abuse of alcohol and/or other drugs. (Note: Again, these programs are offered only in hospitals or hospital like facilities and would thus have a similar land use impact and appear as a hospital.)

"An intermediate treatment program provides a 24-hour therapeutic setting for diagnostic and primary treatment services

to live-in clients whose present or recent past history of alcohol and/or drug abuse demonstrates that he/she would benefit from a time-limited and intensive treatment environment. Such persons shall be detoxified, ambulatory, capable of self-care, and not in need of major medical or psychiatric care. (Note: These programs are similar in nature to a halfway house or residential care facility and would have a similar impact on surrounding land uses.)

"A reintegration program provides 24-hour, residential living of a supportive nature for recovering alcoholics and/or drug dependent persons. Clients do not need an intensive treatment environment, but could benefit from a structured program of individual and group counseling, recreational and social activities, milieu therapy, and individual work therapies designed to provide re-entry into society, gainful employment, and sustained recovery after leaving the program. Persons eligible for treatment in a reintegration program shall be detoxified, ambulatory, capable of self-care, and not in need of acute medical or psychiatric care." (Note: Again, these programs are similar in nature to a halfway house or residential care facility and would have a similar impact on surrounding land uses.)

A shelter for the homeless provides temporary group lodging and meals to individuals who are in poor economic circumstances. These are typically religious missions or secular nonprofit facilities funded by a variety of sources. One has the stereotypical view of a barracks sleeping arrangement and soup kitchen and though this may be the mother of necessity; typically, the more modern of these facilities offer a shared room for the night and meals that are served in a modern cafeteria. These facilities may offer programs for job-placement, life-skills counseling, recreation, and child day care. Typically, these facilities appear to be semi-public in facade. One needs only think of the Salvation Army or YMCA to picture the visual aspects and character of a shelter for the homeless.

An emergency or protective adult shelter is typically a facility providing room and board for abused wives. Services that may be offered are legal, life-skills counseling, job-placement, and child day care. These are short term facilities that offer women in need a safe place away from mental and/or physical abuse so they may better cope with their difficulties. Several facilities of this type in Wichita have the appearance of a professional office or medical clinic; though there may be some that are converted single family homes.

A health care support facility is a residential facility where lodging, meals, and counselling services are provided to families of individuals diagnosed with a terminal illness or an illness requiring long term hospital care. The primary concern of the facility is to provide support to family members. The Ronald McDonald Houses at 1110 N. Emporia and 520 N. Rutan are health care support facilities. These facilities are usually large converted older homes located near a hospital.

A rooming or boarding house, as defined by the Department of Health & Environment, "means every building or other structure which is kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests and in which eight or more guests may be accommodated." The difference between a rooming and boarding house is: a rooming house "does not maintain common facilities for the serving or preparation of food for such guests" and a boarding house "maintains common facilities for the serving or preparation of food for such guests." What is important to consider here is that a rooming or boarding house is open to the public regardless of any "special" needs a person might have and in truth can offer no "special" service or it would be regulated from the level of "special" service offered. These facilities are also for those paying for their own housing without direct third party assistance.

Group residential homes give no special health care; as is offered by group homes in the health care system, nor do they provide supervision and rehabilitation; as facilities do in the correctional system, and in the case of rooming or boarding houses sleeping accommodations are not "held out to the public," nor do they meet any of the requirements or provide services similar to any group residential facility mentioned thus far. Group residential homes are structures that provide residential occupancy of living accommodations by a group not defined as a family. Typical uses include fraternity or sorority houses, dormitories, residence halls, convents, or shared residencies.

STATE PREEMPTIVE LAW AND LICENSING REQUIREMENTS

State Preemptive Law on Small Group Homes

State statute K.S.A. 1988 Supp. 12-736, has been amended to include the mentally ill. Therefore, no licensed "group home" with eight (8) or fewer physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, with not more than two staff residents, may be excluded from any zoning district where single-family dwellings are permitted. A mentally ill person having been evaluated by a licensed provider, as defined by state statute, must be found not to be dangerous to others and is suitable for group-home placement. Under this act (that is if the facility in question desires to invoke this statute as their basis of right) "No person shall be eligible for placement in a group home if such person is (A) Assigned to a community corrections program or a diversion program; (B) on parole from a correctional institution or on probation for a felony offense; or (C) in a state mental institution following a finding of not guilty by reason of insanity. . . ."

Group homes under this act may still be required to obtain a special use permit and are subject to all other regulations applicable to other property located in the zoning district, such as building codes, subdivision regulations, or other "nondiscriminatory regulations." To avoid excessive concentration of these group homes, the city council may require a dispersion of 1,000 feet from similar group homes. If a group home is in compliance with the provisions of this act, the city council must issue a special permit.

An interesting point to these requirements is the 1,000 foot dispersion rule. The city council is not required to impose this distance requirement, but may do so at its option. If there is no explicit dispersion requirement in the city zoning ordinance and the city has never previously made this a condition of permit, for similar uses, the time can be foreseen that should the city exercise its option to require a 1,000 foot dispersion for such a "group home" the question may arise, on what ground this requirement was made. A plaintiff may plead that there presently is no other dispersion requirements for similar uses, so why are they being singled out in such an arbitrary fashion to maintain this distance?

Licensing Requirements

One would expect most residential facilities to be licensed. So the question was asked, "What type of residential facilities are not licensed? It can be determined from the following that facilities which don't offer

supervision (as defined by Adult Services), medical care, drug or alcohol treatment programs, but provide a service more than what would be found in a rooming or boarding house (as defined by Food, Drug, & Lodging) are not licensed. Though based on phone conversations with various representatives of state and local agencies, and from the material they sent to the Planning Department, a generalized view of what type of facilities are required to be licensed may be understood. Representatives from Health & Environment (Community Health), Social and Rehabilitative Services (Adult Services), Social and Rehabilitation Services (Alcohol and Drug Abuse Services), Health & Environment (Food, Drug, & Lodging), and Department of Corrections were interviewed to obtain this information.

1. Health & Environment (Community Health)

According to phone conversations with representatives of Community Health, the agency licenses medical residential care facilities. Usually these facilities either provide small group care 1 to 4 residents or they provide 40 or more beds. Though not a topic of this report, Community Health also licenses and operates facilities of all types for children. The key in determining if Community Health or Adult Services licenses a facility is whether medical care or just supervision is offered. All residential facilities offering medical care come under the jurisdiction of Community Health.

2. Social and Rehabilitative Services (Adult Services)

From published material and phone conversations with local representatives of Adult Services it was determined that Adult Services license or register all residential facilities providing non-medical care or supervision (supervision does not include those who have committed a public offense). The bulk of facilities licensed by Adult Services in Wichita provide supervision for 7 to 12 mentally retarded and mentally ill persons. Adult Services published operational definition for care is as follows:

Care: An Operational Definition

- Q. What is care? (supervision, watchful oversight, continuous protective oversight)
- A. There is no clear cut definition - look at total picture on these factors:
1. Provider responsible for clients' safety in the building

2. Daily awareness of clients' functioning and whereabouts
3. Ready to intervene if client has a crisis
4. Making and reminding a client of appointments
5. Assures clients' nutritional needs are met - (more than merely providing meals)
6. Assist client with medications

In review, the type of residential facilities licensed and regulated by Adult Services or Community Health may be determined by the following categories and descriptions taken from an Adult Services Manual. Where there is any overlap a facility needs only be licensed by either of these agencies and not both.

SRS regulates the following facilities offering non-medical "care";

1. 1-2 Beds Adult Family Homes (Registered)
2. 1-15 Beds Community Living Programs (Licensed)
3. 5-40 Beds Resident Care Facilities (Licensed)

H&E regulates the following facilities offering non-medical "care";

4. 1-10 Beds Boarding Care Homes

and the following facilities offering medical "care";

5. 1-2 Beds Adult Care Homes (Licensed)
6. Personal Care Homes (Licensed)
7. Intermediate Care Facilities (Licensed)
(and ICF for mentally ill and mentally retarded when medical care is provided)
8. Skilled Nursing Facilities (Licensed)

Non-Medical Facilities

- a. Non-medical care, also called supervision, is provided to basically ambulatory clients who may need reminders to take medication, perform their own personal hygiene, etc. in facilities #1 thru #4.
- b. Residential facilities which provide no care are called Rooming Houses (room only) or Boarding Houses (room and food). Rooming Houses and Boarding Houses are regulated by H&E only if they have a capacity of 8 or more.

- c. In Community Living Programs (#2), clients are not only cared for but are also provided a program that trains them to improve their living skills. These facilities may be group living homes or semi-independent living facilities and are often affiliated with an SRS licensed work activity center.
- d. The Resident Care Facility category was added in 1986 by a change in the law. The former category of 5-10 bed Congregate Living Homes has become a part of this category.

Medical Facilities

- a. Medical care is of two types. In #5 and #6, personal care is provided to frail clients. Personal care means the provider can give hands-on help to clients in eating, bathing, dressing, etc. In #7 and #8, nursing care is provided to medically fragile clients by LPN's and RN's.
- b. An Adult Care Home #5 - #8) may be licensed to provide care at each of these 3 levels with a specified number of beds per level. A resident can occupy any bed as long as it is licensed at the level he/she needs or at a higher level.
- c. Homes #7 and #8 enter into a provider agreement with SRS if the Home wishes to participate in the Medicare/Medicaid/Medicaid programs.

3. Social and Rehabilitation Services (Alcohol and Drug Abuse Services)

If a residential facility offers any type of alcohol or drug treatment or rehabilitation they must be licensed by Alcohol and Drug Abuse Services. The precise definitions have already been listed under "Other Types of Group Residential Facilities" in this report and need not be repeated. In review these facilities/programs are:

1. Emergency Acute Care Treatment Program
2. Social Detoxification Treatment Program
3. Inpatient Treatment Program
4. Intermediate Treatment Program
5. Reintegration Treatment Program

4. Health & Environment (Food, Drug, & Lodging)

Food, Drug, & Lodging licenses rooming and boarding homes in which eight (8) or more guests may be accommodated. From a phone conversation with a representative of Food, Drug, & Lodging in Topeka it was determined

that no special service should be provided. Thus, if a facility offered supervision or medical care services to its clientele or there was direct third party payment for accommodations the facility would not be licensed by Food, Drug, & Lodging. The representative offered that "there are some types that don't fall under any jurisdiction." As a side bar it should be noted that, Food, Drug, & Lodging does contract with Adult Services and other agencies to perform inspections of residential facilities according to the contracting agency's guidelines.

5. Department of Corrections

According to a representative of the Department of Corrections the Department does not license correctional facilities, but they do provide guidelines for counties and cities. Guidelines, it should be mentioned, that have no real enforcement mechanism. Residents in any of the sixteen residential facilities operated by the Department of Corrections are under the custody of the Secretary of Corrections.

SUMMARY OF OTHER CITIES ZONING REGULATIONS

Ten communities, including Wichita, were reviewed to determine how their various zoning regulations address "uncommon" adult group residential facilities. This review focused on the "non-typical" group residential uses and does not attempt to identify how hospitals, nursing homes, dormitories, or boarding and rooming houses or other "typical" group residential facilities are regulated. These more common facilities are not perceived to be an issue here. Only facilities mentioned by an ordinance explicitly is reviewed. No attempt is made to interpret how an unlisted use might be regulated. When this research was undertaken the initial intent was to review only correctional facilities, this was later expanded to include small and medium health care facilities, but as work progressed additional facilities were included, specifically these are health care support facilities (Ronald McDonald Houses), shelters for the homeless, and emergency or protective shelters. A comparative zoning statutes matrix may be found in the appendix (Exhibit A). The communities reviewed are:

1. Albuquerque
2. Austin
3. Colorado Springs
4. Des Moines
5. Long Beach
6. Oklahoma City
7. Olathe
8. Overland Park
9. Tulsa
10. Wichita

HEALTH CARE SUPPORT FACILITIES: Of the communities reviewed, Colorado Springs, has taken the most comprehensive approach on regulating health care facilities and devotes an entire section of their code to "Human Service Establishments". Colorado Springs is also the only city that addresses health care support facilities. Though the city does not specify the number of residents permitted in such a facility, they are allowed only by special permit in: single family, duplex, office and business districts. Their city council authorizes these special permits. Districts in which health care support facilities are permitted by right are: the eight-family, multi-family, and university districts. The off-street parking requirement for these facilities is 1 plus one per 8 beds. Colorado Springs requires a 1,500 foot dispersion from any other similar facility or other human service establishments.

FAMILY CARE & ADULT FOSTER HOMES: Six communities regulate these smaller residential facilities (12 or less), by name, for at least one of the following disabilities: mentally retarded, mentally ill, physically limited or developmentally disabled. These communities are Albuquerque, Colorado Springs, Des Moines, Long Beach, and Tulsa. All of these communities restrict the number of residents permitted in these facilities, but from there no consensus may be implied as to whether they should be allowed by right or special permit in single-family districts. When required, only Colorado Springs authorizes the special permit process through their city council. Four of the communities do not specify any conditions to be imposed on facilities that requires a special permit. Tulsa, however, does specify that, for those facilities permitting five or less persons in residential districts by right, that no signage be allowed, the structure must go through an architectural review process, and off-street parking is 2 per unit. Colorado Springs states that off-street parking is 1 plus 1 per 8 beds. Only Tulsa, Colorado Springs, and Des Moines have a dispersion guideline. These three communities basically have a dispersion requirement of a 1/4 mile from similar facilities and other human service type establishments in any zoned district.

DRUG TREATMENT FACILITIES: Colorado Springs, Des Moines, Tulsa, and Wichita mention these facilities or uses by name. Tulsa separates drug treatment facilities into "short term" and "long term", but does not define what this means and, except for a loading berth requirement, these facilities are not treated differently in their zoning text. None of these communities limit the maximum number of residents permitted. All four limit which districts these facilities are allowed by right. A trend may be implied to suggest that drug treatment facilities are permitted by right only in the intense residential, office and commercial districts. Des Moines is the only community of the four that does not allow these facilities, even with a special permit, in single-family districts; districts allowed by right, with an administrative permit, are the medium and high multi-family, all commercial, and light industrial districts. Except for Wichita, the remaining communities require that a 1/4 mile dispersion be maintained from these and other human service type establishments in any zoned district.

EMERGENCY OR PROTECTIVE SHELTER: Austin and Tulsa mention these facilities by name. Austin separates shelters into "limited" (5 or less) and "general" (6 or more). Both limited and general shelters are permitted by right in residential districts, except; limited shelters are allowed in single-family districts. Tulsa allows these uses by right only in the CBD and commercial districts. In Tulsa they are allowed in other districts by special permit authorized by a board of adjustment. Tulsa requires a dispersion of

1/4 mile from similar facilities and other human service type establishments in any zoned district.

SHELTER FOR THE HOMELESS: Only Colorado Springs mentions these shelters. They are permitted by right in the eight-family, multi-family, and university districts and, if authorized by their city council, by special permit in the single-family, office and business districts. The off-street parking requirements are 1 plus 1 per 8 beds. The dispersion requirement is 1/4 mile from similar facilities and other human service type establishments in any zoned district.

HALFWAY HOUSES: Four communities specify regulations for halfway houses. These are: Oklahoma City, Olathe, Overland Park, and Wichita. Only Wichita permits these facilities in any district by right. The other three cities allow halfway houses in any district only by special permit, authorized by their respective city councils. In Wichita the board of zoning appeals may authorize halfway houses in "AA", "A", "RB", "R-5" and "R-6" districts by a special permit. None of the four communities specify, in depth, any requirements for a special permit.

CORRECTIONAL FACILITIES: Six communities mention a form of correctional facilities by name, these are: Albuquerque, Austin, Des Moines, Oklahoma City, Overland Park, and Tulsa. Only Des Moines (whose definition does not to include prisons or jails, but only facilities for persons convicted of a public offense who are on probation, on work release, or receiving a deferred sentence) delves into any great detail on the specific requirements for these facilities. This depth is probable due to the fact that in Des Moines siting of these facilities is an administrative process authorized by the zoning enforcement officer. These facilities are permitted by right, after obtaining a required permit, in the more intensive multi-family, all commercial, and light industrial districts. Des Moines has minimum square footage requirements for recreational and dining space. The dispersion requirement is 1/4 mile from similar facilities and other human service type establishments. The Austin, Oklahoma City, and Overland Park city councils may authorize these facilities by special permit in any district. Albuquerque has a "Special Use" district (which works like a special permit) that allows the planning commission to authorize these facilities. The Tulsa zoning text permits the board of adjustment to authorize correctional facilities in any zoned district.

A Word on Dispersion

The appendix contains a map, Exhibit B, that highlights clusters of known human service type residential facilities in Wichita. The shaded areas on this map show high concentrations of group residential facilities, compared to the entire city. The numbers indicated at the center of these regions is the number of facilities within that area. This map carries a qualifying statement. It only shows known licensed facilities. Facilities which don't offer supervision (as defined by Adult Services), medical care, drug or alcohol treatment programs, but provide a service more than what would be found in a rooming or boarding house (as defined by Food, Drug, & Lodging) and those facilities that did not voluntarily contract with Food, Drug, & Lodging for an inspection of the facility are not shown on this map. The greatest concentration of facilities are in the "midtown" area of the city and that area between Friends University and the Arkansas River. The area just west of Wichita State University and north of Clapp Golf Course are also high areas of concentration.

Of the communities reviewed, only three had dispersion requirements. These three are printed here for a review.

Colorado Springs

"That the requested Human Service Establishment will not be located within 1500' of an existing Human Service Establishment. Such 1500' shall be computed by direct pedestrian route from the nearest property line on the land used for the existing Human Service Establishment to the nearest property line of the proposed Human Service Establishment, using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing, with right angles at crossings and with the observance of traffic regulation and lights."

Des Moines

"No new such facility shall be located within one-fourth (1/4) mile of any existing supervised group residence, family home or correctional placement residence, except where such facilities are separated from each other by a freeway or river."

Tulsa

"To avoid clustering, a community group home shall not be located on a lot within 1/4 mile (1,320 feet) of any other lot containing a neighborhood group home, a community group home, a residential treatment center, a transitional living

center, an emergency or protective shelter, or detention/correctional facility."

Two Additional Communities

Portions of zoning texts from two additional communities have been obtained since the above communities were reviewed. The material reviewed, correctional facilities for Hillsborough County, Florida and Halfway houses for Dallas, Texas. Presented, verbatim, are the pertinent sections.

Hillsborough County

"Correctional Facilities: A facility for the housing of persons convicted of or being held for a crime. (A) Major Facility: A prison facility regulated by the State of Florida Department of Corrections designed for maximum security to house persons convicted of a crime. (B) Community Facility: A facility designed to house persons convicted of a crime, or for the custody of persons arrested for a crime and awaiting adjudication. Such facilities shall include community correctional centers, probation and restitution center, vocational training centers and forestry camps (all as defined by the State of Florida Department of Corrections), or local government jails or detention centers.

The following specific standards shall be used in deciding applications for approval of such uses [authors note: special use permits are granted only in the single-family/agriculture districts and are authorized by the board of county commissioners]:

- (1) All correctional facilities shall have direct frontage onto a collector or arterial street, as shown on the Major Street Map.
- (2) At the time of the Special Use request, the operator of the correctional facility shall provide information on, and if approved, shall utilize adequate measure to prevent the unauthorized exit of the inmates. The more dangerous the inmates are to the public, the more elaborate and secure the security measures shall be.
- (3) Buffers and screening shall be as required by Section 7.12 [authors note: presently the Planning Department does not have access to this complete document and can not detail what these requirements may be].
- (4) The facility shall comply with all applicable Federal, State and Local requirements.
- (5) Specific requirements for the two types of Correctional Facilities are as follows:
 - A. Major Correctional Facilities:

1. The minimum lot size shall be five acres with a minimum frontage of 200 feet.

2. The structures occupied by the facility residents shall be located a minimum of 2640 feet from any residential development or zoning district developed to or permitting a density of two units per acre or greater; 500 feet from any existing dwelling unit developed at a density of less than two units per acre and a minimum of 200 feet from any zoning lot boundary.

B. Community Correctional Facilities:

1. The minimum lot size shall be one acre with a minimum frontage of 150 feet.

2. All structures occupied by the facility residents shall be located a minimum of 200 feet from any existing adjacent dwelling unit or residential or agricultural zoning districts. All such structures shall be located a minimum of 30 feet from any zoning lot boundary if adjacent to zoning districts other than residential or agricultural zoning districts."

Dallas, Texas

Halfway House:

(A) Definition: a facility for the housing, rehabilitation and training of persons on probation or parole from correctional institutions or other persons found guilty of criminal offenses.

(B) Districts permitted: specific use permit required in office, commercial, central area, and industrial districts.

(C) Required off-street parking: determined by the specific use permit.

(D) Required off-street loading: see Section 51-4.303(a)(1)(C).

(E) Additional provisions:

(i) this use is not permitted within 150 feet of a residential district. The number of residents under this use may not exceed 25 persons when the use is between 150 and 500 feet from a residential district. The number of residents under this use may not exceed 50 persons when the use is over 500 feet from a residential district.

(ii) Not more than two halfway houses are permitted within a census tract.

(iii) A specific use permit for a halfway house must expire after one year, but may be extended for additional one year periods after recommendation by the commission and approval by the city council.

(iv) The treatment of alcoholic, narcotic or psychiatric problems is allowed under this use if expressly permitted by the specific use permit.

(v) This use shall comply with all applicable city, state, and federal codes and regulations."

WICHITA REGULATIONS
(definitions, permitted districts & special considerations)

In this section Wichita zoning definitions are reviewed, the zoning districts where the various uses are permitted by right and by special permit or exception are reviewed, and finally any special considerations are reviewed i.e., parking requirements.

Definitions

BOARDINGHOUSE. A building or place where for compensation and by prearrangement for definite periods, table board is provided for five or more persons, but does not furnish meals to occasional or transient customers without such previous arrangement.

DWELLING. A building or portion thereof which is designed or used exclusively for residential purposes. (Mobile homes and recreational vehicles shall be considered dwellings only in the sense that they are portable structures designed for long term or short term occupancy as dwelling units; however, under the terms of this title, mobile homes, manufactured homes and recreational vehicles shall be located only where they are specifically listed as a permitted use.)

One-family: A detached building used exclusively for residential purposes having suitable accommodations for only one family, which may include not to exceed four lodgers or boarders.

Two-family: A detached building used exclusively for residential purposes and designed for or occupied by two families living independently of each other, and may include not more than two lodgers or boarder.

Four family: A detached building used exclusively for residential purposes and having suitable accommodations for four families living independently of each other, and may include not more than two lodgers or boarders in each family.

Multiple: A building or portion of a building having suitable accommodations for three or more families living independently of each other, who may or may not have joint use of utilities, halls, yards, etc. The term includes premises occupied more or less permanently for residential purposes in which the rooms are occupied in apartments, suites or groups, such as apartments, dormitories, lodging houses, rooming houses, and all other dwellings similarly occupied. For purposes of this chapter, auto

courts, hotels, motels, motor hotels, or tourist courts shall not be considered dwellings.

Educational, religious, philanthropic and eleemosynary institutions, excepting asylums for the insane. (Note: These uses are not defined in the definitions section of the zoning text, but are listed as a permitted use and written as above in the "B" multiple-family dwelling district regulations. Eleemosynary is defined by *The American Heritage Dictionary* (1979) as 1. Of or pertaining to alms or the giving of alms; charitable. 2. Dependent upon or supported by alms. 3. Contributed as alms; gratuitous. *The American Heritage Dictionary* (1979), defines philanthropy (philanthropic, *adj*) as 1. The effort or inclination to increase the well-being of mankind, as by charitable aid or donations. 2. Love of mankind in general. 3. An action or institution designed to promote human welfare.)

FAMILY. One person living alone or two or more persons living together, related either by birth or marriage, who, together with their servants occupy a single housekeeping unit; or a group of not more than four unrelated persons who, with their servants, occupy a single housekeeping unit. Family does not include a group occupying a club, sorority or fraternity house, etc.

HALFWAY HOUSE -- GROUP HOME. A residential facility for five or more adults who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g., former convicts, alcoholics, drug addicts, mental patients, etc.); provided shelter, supervision and residential rehabilitative services.

HOME FOR THE AGED. A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living in a protected environment.

LODGING HOUSE. A building or place wherein lodging is provided for five or more individuals pursuant to previous arrangement and not open to transients.

NURSING HOMES OR CONVALESCENT HOME. A home providing bed care for persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to care properly for themselves, but not serving or admitting alcoholics, drug addicts, or persons with mental or communicable diseases; a registered nurse on duty at all times, wherein there is no surgery or other similar activities such as customarily provided in sanatoriums and hospitals.

Uses and Districts Permitted By-Right or Special Permit

JAIL OR PRISON: Because these facilities are not excluded from the "C" commercial district they are permitted by right in "C" commercial, "D" central business, "E" light industrial, and "F" heavy industrial districts. The City Council "may, by special permit and subject to such protective restrictions as it deems necessary," authorize their location in the remaining districts; if used by any department of the city, county, state or federal government (Section 28.04.180(4)). How "used by" is interpreted is the deciding factor on whether this use would also include private companies contracting service with a governmental agency. Traditionally, Central Inspection has interpreted this to mean "publicly owned and operated."

OFF-STREET PARKING REQUIREMENTS: One space per each employee in the largest working shift in a twenty-four hour period, plus one for every four inmates or as required by special permit.

OFF-STREET LOADING AREA REQUIREMENTS: Facilities with a gross floor area of ten thousand square feet or more: one space for each three hundred thousand square feet or fraction thereof.

WORK RELEASE CENTERS: Because these facilities are not excluded from the "C" commercial district they are permitted by right in "C" commercial, "D" central business, "E" light industrial, and "F" heavy industrial districts. The City Council "may, by special permit and subject to such protective restrictions as it deems necessary," authorize their location in the remaining districts; if used by any department of the city, county, state or federal government (Section 28.04.180(4)). How "used by" is interpreted is the deciding factor on whether this use would also include private companies contracting service with a governmental agency. Traditionally, Central Inspection has interpreted this to mean "publicly owned and operated."

OFF-STREET PARKING REQUIREMENTS: One space per each employee in the largest working shift in a twenty-four hour period, plus one for every four residents or as required by special permit.

OFF-STREET LOADING AREA REQUIREMENTS: Facilities with a gross floor area of ten thousand square feet or more: one space for each three hundred thousand square feet or fraction there of.

COMMUNITY CORRECTION FACILITIES: Central Inspection has made the interpretation that these facilities are permitted by right (as similar to rooming or boarding house and inferred to mean a halfway house), in "B" multiple-family dwelling, "BB" office , "OC" office commercial, "LC" light commercial, "C" commercial, and "D" central business districts. The Board of Zoning Appeals may, by special permit, allow these facilities (as halfway houses) to locate in the "AA" one-family dwelling, "A" two-family dwelling, and "RB" four-family dwelling districts; and by interpretation of legislative intent, the Board of Zoning Appeals may allow these facilities, by special permit, to locate in the "R-5" and "R-6" general residence districts. These facilities are excluded from the "E" light industrial and "F" heavy industrial districts.

OFF-STREET PARKING REQUIREMENTS: One space per each employee in the largest working shift in a twenty-four hour period, plus one for ever four residents (determined by interpretation) or as required by special permit.

OFF-STREET LOADING AREA REQUIREMENTS: Facilities with a gross floor area of ten thousand square feet or more: one space for each three hundred thousand square feet or fraction there of.

HALFWAY HOUSE: Central Inspection has made the interpretation that these facilities are permitted by right (as similar to rooming or boarding house and inferred to be allowed) in "B" multiple-family dwelling, "BB" office, "OC" office commercial, "LC" light commercial, "C" commercial, and "D" central business districts. The Board of Zoning Appeals may, by special permit, allow these facilities to locate in the "AA" one-family dwelling, "A" two-family dwelling, and "RB" four-family dwelling districts; and by interpretation of legislative intent, the Board of Zoning Appeals may allow these facilities, by special permit, to locate in the "R-5" and "R-6" general residence districts. These facilities are excluded from the "E" light industrial and "F" heavy industrial districts.

OFF-STREET PARKING REQUIREMENTS: One space for each employee in the largest working shift in a twenty-four hour period and one space for each 1,000 square feet of floor area or fraction there of (determined by interpretation). Or, as required by special permit.

OFF-STREET LOADING AREA REQUIREMENTS: Facilities with a gross floor area of ten thousand square feet or more: one space for each three hundred thousand square feet or fraction there of.

HOSPITAL OR SANITARIUM: These facilities are permitted by right (sanitarium by interpretation) in the "B" multiple-family dwelling, "BB" office, "OC" office commercial, "LC" light commercial, "C" commercial, and "D" central business districts.

OFF-STREET PARKING REQUIREMENTS: One space for each five beds, plus one space for each five employees in the largest working shift in a twenty-four hour period.

OFF-STREET LOADING AREA REQUIREMENTS: Facilities with a gross floor area of ten thousand square feet or more: one space for each three hundred thousand square feet or fraction thereof, exclusive of ambulance space.

NURSING AND CONVALESCENT HOMES OR HOMES FOR THE AGED (by interpretation this would include retirement and life care communities): Facilities with not more than five patients, but with no reference to the number of staff, are permitted by right in the "A" two-family dwelling, "RB" four-family dwelling and the "R-5" and "R-6" general residence districts. Facilities with seven or more residents are permitted by right, in the "B" multiple-family dwelling, "BB" office, "OC" office commercial, "LC" light commercial, "C" commercial, and "D" central business districts. Interestingly, six bed facilities are ignored by the zoning text (This is a condition the Planning Commission might consider correcting at this time.)

OFF-STREET PARKING REQUIREMENTS: One space for each five beds, plus one space for each five employees in the largest working shift in a twenty-four hour period (determined by interpretation).

OFF-STREET LOADING AREA REQUIREMENTS: Facilities with a gross floor area of ten thousand square feet or more: one space for each three hundred thousand square feet or fraction thereof.

RESIDENTIAL CARE FACILITY (8 or more residents): Central Inspection has made the interpretation that these facilities are permitted by right (as philanthropic and eleemosynary institutions) in "B" multiple-family dwelling, "BB" office, "OC" office commercial, "LC" light commercial, "C" commercial, and "D" central business districts. The Board of Zoning Appeals may (as a halfway house), by special permit, allow these facilities to locate in the "AA" one-family dwelling, "A" two-family dwelling, and "RB" four-family dwelling districts; and by interpretation of legislative intent the Board of Zoning Appeals may allow these facilities, by special permit, to locate in the "R-5" and "R-6" general residence districts.

OFF-STREET PARKING REQUIREMENTS: One space for each five beds, plus one space for each five employees in the largest working shift in a twenty-four hour period (determined by interpretation).

OFF-STREET LOADING AREA REQUIREMENTS: Facilities with a gross floor area of ten thousand square feet or more: one space for each three hundred thousand square feet or fraction thereof.

FAMILY CARE HOMES (8 or less residents): Central Inspection has made the interpretation that these facilities are permitted by right (as philanthropic and eleemosynary institutions) in "B" multiple-family dwelling, "BB" office, "OC" office commercial, "LC" light commercial, "C" commercial, and "D" central business districts. The Board of Zoning Appeals may (as a halfway house), by special permit, allow these facilities to locate in the "AA" one-family dwelling, "A" two-family dwelling, and "RB" four-family dwelling districts; and by interpretation of legislative intent, the Board of Zoning Appeals may allow these facilities, by special permit, to locate in the "R-5" and "R-6" general residence districts.

OFF-STREET PARKING REQUIREMENTS: One space for each five beds, plus one space for each five employees in the largest working shift in a twenty-four hour period (determined by interpretation) or as required by special permit.

OFF-STREET LOADING AREA REQUIREMENTS: Not specified.

ADULT FAMILY HOME OR ADULT FOSTER HOME (4 or less residents): Central Inspection has made the interpretation that these facilities are permitted by right (as not exceeding four lodgers or boarders) in the "AA" one-family dwelling, "A" two-family dwelling, "RB" four-family dwelling, "R-5" and "R-6" general residence, "B" multiple-family dwelling, "BB" office, "OC" office commercial, "LC" light commercial, "C" commercial, and "D" central business districts.

OFF-STREET PARKING REQUIREMENTS: One space for each housekeeping unit, plus one space for each lodger or boarder.

OFF-STREET LOADING AREA REQUIREMENTS: Not specified.

DRUG AND ALCOHOL TREATMENT CENTERS: Central Inspection has made the interpretation that these facilities are permitted by right (as hospitals or philanthropic and eleemosynary institutions), in "B" multiple-family dwelling, "BB" office, "OC" office commercial, "LC" light commercial, "C" commercial, and "D" central business districts. The Board of Zoning Appeals may, by special permit, allow some of these facilities (as halfway houses) to locate in the "AA" one-family dwelling, "A" two-family dwelling, and "RB" four-family dwelling districts; and by interpretation of legislative intent, the Board of Zoning Appeals may allow these facilities, by special permit, to locate in the "R-5" and "R-6" general residence districts.

OFF-STREET PARKING REQUIREMENTS: One space for each five beds, plus one space for each five employees in the largest working shift in a

twenty-four hour period (determined by interpretation) or as required by special permit.

OFF-STREET LOADING AREA REQUIREMENTS: Facilities with a gross floor area of ten thousand square feet or more: one space for each three hundred thousand square feet or fraction thereof, exclusive of ambulance space.

SHELTER FOR THE HOMELESS: Central Inspection has made the interpretation that these facilities are permitted by right (as philanthropic and eleemosynary institutions), in "B" multiple-family dwelling, "BB" office, "OC" office commercial, "LC" light commercial, "C" commercial, and "D" central business districts.

OFF-STREET PARKING REQUIREMENTS: One space for each five beds, plus one space for each five employees in the largest working shift in a twenty-four hour period (determined by interpretation).

OFF-STREET LOADING AREA REQUIREMENTS: Facilities with a gross floor area of ten thousand square feet or more: one space for each three hundred thousand square feet or fraction thereof.

EMERGENCY OR PROTECTIVE SHELTER: Central Inspection has made the interpretation that these facilities are permitted by right (as philanthropic and eleemosynary institutions), in "B" multiple-family dwelling, "BB" office, "OC" office commercial, "LC" light commercial, "C" commercial, and "D" central business districts.

OFF-STREET PARKING REQUIREMENTS: One space for each five beds, plus one space for each five employees in the largest working shift in a twenty-four hour period (determined by interpretation).

OFF-STREET LOADING AREA REQUIREMENTS: Facilities with a gross floor area of ten thousand square feet or more: one space for each three hundred thousand square feet or fraction thereof.

HEALTH CARE SUPPORT FACILITY: Central Inspection has made the interpretation that these facilities are permitted by right (as philanthropic and eleemosynary institutions), in "B" multiple-family dwelling, "BB" office, "OC" office commercial, "LC" light commercial, "C" commercial, and "D" central business districts.

OFF-STREET PARKING REQUIREMENTS: One per bedroom, plus one space for each two hundred fifty square feet of floor area or fraction thereof used as food service, offices, meeting rooms, or recreational spaces, except that space designated for storage closet or utility use need not be included in such computation (determined by interpretation).

OFF-STREET LOADING AREA REQUIREMENTS: Facilities with a gross floor area of ten thousand square feet or more: one space for each ten thousand square feet or fraction thereof.

ROOMING OR BOARDING HOUSE: Facilities with not more than four lodgers or boarders, in addition to persons defined as family, are permitted by right in the "AA" single-family dwelling, "A" two-family dwelling, "RB" four-family dwelling and the "R-5" and "R-6" general residence districts. Number of lodgers or boarders are not limited, and are permitted by right, in the "B" multiple-family dwelling, "BB" office, "OC" office commercial, "LC" light commercial, "C" commercial, and "D" central business districts.

OFF-STREET PARKING REQUIREMENTS: If defined as dwelling: one space, plus one space for each lodger or boarder (determined by interpretation). Or, if defined as apartment building or apartment hotel: One per bedroom, plus one space for each two hundred fifty square feet of floor area or fraction thereof used as food service, offices, meeting rooms, or recreational spaces, except that space designated for storage closet or utility use need not be included in such computation.

OFF-STREET LOADING AREA REQUIREMENTS: Not specified.

GROUP RESIDENTIAL HOMES: Facilities with not more than eight persons (four unrelated individuals and four lodgers or boarders) are permitted by right in the "AA" single-family dwelling, "A" two-family dwelling, "RB" four-family dwelling and the "R-5" and "R-6" general residence districts. These facilities are permitted by right, regardless of size, in the "B" multiple-family dwelling, "BB" office, "OC" office commercial, "LC" light commercial, "C" commercial, and "D" central business districts. Fraternity or sorority houses, dormitories, and residence halls are also permitted by right in the "U" university district.

OFF-STREET PARKING REQUIREMENTS: If defined as dwelling: one space, plus one space for each lodger or boarder. If defined as fraternity or sorority house: one space for each two hundred fifty square feet of floor area. If defined as dormitory or resident hall: one parking space for each two occupants based on the designed capacity of the building.

OFF-STREET LOADING AREA REQUIREMENTS: Not specified.

POSSIBLE AMENDMENTS TO WICHITA REGULATIONS

In considering possible changes to the Wichita Zoning Ordinance attention should be given to five particular areas: definitions, dispersion requirements, licensing facilities, distance requirements from residential uses, and off-street parking requirements.

Revised Definitions

Some possible definition changes and additions might include the following:

ADULT: A person 18 years of age or older.

(It is anticipated that the Planning Commission would desire not to treat facilities for adults and children the same. If this is the case, a cut-off from childhood to adulthood should be specified so there is no need to interpret who is a child or an adult.)

ADULT DAY CARE: A building or portion of a building providing care for adults who are aged, physically handicapped, mentally retarded or otherwise developmentally disabled for part or all of a day or a single night, away from their place of legal residence and shall comply with the licensing requirements of a state or local agency; and the program shall be sanctioned by appropriate state or local agencies.

(Though this is not necessarily a service of all residential care facilities, many do include adult day care as part of their services. Because there would be a significant increase in the number of persons at a facility during the day and an increase in traffic when people are coming and going, in the morning and afternoon, it is desirable not to include this definition as part of the residential facility. If, for example, it was desired to only allow adult day care facilities in, say, the BB district, but to permit group care facilities, without day care facilities in the R-5 district there will be little room for confusion or interpretation of intent.)

ADULT FOSTER HOME: A full-time, family-type living arrangement, in a residence, under which a person or persons provide services of room, board, personal assistance, general supervision, and health monitoring for not more than four (4)

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syntax was
in error*

adult residents, not related by blood or marriage to the owner or operator and family of the dwelling unit, who are aged, physically handicapped, mentally retarded or otherwise developmentally disabled and shall comply with the licensing requirements of a state or local agency; and the program shall be sanctioned by appropriate state or local agencies.

(Both Adult Services and Community Health have specific licensing programs for facilities of this size. This definition would recognize the existence of these facilities and leave little room for confusion or interpretation.)

BOARDINGHOUSE: A building or place where for compensation and by prearrangement for definite periods, table board is provided for five or more boarders, but does not furnish meals to occasional or transient customers without such previous arrangement; provided that hotel, motel, detention/correctional facility, group care facility, group home, nursing home or convalescent home, home for the aged, family care home, and adult foster home are not included within this definition.

(It is difficult to imagine that when boarding or rooming houses were defined by the city these terms would have been thought to include community correction facilities or halfway houses.)

CHILD: A person less than 18 years of age.

(See: Adult)

DETENTION/CORRECTIONAL FACILITY: A facility for the detention, confinement, treatment and/or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include: adult detention center (jail or prison), work-release center, community correction center, correctional placement residence, convict pre-release center, half-way house for parolees and shall comply with the licensing requirements of a state or local agency; and the program shall be sanctioned by appropriate state or local agencies.

(There are difference between work-release and community correction centers, but they may be so subtle, at least from the public's perspective, that these facilities may need to be considered the same and require similar treatment. Likewise, equal concerns arise from a neighborhood when a halfway house for parolees is proposed. The intent of this definition is to specify that these programs are considered a

part of the correctional rehabilitative process and the Planning Commission would want to consider their merits on a case by case basis.

FAMILY CARE HOME: A dwelling occupied by not more than 10 persons, including eight or fewer physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the physically handicapped, mentally retarded or other developmentally disabled residents of the home, which dwelling is licensed by a regulatory agency of Kansas; this includes group homes as defined by K.S.A. 1988 Supp. 12-736 and as amended; provided that detention/correction facility, group care facility, group home, nursing home or convalescent home, home for the aged, lodging house, boardinghouse, adult foster home are not included within this definition.

(This definition recognizes the state preemptive law so there is little confusion or room for interpretation.)

GROUP CARE FACILITY: A residential facility for five or more adults who have been institutionalized (not to include correctional institutions) for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting, but who are not in need of hospital or nursing care, to facilitate the transition to a functional member of society which provides shelter, supervision and residential rehabilitative services and shall comply with the licensing requirements of a state or local agency; and the program shall be sanctioned by appropriate state or local agencies; provided that detention/correctional facility, group home, nursing home or convalescent home, home for the aged, lodging house, boardinghouse, family care home, adult foster home are not included within this definition.

(This definition borrows heavily from the existing "halfway house - group home" definition, except it excludes those who have been institutionalized in a correctional institution.)

GROUP HOME: A dwelling occupied by five (5) or more persons, not in need of special supervision or rehabilitative services, for

residential occupancy of living accommodations by a group of persons not defined as family; provided that detention/correction facility, group care facility, nursing home or convalescent home, home for the aged, lodging house, boardinghouse, adult foster home, family care home are not included within this definition. Typical use include fraternity or sorority houses, dormitories, residence halls, or shared residence.

(Presently there is a possible loophole that might allow eight unrelated persons in a dwelling in a single family district. The intent here is to offer a definition should the Planning Commission desire to close this possible loophole.)

LODGER OR BOARDER: A person residing in a boardinghouse, lodging house or dwelling and not defined as family; on a nontransient basis (as opposed to a staying only briefly or a single night at a hotel or motel) and not in need of special supervision or rehabilitative services that would typically be provided by a residential care facility.

(By defining lodger or boarder in this manner there is little room for confusion as to who is permitted as a lodger or boarder.)

LODGINGHOUSE: A building or place wherein lodging is provided for five or more lodgers pursuant to previous arrangement and not open to transients; provided that hotel, motel, detention/correctional facility, group care facility, group home, nursing home or convalescent home, family care home, and adult foster home are not included within this definition.

(See: Boarding House)

Dispersion Requirements

Some manner of dispersion is probably desirable to prevent the creation of defacto "social services districts" and the resulting decrease, due to the number and intensity of these facilities, in property values. There are four good methods, depending on the desired results, to regulate dispersion; these are: sidewalk, block face, radius and census tract methods.

The sidewalk method is the technique used by Colorado Springs. This method may come from a desire to promote pedestrian traffic. The method attempts to limit the number and impact that these facilities will have on

pedestrian traffic and a neighborhood. An example of what the dispersion might be for a neighborhood is in the appendix (Exhibit C).

The block face method (appendix: see Exhibit D) promotes the desire for aesthetic "views". The dispersion is such that in all likelihood a person sitting on their front porch would only see, at most, one group facility. If there was another facility a block away this would be considered unimportant because it can't be seen and thus would have little impact on the neighborhood. Out of sight is out of mind.

The radius method (appendix: see Exhibit E) is by way the crow flies, and does not permit any clustering of facilities which might result from the block face method. This method creates a greater dispersion than the sidewalk method will if the same distance figures are used. It is also a simpler method to calculate and administer.

The census tract method bases the number of facilities, either in absolute terms or as a percentage of the population, in any given census tract. This method is used by Dallas and if only two half way houses are permitted per census tract then when a census tract has two half way houses another tract will have to be considered to acquire or open another.

Dispersion requirements could be used as absolutes, or they could be used as a method of triggering public review (e.g. by right if no similar facility is within 1/4 mile; by use exception otherwise).

Licensing of Facilities

As discussed in the section on licensing of group residential facilities, the number and location of group residential facilities cannot be stated with any degree of certainty. Therefore, any requirement for dispersion will require some means of documenting where all group residential facilities are located. An updated list of existing licensed facilities will need to be maintained. Without requiring facilities to be licensed by a state, county or local agency it will be difficult to determine, with any certainty where all group residential facilities are located. If licensing is not required, any dispersion regulation will be, for all intent and purpose, unenforceable and perhaps be determined arbitrary by the courts.

Distance From Residential Uses

Hillsborough County, Florida provides a distance requirement for correctional facilities from residential districts. No doubt a hierarchy of distance requirements could be envisioned. For example, (appendix: See Exhibit F) an adult foster care home might have no distance requirement from a single-family district (as it would be in the single family district), a halfway house might be excluded from most residential districts, but not

*women's facilities
in Dallas
were licensed
would people
be able to
them?
Brinneger*

have a distance requirement from those residential districts, and a work release center might need to provide a level of distance from all residential districts, and the distance might vary with the size of the facility, but not to the extent that would be expected of a prison. Any distance requirement ought to be based on existing (or proposed) zoning and from lot line to lot line for administrative and enforcement purposes and not on present use.

Off-Street Parking Requirements

Off-street parking requirements will require additional study. Residents in various types of group residential facilities do not or can not drive cars. Some facilities can count on a great number of visitor parking and others not many at all. Some facilities are staff intensive, while others are not. Though we do not offer any specific parking requirements at this time, this is a requirement that will need greater consideration before any specific recommendations are made. There are some ambiguities and inadequacies in the existing off-street parking requirements for these facilities. Parking requirements for prisons, work release centers, community correctional facilities, and halfway houses, to name a few, are all by inference or interpretation, which creates unnecessary confusion and may lead to arbitrary or inconsistent enforcement. Also, one off-street parking space for each five employees for hospitals and uses interpreted to be philanthropic and eleemosynary institutions is clearly inadequate and will need to be addressed. It is also ambiguous as to what facilities constitute "residential uses" and therefore must meet off-street parking requirements in the "D" district.

Appendix

exhibit A -- Comparative Zoning Statutes Matrix

exhibit B -- Cluster Map

exhibit C -- Sidewalk Method

exhibit D -- Block Face Method

exhibit E -- Radius Method

exhibit F -- Distance & Dispersion Diagram

**Comparative Zoning Statutes Matrix:
For "Group Homes" Of All Types**

City	Type of Facility	Residents		Zone(s) In Which Permitted		Local Imposition of Conditions on Use	Licensing of Facility Licensor	Dispersion Guidelines
		Type	Number ¹	By Special Permit	By Right			
Colorado Springs	Health Care Support Facility (Human Service Establishment)	family members of a person w/terminal illness	not specified	all single family, duplex, office and business districts (City Council)	eight-family, multi-family, and university districts	as required by terms of conditional use (off-street parking: 1 plus 1 per 8 beds)	not specified	1,500 feet from any Human Service Establishment
Tulsa	Neighborhood Group Homes	mentally retarded and/or physically limited	5 or less	all office and commercial districts (Board of Adjustment)	all residential districts	no signage allowed, architectural review, off-street parking: 2 per dwelling unit by terms of Zoning Clearance Permit for districts by right or as required by terms of special exception for districts by special permit	Oklahoma State Health Department	1/4 mile (1,320 feet) from any lot w/ such facilities or residential treatment center, transitional living center, community group home, emergency or protective shelter, or detention/correctional facility
Colorado Springs	Group Home for the Developmentally Disabled (Human Services Establishment)	developmentally disabled	8 or less	all single-family, duplex, office and business districts (City Council)	eight-family, multi-family & university districts	as required by terms of conditional use (off-street parking: 1 plus 1 per 8 beds)	"State"	1,500 feet from any Human Service Establishment
Des Moines	Family Home	developmentally disabled	8 or less	not specified	all residential, all commercial, and light industrial districts	not specified	"State"	1/4 mile from similar facility, supervised group residence, or correctional placement residence
Albuquerque	Group Training Home "I"	wildly or moderately retarded	10 or less	single-family & rural districts (Zoning Hearing Examiner)	all multi-family districts	as required by terms of conditional use permit	not specified	not specified
Tulsa	Community Group Home	mentally retarded &/or physically limited	6 to 12	all single-family, duplex & low intensity office districts (Board of Adjustment)	all multi-family, remaining office, CBO, & all commercial districts	as required by terms of special exception	not specified	not specified
Albuquerque	Group Training Home "II"	persons in need of full-time supervision & training in daily living activities	not specified	not specified	"Office & Institution" district	not specified	not specified	not specified

¹ Not including live-in staff.

**Comparative Zoning Statutes Matrix:
For "Group Homes" Of All Types**

City	Type of Facility	Residents		Zone(s) In Which Permitted		Local Imposition of Conditions on Use	Licensing of Facility Licensor	Dispersion Guidelines
		Type	Number ¹	By Special Permit	By Right			
Long Beach	Board & Care Homes	persons in need of medical, mental or supervisory care	multi-family districts: 50 or less/ commercial districts: unlimited	all multi-family & commercial districts (except; limited; tourist & entertainment, & storage commercial districts) (Planning Commission)	not specified	as required by terms of conditional use permit (density formula for each district; bathroom design specifications; min. sq. ft. for recreational space; min. sq. ft. for open space; shall be located within 1,000 ft. by legal route to public transit stop; off-street parking; 1 space per 3 beds)	"State"	not specified
Austin	Group Residential	those not defined as a family	6 or more	medium density multi-family & "Public Use" districts (City Council)	all moderate to high density multi-family districts & CBD	as required by terms of conditional use permit (off-street parking: 1 per unit plus 1 per 2 lodgers)	not specified	not specified
Wichita	Rehabilitation Home (Halfway House Group Home)	former convicts, alcoholics, drug addicts, mental patients, etc.	5 or more	"AA", "A", "BB", "B-5" & "B-6" (Board of Zoning Appeals)	"B", "BB", "LC", "C" & "D"	as required by terms of special permit	State Board of Health or "State"	not specified
Long Beach	Half-way House (Special Group Residential)	not specified	multi-family districts: 50 or less/ commercial districts: unlimited	all multi-family & all commercial districts (except; limited; tourist & entertainment, & storage commercial districts) (Planning Commission)	not specified	as required by terms of conditional use permit (density formula for each district; bathroom design specifications; min. sq. ft. for recreational space; min. sq. ft. for open space; shall be located within 1,000 ft. by legal route to public transit stop; off-street parking; 1 space per 1 bedroom)	"State"	not specified
Overland Park	Special Care Facilities for Humans	not specified	not specified	all (City Council)	not specified	as required by terms of special use permit	not specified	not specified

¹ Not including live-in staff.

**Comparative Zoning Statutes Matrix:
For "Group Homes" Of All Types**

City	Type of Facility	Residents		By Special Permit	Zone(s) in Which Permitted		Local Imposition of Conditions on Use	Licensing of Facility Licensor	Dispersion Guidelines
		Type	Number ¹		By Right				
Long Beach	Group Home	mentally disordered, handicapped or supervised persons	6 or less	not specified	all residential & all commercial districts (except; limited, tourist & entertainment, & storage commercial districts)		not specified	"State"	not specified
Des Moines	Supervised Group Residence	mental, social or w/substance-abuse problems	3 or more	not specified	medium & high multi-family, all commercial, and light industrial districts w/required permit (Zoning Enforcement Officer)		as required by terms of required permit (min. sq. ft. for recreational space; min. sq. ft. for dining space; 24-hour staff)	not specified	1/4 mile from similar facility, family home, or correctional placement residence
Colorado Springs	Personal Care Boarding Home (Human Service Establishment)	mental/emotional disorders or a physical disability	three types: (small: 5 or less), intermediate: 6 to 8), (large: 9 or more)	all single-family, duplex, office & and business districts (City Council)	eight-family, multi-family, & university districts		as required by terms of conditional use (off-street parking: 1 plus 1 per 8 beds)	"State"	1,500 feet from any Human Service Establishment
Tulsa	Transitional Living Center (Short Term)	juvenile delinquency behavioral disorders, mental illness, alcoholism or drug abuse	not specified	all residential, low intensity office and light industrial (Board of Adjustment)	remaining office, CBD, & all commercial districts		as required by terms of special permit (off-street parking: 1 space per 1,000 sq. ft. of flr. area/load; berth: 1 per 10,000 100,000 sq. ft. plus 1 per each add. 100,000 sq. ft. of flr. area)	not specified	1/4 mile (1,320 ft.) from any lot w/such facilities or residential treatment center, community group home, emergency or protective shelter, neighborhood group home, or detention/correctional facility
Tulsa	Residential Treatment Center (Long-Term Care)	alcoholism & drug abuse, mental illness or behavioral disorders	not specified	all residential, low intensity office and light industrial districts (Board of Adjustment)	remaining office, CBD, & all commercial districts		as required by terms of special permit (off-street parking: 1 space per 1,000 sq. ft. of flr. area/load; berth: 1 per 10,000 to 100,000 sq. ft. plus 1 per each add. 100,000 sq. ft. of flr. area)	not specified	1/4 mile (1,320 ft.) from any lot w/such facilities or transitional living center, community group home, emergency or protective shelter, neighborhood group home, or detention/correctional facility.

¹ Not including live-in staff.

**Comparative Zoning Statutes Matrix:
For "Group Homes" Of All Types**

City	Type of Facility	Residents		Zones) In Which Permitted		Local Imposition of Conditions on Use	Licensing of Facility Licensor	Dispersion Guidelines
		Type	Number ¹	By Special Permit	By Right			
Colorado Springs	Detoxification Center (Human Service Establishment)	alcohol or drug abuse	not specified	all single-family, duplex, office and business districts (City Council)	eight-family, multi-family, & university districts	as required by terms of conditional use	not specified	1,500 feet from any Human Service Establishment
Austin	Emergency Residential (Limited)	victims of crime or abuse	5 or less	not specified	all	not specified	not specified	not specified
Austin	Emergency Residential Care (General)	victims of crime or abuse	6 or more	not specified	all except; single family districts	not specified	not specified	not specified
Tulsa	Emergency or Protective Shelter	abused, displaced, or transient children or adults	not specified	all residential, all office, and light industrial districts (Board of Adjustments)	CBD & all commercial districts	as required by terms of special exception (off-street parking: 1 space per 1,000 sq. ft. of fir. area/load berth: 1 per 10,000 to 100,000 sq. ft. plus 1 per each add. 100,000 sq. ft. of fir. area)	not specified	1/4 mile (1,320) from any lot w/such facilities or residential treatment center, transitional living center, neighborhood group home, community group home, or detention/correctional facility
Colorado Springs	Shelter for the Homeless (Human Service Establishment)	persons in need of temporary lodging & meals	not specified	all single-family, duplex, office and business districts (City Council)	eight-family, multi-family, & university districts	as required by terms of conditional use (off-street parking: 1 plus 1 per 8 beds)	not specified	1,500 feet from any Human Service Establishment
Olathe	Group Home for Adults	institutionalized persons who have been released or w/physical or social disabilities	5 or more	all (governing body)	not specified	as required by terms of special permit	not specified	not specified
Overland Park	Group Home for Adults	former convicts, alcoholics, drug addicts, mental patients, etc.	5 or more	all (City Council)	not specified	as required by terms of special use permit	not specified	not specified

¹ Not including live-in staff.

**Comparative Zoning Statutes Matrix:
For "Group Homes" Of All Types**

City	Type of Facility	Residents		By Special Permit	Zone(s) in Which Permitted		Local Imposition of Conditions on Use	Licensing of Facility Licensor	Dispersion Guidelines
		Type	Number ¹		By Right	By Right			
Des Moines	Correctional Placement Residence	persons convicted of a public offense who are (a) on probation, (b) on work release, or (c) receiving a deferred sentence	3 or more	not specified	medium and high multi-family, all commercial, and light industrial districts w/required permit (Zoning Enforcement Officer)	as required by terms of required permit (min. sq. ft. for recreational space; min. sq. ft. for dining space; 24-hour staff)	not specified	1/4 mile from similar facility, supervised group residence, or family home	
Oklahoma City	High Impact Institutional (includes: drug abuse centers, halfway houses, forced detention or correctional facilities, work release facilities, and temporary shelter or care facilities)	not specified	not specified	all (City Council)	not specified	must conform to the provisions of the "General Office District" or as required by terms of the special permit	not specified	not specified	
Tulsa	Detention/Correctional (includes: adult detention center, juvenile delinquency center, pre-release center, correctional community treatment center, jail & prison)	persons arrested or convicted of a civil or criminal law	not specified	all (Board of Adjustment)	not specified	as required by terms of special exception	not specified	not specified	
Albuquerque	Correctional Institution	not specified	not specified	not specified	"Special Use" district (Planning Commission)	as required by terms of rezoning	not specified	not specified	
Austin	Public Detention Facility	persons legally confined	not specified	not specified	"P" - Public Use District (City Council)	as required by terms of rezoning	not specified	not specified	
Overland Park	Penal or Correctional Institutions	not specified	not specified	all (City Council)	not specified	as required by terms of special use permit	not specified	not specified	

¹ Not including live-in staff.

EXHIBIT B

CLUSTER MAP

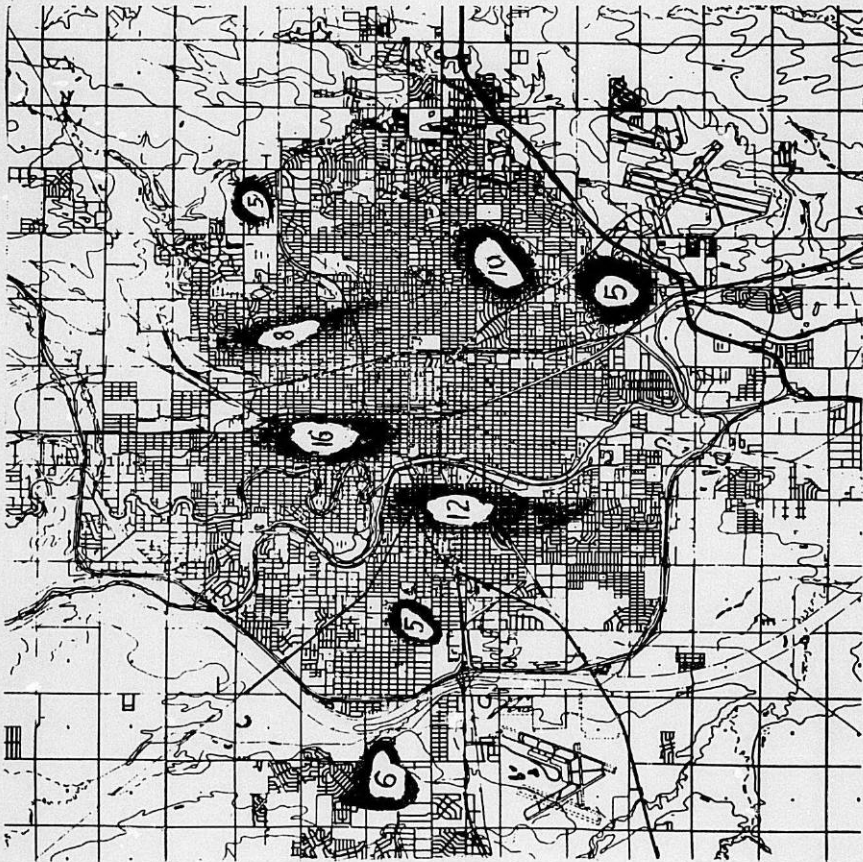


EXHIBIT D

BLOCK FACE METHOD

1" = 200'

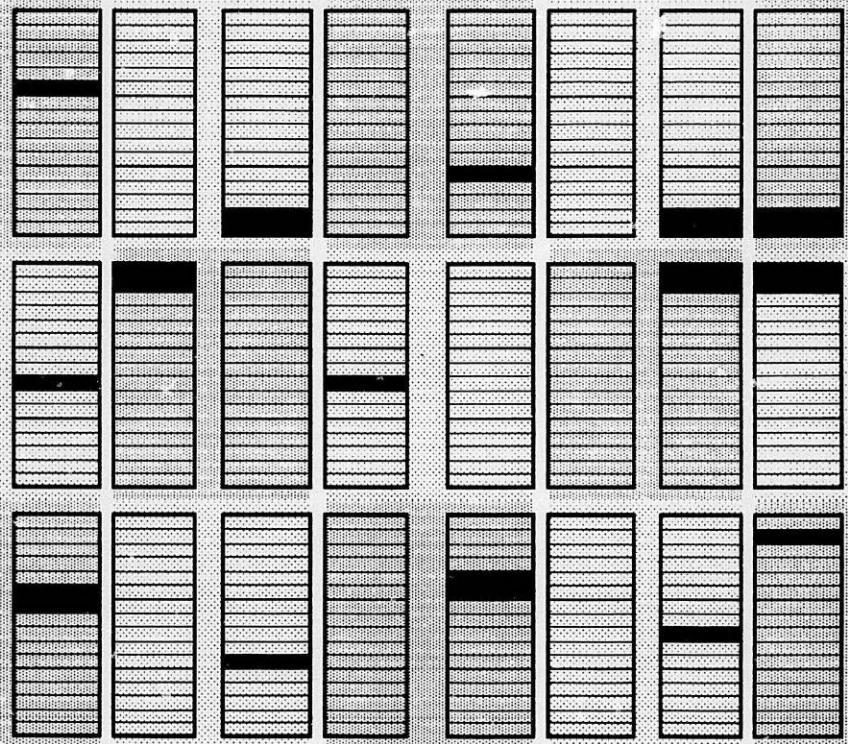
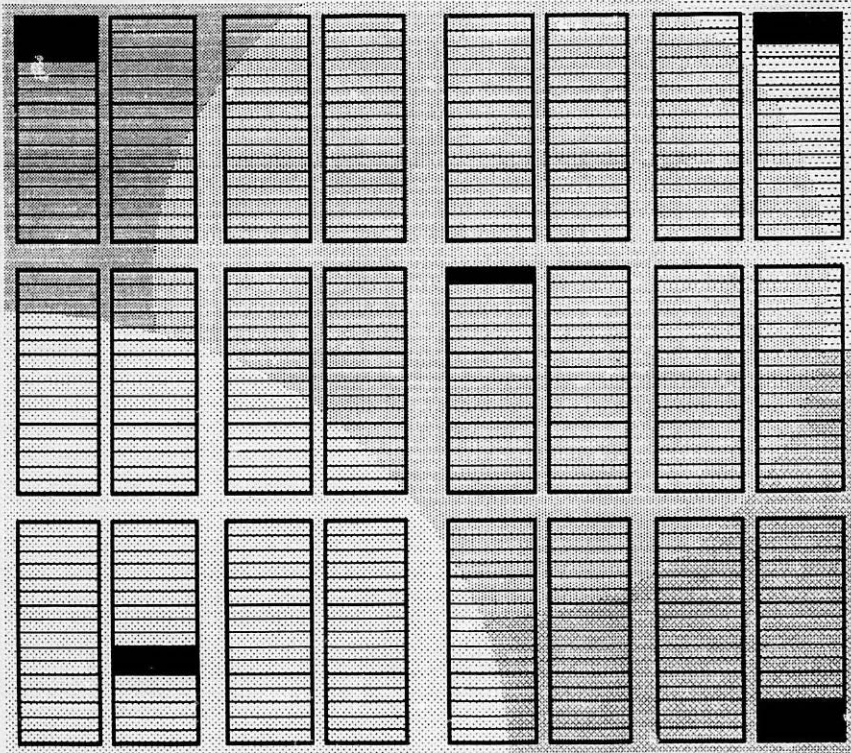
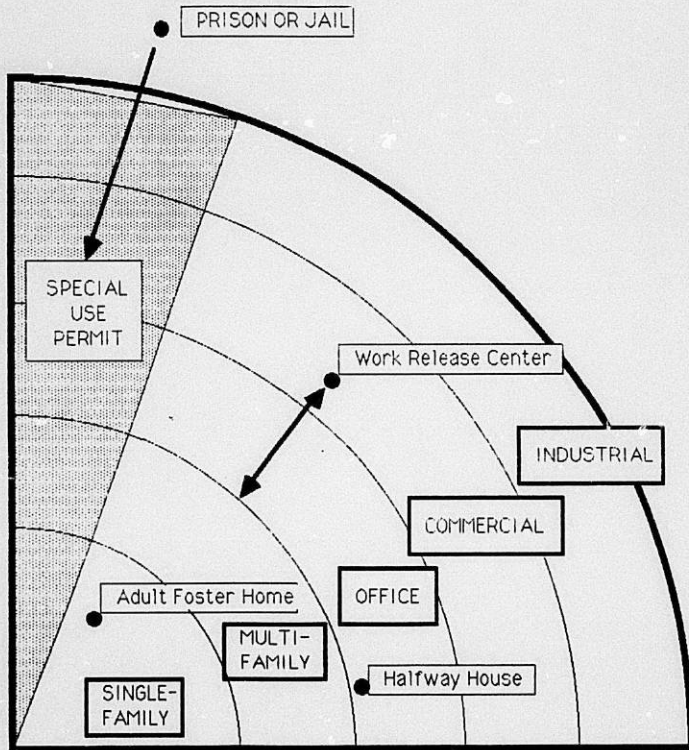


EXHIBIT E

RADIUS METHOD
1" = 200'



DISTANCE & DISPERSION DIAGRAM



<u>Group home types</u>	<u>Current regulations</u>	<u>Suggested Regulations</u>
1. Adult foster home (up to 4 residents)	by right in AA--D	no change
2. Group care facility/family care home (5-8 residents)	by right in B--D; use exc in AA--R6	consider allowing by right in A--R6 if >1000' from nearest group home
3. Nursing/convalescent home		
a) up to 5 patients	by right in A--D	no change
b) 7 or more patients (change to 6 or more)	by right in A--D	no change
4. a) Boarding house/lodging house b) Health care support facility c) Group home (care facilities for >8 residents; dorm; frat house)	by right in B--D	no change
5. Homeless shelter/emergency protective shelter	by right in B--D; use exc in AA--R6	limit use exception to A--R6/ for up to (25) residents; require a use exception in B--D if within (1000') of facility type 5, 6 or 7
6. Halfway house for ex-convicts; (parolees?) drug/alcohol	by right in B--D; use exc in AA--R6	limit use exception to A--R6/ for up to (25) residents; require a rehab use exception in B--D if within (1000') of facility type 5, 6 or 7

7. Detention/correction facility
a) community corrections

by right in B--D;
special permit for
gov't use in AA--R6

up to 50+ inmates; by right
in BB--E if >(200') from
AA--B and >(1000') from
facility type 5, 6 or 7;
use exc or spl permit if
in B or in F or if w/in
(1000') of facility type
5,6 or 7 in BB--E >50+
inmates: same as above
except (500') is min.
distance from AA--B to
locate by right

b) work-release
c) jail/prison

by right in C--F;
special permit for
gov't use in AA--R6

require use exception
or special permit in
any district

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: April 7, 1989

TO: Metropolitan Area Planning Commission
FROM: Marvin S. Krout, Director of Planning *MSK*
SUBJECT: Group Homes

On March 21, the City Council voted to direct the MAPC to review and evaluate the current zoning regulations for correctional facilities and other types of group homes in the community, and send your recommendations to them within 60 days, at which point they will consider whether or not to direct that formal public hearings be held on amending the zoning text. In the meantime, they adopted a 60-day moratorium on the occupancy of any new correctional facilities in the city. Attached is a copy of Councilmember Ferris's memo to the City Council on this subject.

We have scheduled a noontime luncheon workshop for April 13 to begin discussion on this item, and would plan to place the item on your April 27 formal agenda for your recommendations. Those recommendations would be sent to CPO for their review and comment, and we would expect the Council to consider this issue again at their May 16 meeting, before the 60-day moratorium runs out.

Attached for your review is information on how other cities define and regulate various types of group homes. Staff is still researching this area and will have additional information, including a map of the city displaying the locations of all known group home facilities, for your Thursday workshop. It does appear at this time as though some changes to the regulations might be warranted. The current definitions for group homes are ambiguous, and require interpretation as to districts permitted and parking required. They do not differentiate between "high impact" - in type or scale of facility - versus "low impact" group homes, treating a correctional facility for 200 inmates the same as a home for eight physically disabled individuals. The regulations seem to have encouraged a concentration of group homes in some particular parts of the city to the point that they may be discouraging efforts to revitalize those areas.

Let us know if we can provide any other information for you before Thursday.

MSK:rme
Attachments

Kearl

To: Members of City Council

March 13, 1989

From: Greg Ferris

Subject: Group Home Zoning Review

Background: Over the past year, the City Council has been involved in controversies on the location of two different types of correctional facilities. One - a privately-operated "work release" facility for felons in the state penal system - was determined not to fall within the definition of "group home/halfway house" in the city's zoning ordinance, and therefore had to be located on a tract zoned commercial or industrial. The second - a "community corrections" facility that is operated by the county for local felons given probated sentences by district judges - fits within the zoning ordinance definition of "group home", and is therefore permitted as of right on any tract that is zoned "B" (multifamily) or higher.

Although the nature and impact of these uses on surrounding property is similar, they are given different treatment in the zoning ordinance, and in either case may still be located on sites without benefit of public hearings that may not be in the best interest of the community.

Need For Review: Beyond this example, it seems clear that the current regulations regarding group homes need some thorough review. The zoning ordinance does not differentiate between the large variety of types and sizes of group homes, which may have very different impacts on surrounding properties. Some locations that may fit the zoning requirements may still be inappropriately located (or designed) in terms of compatibility with surrounding properties, and some parts of the city suffer today from an overconcentration of these facilities.

Other Cities: Other nearby cities are apparently more discriminating in their definitions and their locational policies for group homes. Des Moines and Overland Park require governing body approval for correctional facilities in any zoning district; Oklahoma City, in any district outside their central business district; and Tulsa, in any residential district. Colorado Springs has, in addition to its special permit requirements, established a minimum 1500 foot distance between any two "human service establishments" in residential areas.

Therefore, I would suggest that the City Council direct the MAPC to: (1) review the current definitions and location requirements for group homes in the city zoning ordinance; (2) review and evaluate the requirements in other cities; (3) suggest possible amendments to the zoning ordinance; (4), send those recommendations through the CPO so that we can have the benefit of their comments as well; and (5) until this review is completed, a moratorium be placed on any such developments/facilities. Then, based on a review by the MAPC and CPO comments, the City Council can decide whether or not to direct that formal public hearings be held to consider possible ordinance amendments. I would suggest that such reviews be completed within sixty (60) days.

I intend to make the following motion at the forthcoming Council meeting: That MAPC be directed to evaluate the adequacy of the current definitions and

locational requirements in the city zoning ordinance regarding group homes and halfway houses, and prepare recommendations for possible amendments, and that staff take the MAPC recommendations to CPO for their comments as well. And, Further, that this review be completed within sixty (60) days.

I hope the council will support this action. Thank you.

"GROUP HOME"
DEFINITIONS

(a) Accessory Shelter Units: Any portion of a building or a structure that is accessory to the principle use and used as temporary housing for individuals and families and may include counseling, education and referral services for the temporary residents thereof. Temporary shall mean an average length of stay not exceeding thirty (30) days. The shelter unit portion of such a building or structure shall not exceed ten percent (10%) of the gross floor area of the total building or structure. However, in any case, the shelter unit floor area shall not exceed 1500 square feet, whichever is less.

(Fort Lauderdale)

(b) Adult Congregate Living Facility (ACLF): A facility, the principal use of which is to provide residential and habilitation services, including room and board and one or more personal services to adults unrelated to the facility owner or operator. These facilities may offer central dining, personal and therapeutic care, and other services necessary to meet the needs of the residents. These include adult congregate living facilities as defined by Sec. 400.402 of the Florida Statutes and like residential retirement and life care facilities.

(Fort Lauderdale)

(c) Adult Foster Home: A full-time, family-type living arrangement, in a residence, under which a person or persons provide services of room, board, personal assistance, general supervision, and health monitoring for residents not related to the owner or operator of the dwelling unit who are aged or disabled adults placed in the home by the Florida Department of Health and Rehabilitative Services, including those defined in Section 400.618 of the Florida Statutes.

(Fort Lauderdale)

21.06.280 Board and care homes.

"Board and care homes" means a facility providing shelter, food and care whether medical, mental or supervisory; but distinguished from a convalescent home by the extent of medical care provided; includes residential care facility for the elderly. (Ord. C-5487 § 1 (part), 1979; prior code § 9120.18(b)(part)).

(Long Beach)

(1 of 9)

21.06.540 Community care facility.

"Community care facility" means any facility, place or building which is maintained and operated to provide nonmedical residential care, or homefinding agency services for seven or more children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, or incompetent persons. "Community care facility" also includes any state licensed facility for six or less wards of the juvenile court. (Ord. C-5903 § 29, 1982; Ord. C-5487 § 1 (part), 1979; prior code § 9120.18(b)(part)).

(Long Beach)

Community Group Home

A community-based residential facility for independent living that provides room and board, personal care, and habilitation services in a family environment as a single-housekeeping unit for 6-12 resident mentally retarded and/or physically limited persons with at least 1 but not more than 3 resident staff persons. Personal care and habilitation services excludes on-site institutional type educational training, medical or nursing care.

(Tulsa)

Correctional Placement Residence: A residential facility occupied by three (3) or more persons who have been convicted of public offenses and who have been released to such facility during any period of (a) probation, or (b) work release while serving a sentence in a correctional institution, or (c) assignment to the judicial district department of correctional services after receiving a deferred sentence.

(Des Moines)

Detention/Correctional Facility

A facility for the detention, confinement, treatment and/or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, pre-release center, correctional community treatment center, jail and prison.

(Tulsa)

DETENTION FACILITIES

A publicly operated use providing housing and care for individuals legally confined.

(Austin)

(2 of 9)

DETOXIFICATION CENTER: A residential facility which provides twenty-four (24) hour medical supervision, lodging and meals to individuals who need help to remove the effects of alcohol or drugs.

(Colorado Springs)

Emergency and Protective Shelter

A residential facility which provides room and board for a temporary (30 days or less) period, protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

(Tulsa)

EMERGENCY RESIDENTIAL CARE SERVICES (LIMITED)

A facility or use of a dwelling to provide a protective sanctuary for fewer than six (6) victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, child abuse, or physical beatings.

EMERGENCY RESIDENTIAL CARE SERVICES (GENERAL)

A facility or use of a dwelling to provide a protective sanctuary for more than five (5) victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, child abuse, or physical beatings.

(Austin)

21.06.900 Emergency shelter.

"Emergency shelter" means dwelling areas, without kitchens, provided on a short-term basis by a nonprofit organization. (Ord. C-5487 § 1 (part), 1979; prior code § 9120.18(b) (part)).

(Long Beach)

(f) **Emergency Shelter Facilities:** A facility, the principal use of which is to provide, without charge and for a period not to exceed an average stay of (30) days per person, temporary protection, room and board, counseling and placement for individuals, families, or both, displaced from their residences as a result of domestic violence or other unforeseen events. This use includes facilities offering therapy, counseling, or both, for the purpose of providing temporary shelter for persons in distress such as runaway children, pregnant women and unwed mothers.

(Fort Lauderdale)

(3 of 9)

(e) Emergency Shelter Facility for Abused Children and Adults: A facility, the principal use of which is to provide room and board and protection, and which may offer counseling and preplacement screening for abused children or adults for an average stay of not over thirty (30) days per client.

(Fort Lauderdale)

(g) Family Care Homes: A facility in a residence providing support and supervisory personnel, the principal use of which is to provide room and board, personal care and habilitation services in a family environment for its residents, who because of a temporary or permanent physical, emotional or mental disability, desire a substitute home. A family care home provides one or more personal services for persons not related to the owner or operator of the dwelling unit. The personal services, in addition to housing and food services, may include personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related services.

(Fort Lauderdale)

Family Home: A community-based residential home which is licensed as a residential care facility under Chapter 135C, Code of Iowa, or as a foster care facility under Chapter 237, Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel; provided that family home does not mean an individual foster care family home licensed under Chapter 237, Code of Iowa.

(Des Moines)

21.06.1120 Group home.

"Group home" means any residential care facility for six or fewer persons for mentally disordered or otherwise handicapped or supervised persons, licensed by the state under the provisions of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code. Group home does not include any facility for wards of the juvenile court. (Ord. C-5903 § 32, 1982; Ord. C-5487 § 1 (part), 1979; prior code § 9120.18(b)(part)).

(Long Beach)

(4 of 9)

19.06.340 Group Home for Adults. A residential facility for five (5) or more persons, eighteen (18) years of age or over, who have been institutionalized for various reasons and released or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society.

(Olathe)

18.02.330 Group home for adults.

"Group home for adults" means a residential facility for five or more persons, eighteen years of age or over, who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g., former convicts, alcoholics, drug addicts, mental patients, etc.)

(Overland Park)

GROUP HOME FOR THE DEVELOPMENTALLY DISABLED: A State licensed group home for the developmentally disabled which serves not more than eight (8) developmentally disabled persons and appropriate staff, unless otherwise specified in this Chapter.

(Colorado Springs)

GROUP RESIDENTIAL

The use of a site for residential occupancy of living accommodations by groups of more than six persons not defined as a family, on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding houses.

(Austin)

"GROUP TRAINING HOME" means a residence providing full-time supervision and training in daily living activities and homemaking skills to a small number of residents other than a family; no infant care is provided.

(Albuquerque)

(i) Halfway House: A Facility designed to provide a transitional living arrangement for persons in transition from residence in an institution or hospital, and who have special needs, such as mental patients, recovering alcoholics and individuals released from prison with the purpose of reentry into society.

(Fort Lauderdale)

HALFWAY HOUSE - GROUP HOME. A residential facility for five or more adults who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g., former convicts, alcoholics, drug addicts, mental patients, etc.); provided shelter, supervision and residential rehabilitative services.

(Wichita)

HEALTH CARE SUPPORT FACILITY: A residential facility where lodging, meals, and counseling services are provided to families of individuals diagnosed with a terminal illness or an illness requiring long term hospital care. The primary concern of the facility is to provide support to family members.

(Colorado Springs)

2304.3 High Impact Institutional. Public, quasi-public or private activities of a medical or educational nature, which due to their area requirements, traffic generation, light or noise generation, or the nature of intended activities, have the potential for major impact on surrounding land uses. Typical uses include hospitals, colleges, universities, and military installations; or drug abuse centers, halfway houses, forced detention or correction facilities, work release facilities, and temporary shelter or care facilities.

(Oklahoma City)

HOSPICE CENTER: A residential facility where lodging, meals, and continuous nursing care are provided to individuals diagnosed with a terminal illness. The primary concern of the hospice is to deal with pain control and to maintain dignity of life. Counseling is available to the patient and the family members.

(Colorado Springs)

Neighborhood Group Home

A home for independent living with support personnel that provides room and board, personal care and habilitation services in a family environment as a single-housekeeping unit for not more than 5 resident mentally retarded and/or physically limited persons with at least 1 but not more than 2 resident staff persons. Personal care and habilitation services excludes on-site institutional type educational training, medical or nursing care.

(Tulsa)

(6 of 9)

PERSONAL CARE BOARDING HOME: A State licensed residential facility with appropriate staff where lodging, meals, and supervision are provided for adults who are not related to the owner, and who, because of impaired capacity for independent living, mental/emotional disorders or a physical disability, elect protective oversight, personal services, and social care but do not require regular twenty-four hour medical or nursing care. This term includes the term "Alternative Care Facility" but does not include Family Care Home or Group Home for the Developmentally Disabled. The term "Personal Care Boarding Home" is further defined as one of the following three types of facilities:

1. **SMALL PERSONAL CARE BOARDING HOME:** Up to five (5) residents. Generally meets the Definition of Family.
2. **INTERMEDIATE PERSONAL CARE BOARDING HOME:** Six (6) to eight (8) residents.
3. **LARGE PERSONAL CARE BOARDING HOME:** Nine (9) or more residents.

(Colorado Springs)

21.06.2140 Residential facility.

"Residential facility" means any family home, group care facility, or similar facility determined by the Director of the State Department of Social Services for twenty-four-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. (Ord. C-5487 § 1 (part), 1979; prior code § 9120.18(b)(part)).

(Long Beach)

Residential Treatment Center

A community-based residential facility providing diagnostic or therapeutic services and long-term room and board in a highly structured environment for its residents for alcoholism and drug abuse, mental illness or behavioral disorders.

(Tulsa)

SHELTER FOR THE HOMELESS: A residential facility which provides temporary group lodging and meals to individuals in need due to poor economic circumstances or social disability.

(Colorado Springs)

(7 of 9)

(1) Skilled Medical Service Facility: A facility, the principle use of which is to provide care or service by in-house or on-staff certified medical professionals for the purpose of supplying continuous or routine medical attention such as physical examinations, vital sign monitoring, diagnosis, testing and prescription assignment.

(Fort Lauderdale)

(m) Social Service Residential Facility (SSRF) is any building or buildings, section of a building, or distinct part of a building, residence, private home, structure, or other place, whether operated for profit or not, which is non-institutional in character, including but not limited to, facilities licensed, or monitored by the Florida Department of Health and Rehabilitative Services (HRS) to provide a family living environment that involves twenty-four (24) hour supervision, care or personal services for residents in order to meet the physical, emotional or socialization needs of the residents who are persons not related to the SSRF owner or operator. This category of uses does not include hotels, motels, apartments, boarding or rooming houses, nursing homes, hospitals, child or day care centers, or family day care homes, general hospitals, special hospitals, medical clinics, jails or prisons, or skilled medical service facilities.

(Fort Lauderdale)

21.06.2300 Special group residence.

"Special group residences" are fraternity and sorority houses, college dormitories, special child care homes, institutional child care homes, halfway houses, military barracks and religious homes. (Ord. C-5487 § 1 (part), 1979: prior code § 9120.18(b) (part)).

(Long Beach)

Supervised Group Residence: A residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance-abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society; provided that family homes, hospitals, correctional placement residences, and nursing, convalescent and retirement homes are not included within this definition.

(Des Moines)

(8 of 9)

Transitional Living Center

A community-based residential facility that provides short-term (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, mental illness, alcoholism or drug abuse.

(Tulsa)

(n) **Treatment and Rehabilitation Facilities:** A facility which provides diagnostic or therapeutic services for its residents. Treatment and Rehabilitation Facilities may include an outpatient component where a resident may receive regular treatment at a hospital or clinic while maintaining residence at the SSRF facility. This use shall include facilities for the housing of residents who are victims of diseases determined by HRS standards to be noncommunicable, and residential treatment facilities as defined in Subsection 10E-4.016(2)(s) as defined in the Florida Administrative Code.

(Fort Lauderdale)

**Comparative Zoning Statutes Matrix:
For "Group Homes" Of All Types**

City	Type of Facility	Residents		Zone(s) In Which Permitted		Local Imposition of Conditions on Use	Licensing of Facility Licensor	Dispersion Guidelines
		Type	Number ¹	By Special Permit	By Right			
Colorado Springs	Health Care Support Facility (Human Service Establishment)	family members of a person w/terminal illness	not specified	all single family, duplex, office and business districts (City Council)	eight-family, multi-family, and university districts	as required by terms of conditional use (off-street parking: 1 plus 1 per 8 beds)	not specified	1,500 feet from any Human Service Establishment
Tulsa	Neighborhood Group Homes	mentally retarded and/or physically limited	5 or less	all office and commercial districts (Board of Adjustment)	all residential districts	no signage allowed, architectural review, off-street parking: 2 per dwelling unit by terms of Zoning Clearance Permit for districts by right or as required by terms of special exception for districts by special permit	Oklahoma State Health Department	1/4 mile (1,320) any lot w/ such facilities or residential treatment center, transitional living center, community group home, emergency or protective shelter, or detention/correctional facility
Colorado Springs	Group Home for the Developmentally Disabled (Human Services Establishment)	developmentally disabled	8 or less	all single-family, duplex, office and business districts (City Council)	eight-family, multi-family & university districts	as required by terms of conditional use (off-street parking: 1 plus 1 per 8 beds)	"State"	1,500 feet from any Human Service Establishment
Des Moines	Family Home	developmentally disabled	8 or less	not specified	all residential, all commercial, and light industrial districts	not specified	"State"	1/4 mile from similar facility, supervised group residence, or correctional placement residence
Albuquerque	Group Training Home "I"	mildly or moderately retarded	10 or less	single-family & rural districts (Zoning Hearing Examiner)	all multi-family districts	as required by terms of conditional use permit	not specified	not specified
Tulsa	Community Group Home	mentally retarded &/or physically limited	6 to 12	all single-family, duplex & low intensity office districts (Board of Adjustment)	all multi-family, remaining office, CBD, & all commercial districts	as required by terms of special exception	not specified	not specified
Albuquerque	Group Training Home "II"	persons in need of full-time supervision & training in daily living activities	not specified	not specified	"Office & Institution" district	not specified	not specified	not specified

¹ Not including live-in staff.

**Comparative Zoning Statutes Matrix:
For "Group Homes" Of All Types**

City	Type of Facility	Residents		Zone(s) in Which Permitted		Local Imposition of Conditions on Use	Licensing of Facility Licensor	Dispersion Guidelines
		Type	Number	By Special Permit	By Right			
Long Beach	Board & Care Homes	persons in need of medical, mental or supervisory care	multi-family districts: 50 or less/ commercial districts: unlimited	all multi-family & commercial districts (except; limited, tourist & entertainment, & storage commercial districts) (Planning Commission)	not specified	as required by terms of conditional use permit (density formula for each district; bathroom design specifications; min. sq. ft. for recreational space; min. sq. ft. for open space; shall be located within 1,000 ft. by legal route to public transit stop; off-street parking; 1 space per 3 beds)	"State"	not specified
Austin	Group Residential	those not defined as a family	6 or more	medium density multi-family & "Public Use" districts (City Council)	all moderate to high density multi-family districts & CBD	as required by terms of conditional use permit (off-street parking: 1 per unit plus 1 per 2 lodgers)	not specified	not specified
Wichita	Rehabilitation Home (Halfway House Group Home)	former convicts, alcoholics, drug addicts, mental patients, etc.	5 or more	"AA", "A", "BB", "R-5" & "R-6" (Board of Zoning Appeals)	"B", "BB", "LC", "C" & "D"	as required by terms of special permit	State Board of Health or "State"	not specified
Long Beach	Half-way House (Special Group Residential)	not specified	multi-family districts: 50 or less/ commercial districts: unlimited	all multi-family & all commercial districts (except; limited, tourist & entertainment, & storage commercial districts) (Planning Commission)	not specified	as required by terms of conditional use permit (density formula for each district; bathroom design specifications; min. sq. ft. for recreational space; min. sq. ft. for open space; shall be located within 1,000 ft. by legal route to public transit stop; off-street parking: 1 space per 1 bedroom)	"State"	not specified
Overland Park	Special Care Facilities for Humans	not specified	not specified	all (City Council)	not specified	as required by terms of special use permit	not specified	not specified

Not including live-in staff.

**Comparative Zoning Statutes Matrix:
For "Group Homes" Or All Types**

City	Type of Facility	Residents		By Special Permit	Zone(s) In Which Permitted		Local Imposition of Conditions on Use	Licensing of Facility Licensor	Dispersion Guidelines
		Type	Number ¹		By Right				
Long Beach	Group Home	mentally disordered, handicapped or supervised persons	6 or less	not specified	all residential & all commercial districts (except; limited, tourist & entertainment, & storage commercial districts)		not specified	"State"	not specified
Des Moines	Supervised Group Residence	mental, social or w/substance-abuse problems	3 or more	not specified		not specified	as required by terms of required permit (min. sq. ft. for recreational space; min. sq. ft. for dining space; 24-hour staff)	not specified	1/4 mile from similar facility, family home, or correctional placement residence
Colorado Springs	Personal Care Boarding Home (Human Service Establishment)	mental/emotional disorders or a physical disability	three types: (small: 5 or less), intermediate: 6 to 8), (large: 9 or more)	all single-family, duplex, office & and business districts (City Council)	eight-family, multi-family, & university districts		as required by terms of conditional use (off-street parking: 1 plus 1 per 8 beds)	"State"	1,500 feet from any Human Service Establishment
Tulsa	Transitional Living Center (Short Term)	juvenile delinquency behavioral disorders, mental illness, alcoholism or drug abuse	not specified	all residential, low intensity office and light industrial (Board of Adjustment)	remaining office, CBD, & all commercial districts		as required by terms of special permit (off-street parking: 1 space per 1,000 sq. ft. of flr. area/load. berth: 1 per 10,000 100,000 sq. ft. plus 1 per each add. 100,000 sq. ft. of flr. area)	not specified	1/4 mile (1,320 ft.) from any lot w/such facilities or residential treatment center, community group home, emergency or protective shelter, neighborhood group home, or detention/correctional facility
Tulsa	Residential Treatment Center (Long-Term Care)	alcoholism & drug abuse, mental illness or behavioral disorders	not specified	all residential, low intensity office and light industrial districts (Board of Adjustment)	remaining office, CBD, & all commercial districts		as required by terms of special permit (off-street parking: 1 space per 1,000 sq. ft. of flr. area/load. berth: 1 per 10,000 to 100,000 sq. ft. plus 1 per each add. 100,000 sq. ft. of flr. area)	not specified	1/4 mile (1,320) from any lot w/such facilities or transitional living center, community group home, emergency or protective shelter, neighborhood group home, or detention/correctional facility.

(Wrong)

¹ Not including live-in staff.

**Comparative Zoning Statutes Matrix:
For "Group Homes" of All Types**

City	Type of Facility	Residents		Zones) In Which Permitted		Local Imposition of Conditions on Use	Licensing of Facility Licensor	Dispersion Guidelines
		Type	Number ¹	By Special Permit	By Right			
Colorado Springs	Detoxification Center (Human Service Establishment)	alcohol or drug abuse	not specified	all single-family, duplex, office and business districts (City Council)	eight-family, multi-family, & university districts	as required by terms of conditional use	not specified	1,500 feet from any Human Service Establishment
Austin	Emergency Residential (Limited)	victims of crime or abuse	5 or less	not specified	all	not specified	not specified	not specified
Austin	Emergency Residential Care (General)	victims of crime or abuse	6 or more	not specified	all except: single family districts	not specified	not specified	not specified
Tulsa	Emergency or Protective Shelter	abused, displaced, or transient children or adults	not specified	all residential, all office, and light industrial districts	CBD & all commercial districts	as required by terms of special exception (off-street parking: 1 space per 1,000 sq. ft. of flr. area/load berth: 1 per 10,000 to 100,000 sq. ft. plus 1 per each add. 100,000 sq. ft. of flr. area)	not specified	1/4 mile (1,320) from any lot w/such facilities or residential treatment center, transitional living center, neighborhood group home, community group home, or detention/correctional facility
Colorado Springs	Shelter for the Homeless (Human Service Establishment)	persons in need of temporary lodging & meals	not specified	all single-family, duplex, office and business districts (City Council)	eight-family, multi-family, & university districts	as required by terms of conditional use (off-street parking: 1 plus 1 per 8 beds)	not specified	1,500 feet from any Human Service Establishment
Olathe	Group Home for Adults	institutionalized persons who have been released or w/physical or social disabilities	5 or more	all (governing body)	not specified	as required by terms of special permit	not specified	not specified
Grand Park	Group Home for Adults	former convicts, alcoholics, drug addicts, mental patients, etc.	5 or more	all (City Council)	not specified	as required by terms of special use permit	not specified	not specified

¹ Not including live-in staff.

**Comparative Zoning Statutes Matrix:
For "Group Homes" Of All Types**

City	Type of Facility	Residents		By Special Permit	Zone(s) in Which Permitted	Local Imposition of Conditions on Use	Licensing of Facility Licensor	Dispersion Guidelines
		Type	Number ¹					
Des Moines	Correctional Placement Residence	persons convicted of a public offense who are (a) on probation, (b) on work release, or (c) receiving a deferred sentence	3 or more	not specified	medium and high multi-family, all commercial, and light industrial districts w/required permit (Zoning Enforcement Officer)	as required by terms of required permit (min. sq. ft. for recreational space; min. sq. ft. for dining space; 24-hour staff)	not specified	1/4 mile from similar facility, supervised group residence, or family home
Oklahoma City	High Impact Institutional (includes: drug abuse centers, halfway houses, forced detention or correctional facilities, work release facilities, and temporary shelter or care facilities)	not specified	not specified	all (City Council)	not specified	must conform to the provisions of the "General Office District" or as required by terms of the special permit	not specified	not specified
Tulsa	Detention/Correctional (includes: adult detention center, juvenile delinquency center, pre-release center, correctional community treatment center, jail & prison)	persons arrested or convicted of a civil or criminal law	not specified	all (Board of Adjustment)	not specified	as required by terms of special exception	not specified	not specified
Albuquerque	Correctional Institution	not specified	not specified	not specified	"Special Use" district (Planning Commission)	as required by terms of rezoning	not specified	not specified
Austin	Public Detention Facility	persons legally confined	not specified	not specified	"P" - Public Use District (City Council)	as required by terms of rezoning	not specified	not specified
Overland Park	Penal or Correctional Institutions	not specified	not specified	all (City Council)	not specified	as required by terms of special use permit	not specified	not specified

¹ Not including live-in staff.

2162 (PUBLISHED IN THE DAILY REPORTER ON APRIL 7, 1988)

ORDINANCE NO. 40-582
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS, DECLARING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR GROUP HOMES UNDER THE PROVISIONS OF CHAPTER 18.04 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

WHEREAS, the City of Wichita by ordinance defines group homes and provides procedures for the issuance of permits for any construction necessary to erect, construct and occupy such a home; and

WHEREAS, since the adoption of such ordinances there have developed new uses for group homes in the community which were not considered by the governing body when it defined group homes and provided procedures for their construction and occupancy; and

WHEREAS, concerns have been raised as to the application of the ordinances to these new uses and a study is deemed necessary to determine what modification is needed to the current ordinances; and

WHEREAS, there is a desire to protect the integrity of the City's residential neighborhoods and to preserve the property values of the residences therein and to protect the safety of persons residing in such neighborhoods, and modifications to the current ordinances may help achieve such goals; and

WHEREAS, a moratorium of 2 months is deemed to be a reasonable time in which to allow the study of the issue of group homes; and

WHEREAS, the governing body desires to address the issues involved with the preservation of neighborhoods through helping to preserve property values and protecting the safety of residents which protecting the rights of those who wish to utilize their property as a group home and the needs of those persons who would be served by the establishment of such homes.

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

SECTION 1. It is hereby found and determined that there is a public necessity to study group homes in the City of Wichita and that the orderly conduct of business and fairness requires that no group home be remodeled, constructed or occupied during this study.

SECTION 2. There is hereby declared a moratorium on the issuance of building permits under Chapter 18.04 of the Code of the City of Wichita, Kansas, for any group home. Such moratorium shall continue until lifted by the City Council, but not more than 2 months from the date of this Ordinance.

SECTION 3. The matter of determining suggested changes in the ordinances concerning group homes is referred to the Metropolitan Area Planning Commission (MAPC) for study and recommendation. Its recommendation shall be submitted to the City Council.

SECTION 4. This moratorium shall apply to the issuance of permits for all group homes included or potentially included in the code definition, whether or not currently permitted in the City.

SECTION 5. The denial of a building permit by the Superintendent of Central Inspection under the terms of this Ordinance may be appealed to the City Council within 10 days of such denial.

SECTION 6. Those portions of Chapter 18.04 of the Code of the City of Wichita, Kansas, providing for the issuance of building permits for group homes are suspended from the effective date of this Ordinance for a term of 2 months.

ADOPTED AT WICHITA, KANSAS, this 4th day of April, 1988.

SHELDON KAMEN, MAYOR
JOHN MOIR, DIRECTOR OF FINANCE CITY CLERK

ATTEST: (SEAL)
(A 7)

Tim B.

1/31/89
2/22/89

PUBLISHED IN THE DAILY REPORTER ON APR 7 1989

ORDINANCE NO. 40-582

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS, DECLARING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR GROUP HOMES UNDER THE PROVISIONS OF CHAPTER 18.04 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

WHEREAS, the City of Wichita by ordinance defines group homes and provides procedures for the issuance of permits for any construction necessary to erect, construct and occupy such a home; and

WHEREAS, since the adoption of such ordinances there have developed new uses for group homes in the community which were not considered by the governing body when it defined group homes and provided procedures for their construction and occupancy; and

WHEREAS, concerns have been raised as to the application of the ordinances to these new uses and a study is deemed necessary to determine what modification is needed to the current ordinances; and

WHEREAS, there is a desire to protect the integrity of the City's residential neighborhoods and to preserve the property values of the residences therein and to protect the safety of persons residing in such neighborhoods, and modifications to the current ordinances may help achieve such goals; and

WHEREAS, a moratorium of 2 months is deemed to be a reasonable time in which to allow the study of the issue of group homes; and

WHEREAS, the governing body desires to address the issues involved with the preservation of neighborhoods through helping

to preserve property values and protecting the safety of residents which protecting the rights of those who wish to utilize their property as a group home and the needs of those persons who would be served by the establishment of such homes.

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

SECTION 1. It is hereby found and determined that there is a public necessity to study group homes in the City of Wichita and that the orderly conduct of business and fairness requires that no group home be remodeled, constructed or occupied during this study.

SECTION 2. There is hereby declared a moratorium on the issuance of building permits under Chapter 18.04 of the Code of the City of Wichita, Kansas, for any group home. Such moratorium shall continue until lifted by the City Council, but not more than 2 months from the date of this Ordinance.

SECTION 3. The matter of determining suggested changes in the ordinances concerning group homes is referred to the Metropolitan Area Planning Commission (MAPC) for study and recommendation. Its recommendation shall be submitted to the City Council.

SECTION 4. This moratorium shall apply to the issuance of permits for all group homes included or potentially included in the code definition, whether or not currently permitted in the City.

SECTION 5. The denial of a building permit by the Superintendent of Central Inspection under the terms of this Ordinance may be appealed to the City Council within 10 days of such denial.

SECTION 6. Those portions of Chapter 18.04 of the Code of the City of Wichita, Kansas, providing for the issuance of building permits for group homes are suspended from the effective date of this Ordinance for a term of 2 months.

ADOPTED AT WICHITA, KANSAS, this 4TH day of APRIL, 1989.



S. Kamen
Sheldon Kamen, Mayor

ATTEST:

John Moir
John Moir, Director
of Finance/City Clerk

APPROVED AS TO FORM:

Thomas R. Powell
Thomas R. Powell
City Attorney

Approved / Accepted By City Council

This MAR 21 1989

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS, DECLARING A TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR THE REMODELING OR CONSTRUCTION OF GROUP HOMES.

WHEREAS, the City of Wichita by ordinance defines group homes and provides procedures for the issuance of permits for any construction necessary to construct and occupy such a home; and

WHEREAS, since the adoption of such ordinances there have developed new uses for group homes in the community which were not considered by the governing body when it defined group homes and provided procedures for their construction and occupancy; and

WHEREAS, concerns have been raised as to the application of the ordinances to the new uses and a study is deemed necessary to determine what modification is needed to the current ordinances; and

WHEREAS, there is a desire to protect the integrity of the City's residential neighborhoods and to preserve the property values of the residences therein and to protect the safety of persons residing in such neighborhoods, and modifications to the current ordinances may help achieve such goals; and

WHEREAS, a temporary moratorium on the issuance of building permits for the remodeling or construction of certain group homes until April 6, 1989, is deemed to be a reasonable time in which to allow the adoption of a moratorium ordinance to provide for the study of the issue of group homes; and

WHEREAS, the governing body desires to address the issues involved with the preservation of neighborhoods through helping

to preserve property values and protecting the safety of residents while protecting the rights of those who wish to utilize their property as a group home and the needs of those persons who would be served by the establishment of such homes.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

1. It is hereby found and determined that there is a public necessity to study group homes in the City of Wichita and that the orderly conduct of business and fairness requires that certain group homes not be remodeled, constructed or occupied during this study.

2. There is hereby declared a temporary moratorium on the issuance of building permits under Chapter 18.04 of the Code of the City of Wichita for any group home which is to be occupied as a dwelling by five or more persons who have been convicted of violating criminal statutes or ordinances and who, as a result of such conviction, are under the supervision or the courts, on parole, or under the jurisdiction of the Secretary of Corrections or other person designated by statute and which is located within 500 feet of any residence or public or parochial school. Such temporary moratorium shall continue until April 6, 1989, to allow time for the adoption of a moratorium ordinance.

3. This temporary moratorium shall apply to all group homes included or potentially included in the definition set forth in Section 2, whether or not currently permitted within the City.

4. The Department of Law shall prepare an ordinance for consideration by the City Council at its regularly scheduled

meeting of March 28, 1989, which ordinance shall provide for a moratorium of appropriate length on the issuance of building permits for group homes meeting the definition set forth in Section 2.

5. The issue of group homes is hereby referred to the Metropolitan Area Planning Commission (MAPC) for study, hearing and recommendation under the provisions of K.S.A. 12-708 and under the provisions of the Zoning Code of the City of Wichita and such recommendation shall be returned to the City Council prior to the expiration of 60 days from the date of this resolution.

ADOPTED AT WICHITA, KANSAS, this 24th day of March, 1989.

Sheldon Kamen
Sheldon Kamen, Mayor

ATTEST:

John Moir
John Moir, Director
of Finance/City Clerk

APPROVED AS TO FORM:

Thomas R. Powell
Thomas R. Powell
City Attorney

Krant

To: Members of City Council

March 13, 1989

From: Greg Ferris

Subject: Group Home Zoning Review

Background: Over the past year, the City Council has been involved in controversies on the location of two different types of correctional facilities. One - a privately-operated "work release" facility for felons in the state penal system - was determined not to fall within the definition of "group home/halfway house" in the city's zoning ordinance, and therefore had to be located on a tract zoned commercial or industrial. The second - a "community corrections" facility that is operated by the county for local felons given probated sentences by district judges - fits within the zoning ordinance definition of "group home", and is therefore permitted as of right on any tract that is zoned "B" (multifamily) or higher.

Although the nature and impact of these uses on surrounding property is similar, they are given different treatment in the zoning ordinance, and in either case may still be located on sites without benefit of public hearings that may not be in the best interest of the community.

Need For Review: Beyond this example, it seems clear that the current regulations regarding group homes need some thorough review. The zoning ordinance does not differentiate between the large variety of types and sizes of group homes, which may have very different impacts on surrounding properties. Some locations that may fit the zoning requirements may still be inappropriately located (or designed) in terms of compatibility with surrounding properties, and some parts of the city suffer today from an overconcentration of these facilities.

Other Cities: Other nearby cities are apparently more discriminating in their definitions and their locational policies for group homes. Des Moines and Overland Park require governing body approval for correctional facilities in any zoning district; Oklahoma City, in any district outside their central business district; and Tulsa, in any residential district. Colorado Springs has, in addition to its special permit requirements, established a minimum 1500 foot distance between any two "human service establishments" in residential areas.

Therefore, I would suggest that the City Council direct the MAPC to: (1) review the current definitions and location requirements for group homes in the city zoning ordinance; (2) review and evaluate the requirements in other cities; (3) suggest possible amendments to the zoning ordinance; (4), send those recommendations through the CPO so that we can have the benefit of their comments as well; and (5) until this review is completed, a moratorium be placed on any such developments/facilities. Then, based on a review by the MAPC and CPO comments, the City Council can decide whether or not to direct that formal public hearings be held to consider possible ordinance amendments. I would suggest that such reviews be completed within sixty (60) days.

I intend to make the following motion at the forthcoming Council meeting: That MAPC be directed to evaluate the adequacy of the current definitions and

locational requirements in the city zoning ordinance regarding group homes and halfway houses, and prepare recommendations for possible amendments, and that staff take the MAPC recommendations to CPO for their comments as well. And, further, that this review be completed within sixty (60) days.

I hope the council will support this action. Thank you.

