

Published in The Daily Reporter on May 17, 1991

R E S O L U T I O N N O. 126

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ESTABLISH A HOBBY KENNEL IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a conditional use permit to establish a hobby kennel on property zoned "R-1" Suburban Residential District is hereby approved on lands legally described below:

Case No. CU-342

Conditional Use Permit Request to establish a hobby kennel on property zoned the "R-1" Suburban Residential District

Beginning at the southwest corner of the Southeast Quarter of the Southeast Quarter; thence east 254 feet; thence north 994.68 feet; thence west 254 feet; thence south 994.68 feet to the beginning, except the south 514.49 feet thereof, located in Section 5, Township 29 South, Range 1 East of the Sixth P.M., Sedgwick County, Kansas. Generally located in an area approximately 1/4-mile west of Broadway and north of 79th Street South.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. The owner or occupant of the application area shall comply with the rules and requirements of the Wichita-Sedgwick County Department of Community Health relative to on-site sewerage and water wells.
- B. Pursuant to Section 5(A)(10)(1)(2) of Sedgwick County's Zoning Resolution, all holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line, shall be no closer than 200 feet from a dwelling other than the owner's, and shall be no closer than 50 feet from adjoining property lines. Such open-air enclosures and shelters shall be screened as required by Section 5(A)(10)(1)(2). Required screening shall be in accordance with the definition of "kennel screening".
- C. The kennel operator shall have on file proof of rabies vaccination by a licensed veterinarian for all dogs five months of age and older.
- D. If the dogs are confined to indoor runs, the runs shall not be smaller than 4 feet by 8 feet to accommodate a single dog. If more than one dog is to be kept in the run, the length of

Sent to be published 5/15/91

Ed

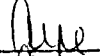


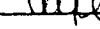

the run shall be increased by 2 feet for each additional dog. Attention shall be paid to the lighting, ventilation, drainage and interior surface material of any indoor run. Artificial lighting shall be provided in any indoor run for a minimum of 25 feet of candle illumination. Lighting shall be a minimum of 30 inches above the floor and uniformly distributed.

- E. Cleaning of the hobby kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excess water from animal housing facilities shall be provided. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture. Any indoor kennel facilities shall have fresh air ventilation providing a complete air change at a minimum of 5- to 6-minute intervals. Exhaust fans and vents or air conditioning shall be provided when the ambient temperature is 85° F or higher.
- F. Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The dogs shall be fed at least once daily and provided clean water at all times. Food and water containers shall be located to minimize contamination and shall be cleaned as often as necessary to maintain sanitary conditions.
- G. All waste materials shall be disposed of in such a manner as to minimize odors and disease hazards. The hobby kennel shall be maintained in a sanitary manner as required by Sedgwick County's Sanitation Code #5.
- H. Dogs that are a part of the hobby kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
- I. Use of this property for a hobby kennel shall be in accordance with the site plan approved for this case.
- J. Any violation of these conditions shall declare this conditional use permit null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

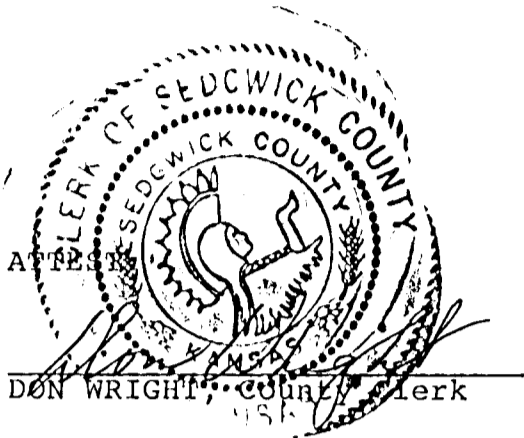
SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN	
PAUL W. HANCOCK	
BERNARD A. HENTZEN	
BILLY Q. McCRAY	
MARK F. SCHROEDER	

DATED this 24th day of May, 1991.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



Billy O. McCray
BILLY O. McCRAY, Chairman

Betsy Gwin
BETSY GWIN, Chair Pro Tem

Paul W. Hancock
PAUL W. HANCOCK, Commissioner

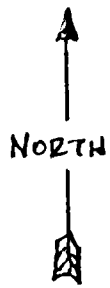
Bernard A. Hentzen
BERNARD A. HENTZEN, Commissioner

Mark F. Schroeder
MARK F. SCHROEDER, Commissioner

APPROVED AS TO FORM ONLY:

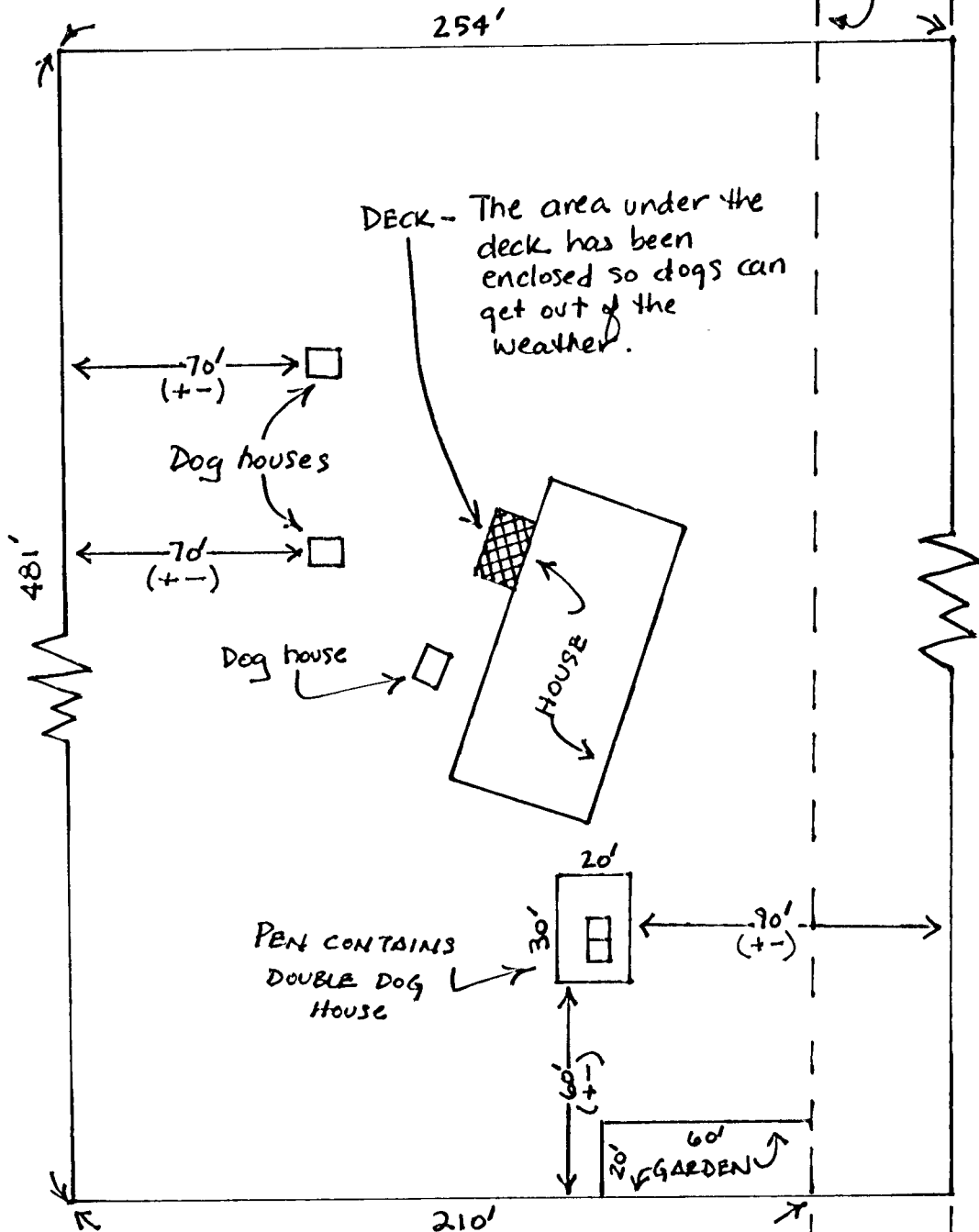
Nancy J. Bass
County Counselor/Assistant

THE ENTIRE SITE IS FENCED WITH A 5-FOOT TALL CHAIN-LINK FENCE - DOGS RUN LOOSE IN FENCED YARD.



CU-342

Approved 5/8/91
FEN



Beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter, thence East 254 feet, thence North 994.68 feet, thence West 254 feet, thence South 994.68 feet to the beginning, except the South 514.49 feet thereof, located in Section 5, Township 29 South, Range 1 East of the Sixth P.M., Sedgwick County, Kansas.

STAFF REPORT

CASE NUMBER: CU-342

OWNER/APPLICANT: Linda Atterbury-Schneider

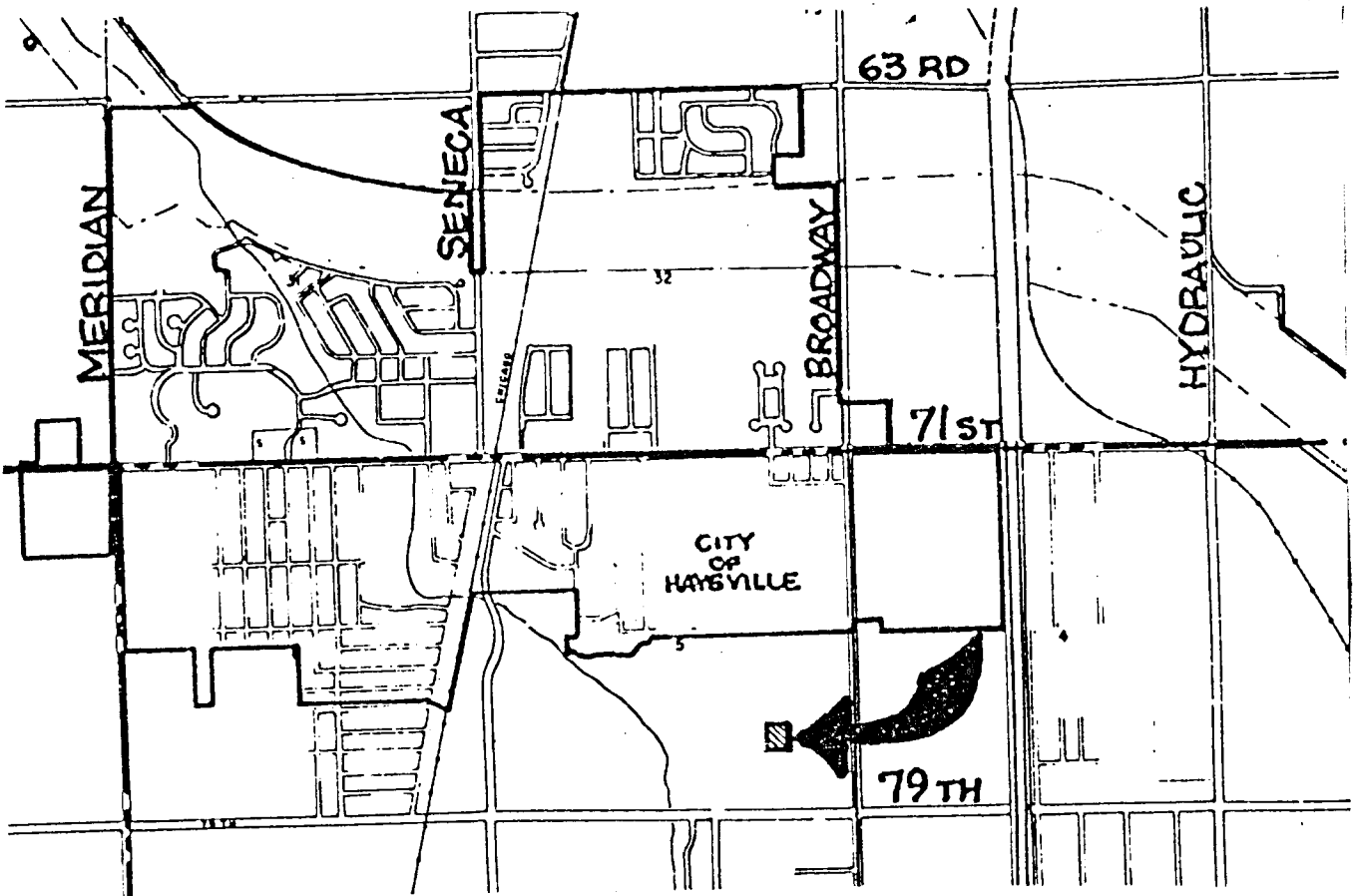
REQUEST: Conditional use permit to establish a hobby kennel.

CURRENT ZONING: "R-1" Suburban Residential District

SITE SIZE: 2.8 acres (254 ft. x 481 ft.)

LOCATION: In an area approximately 1/4-mile west of Broadway and north of 79th Street South.

PROPOSED USE: Hobby kennel



As presented to Haysville P.C.

BACKGROUND: The applicant is requesting a conditional use permit for a hobby kennel in the "R-1" Suburban Residential District. The application area is unplatted and measures 2.8 acres. As indicated on the site plan for this case, the application area is developed with a single-family residence and is accessed by way of a private road.

The County Zoning Resolution defines a hobby kennel as "premises housing five (5) to ten (10) adult dogs owned by the property resident." The Office of the Zoning Administrator has advised that the applicant is currently maintaining seven adult dogs on the site and therefore a conditional use permit is required.

The applicant has advised that the seven dogs are being confined to the property by way of a 5-foot-tall perimeter fence. The site plan for this case indicates the approximate location of several dog houses on the property. The applicant has advised that the area underneath a deck that has been attached to the dwelling on this site has been enclosed so as to provide the dogs a place to get out of severe weather.

Given the predominantly rural nature of the land bordering the application area, staff supports this request for a hobby kennel. However, specific conditions of approval are recommended.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH	"R-1"	Single-family residence
SOUTH	"R-1"	Single-family residence
EAST	"R-1"	Undeveloped (agricultural use)
WEST	"R-1"	Undeveloped (agricultural use)

PUBLIC SERVICES: This property is not served with either public water or sanitary sewer. The property is accessed to 79th Street South by way of a private roadway.

CONFORMANCE TO PLANS/POLICIES: This property is within the City of Haysville's Area of Zoning Influence. The Land Use Element of the County's Comprehensive Plan depicts this general area for residential and agricultural purposes. The Haysville Land Use Plan depicts this area for residential uses. The County Zoning Resolution provides for a hobby kennel as a conditional use in the "R-1" zoning district [Section 5(A)(10)(1)].

RECOMMENDATION: Approve the conditional use request, subject to the following conditions:

- A. The owner or occupant of the application area shall comply with the rules and requirements of the Wichita-Sedgwick County Department of Community Health relative to on-site sewerage and water wells.

- B. Pursuant to Section 5(A)(10)(1)(2) of Sedgwick County's Zoning Resolution, all holding pens or other open-air type enclosures and shelters shall be located behind the front yard setback line, shall be no closer than 200 feet from a dwelling other than the owner's, and shall be no closer than 50 feet from adjoining property lines. Such open-air enclosures and shelters shall be screened as required by Section 5(A)(10)(1)(2). Required screening shall be in accordance with the definition of "kennel screening".
- C. The kennel operator shall have on file proof of rabies vaccination by a licensed veterinarian for all dogs five months of age and older.
- D. If the dogs are confined to indoor runs, the runs shall not be smaller than 4 feet by 8 feet to accommodate a single dog. If more than one dog is to be kept in the run, the length of the run shall be increased by 2 feet for each additional dog. Attention shall be paid to the lighting, ventilation, drainage and interior surface material of any indoor run. Artificial lighting shall be provided in any indoor run for a minimum of 25 feet of candle illumination. Lighting shall be a minimum of 30 inches above the floor and uniformly distributed.
- E. Cleaning of the hobby kennel facility shall be performed as often as necessary to maintain sanitary conditions. A suitable method of eliminating excess water from animal housing facilities shall be provided. Interior surface materials shall be constructed of non-porous materials that are impervious to moisture. Any indoor kennel facilities shall have fresh air ventilation providing a complete air change at a minimum of 5- to 6-minute intervals. Exhaust fans and vents or air conditioning shall be provided when the ambient temperature is 85° F or higher.
- F. Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The dogs shall be fed at least once daily and provided clean water at all times. Food and water containers shall be located to minimize contamination and shall be cleaned as often as necessary to maintain sanitary conditions.
- G. All waste materials shall be disposed of in such a manner as to minimize odors and disease hazards. The hobby kennel shall be maintained in a sanitary manner as required by Sedgwick County's Sanitation Code #5.
- H. Dogs that are a part of the hobby kennel shall be maintained in good physical condition, free of infectious diseases and parasites.
- I. Use of this property for a hobby kennel shall be in accordance with the site plan approved for this case.
- J. Any violation of these conditions shall declare this conditional use permit null and void.