

DR 73-5 Amendment to the County
Zoning Resolution RE: Planned
Unit Development Diversified

ACTION

DATE

COMMITTEE

3/8/73

M.A.P.C.

Approved

~~BCC~~ B. CO. C. not considered 3-28-73

B Co C

() Published in The Wichita Beacon on February 20, 1973

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on THURSDAY, MARCH 8, 1973, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m., will consider the following:

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS, BY: ESTABLISHING A NEW TYPE OF ZONING DISTRICT TO BE DESIGNATED "PUD-D", PLANNED UNIT DEVELOPMENT-DIVERSIFIED; DESIGNATING THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION AS THE APPROVING AUTHORITY; ESTABLISHING PROCEDURES FOR OBTAINING APPROVAL THEREOF, DEFINING THE USES PERMITTED IN SUCH A DISTRICT, AND ESTABLISHING THE STANDARDS, CONDITIONS AND REGULATIONS APPLICABLE THERETO; PROVIDING FOR THE MINIMUM ACREAGE SIZE (575 ACRES), THE DENSITY OR INTENSITY OF THE LAND USE THEREOF, AND LIMITING THE DESIGN, BULK, AND LOCATION OF BUILDINGS IN SUCH DISTRICTS; AND AMENDING SECTION 1. (DISTRICTS AND GENERAL REGULATIONS), SECTION 2. (DEFINITIONS), SECTION 12. (EXCEPTIONS-PLANNED UNIT DEVELOPMENTS), SECTION 14. (ADMINISTRATION-COST OF PROCEEDING) OF THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS: AS AUTHORIZED AND IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 1971 SUPPLEMENT 12-725 THROUGH 12-733 INCLUSIVE: AND PURSUANT TO THE PROVISIONS OF K.S.A. 19-2920.

Copies of said Resolution are on file in the Office of the Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, 4th Floor, City Building Annex, 104 South Main, Wichita, Kansas, and are available to interested persons.

The proposed amendments will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my name and seal this 9th day of February, 1973.

Robert A. Lakin, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission

(SEAL)

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politan Area Planning Commission

(SEAL)

March 23, 1973

Board of County Commissioners

Robert A. Lakin, Director of Planning

DR 73-5 - Amendment to Sedgwick County Zoning
Resolution Re: Planned Unit Development-
Diversified

We have recently prepared and considered an amendment to the Sedgwick County Zoning Resolution which would permit large scale developments to be approved as Planned Unit Developments.

Attached is a copy of a proposed amendment to the Sedgwick County Zoning Resolution which has been developed in conformance with the provisions of the State statutes. This amendment was considered by the Planning Commission at a public hearing on March 8, 1973, and was recommended for approval.

This proposed amendment will provide for a new zoning district, the PUD-D Planned Unit Development-Diversified. It will be used only for new communities or developments of 575 or more acres that will be providing all of the necessary facilities for residential, recreational, office, commercial and industrial uses within the development. This should be considered a minimum size to accommodate all such uses that would be associated within a community. It is anticipated that the use of this district will generally be used for much larger developments than the minimum size that has been established.

These regulations have been prepared in accordance with the new State legislation enacted in 1971. It will permit the planning and development of land on a large scale basis, as long as it complies with the comprehensive plan, and the developer may do so without the burdensome necessity of complying with the strict lot-by-lot zoning and subdivision regulations. It does, however, require the submission of plans for approval of the MAPC and the Board of County Commissioners, and to their satisfaction assure that the development will be in the best interests of the community.

It is anticipated that the use of this district will provide an effective tool for the development of land and provide a more flexible method of obtaining good development. Standards have been included to provide residential density limitations, percentage of land use within the development, open space requirements, parking, sign and landscape controls and the screening of areas that are generally considered unsightly.

Page 2 - Board of County Commissioners
March 23, 1973

Consideration of this amendment is scheduled for your meeting
of March 28, 1973.

RAL:GEL:ber

Attachment

cc: James Beasley, County Counselor
Alvin J. Hennessy, Director of Planning and Zoning

R E S O L U T I O N

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO OCTOBER 26, 1970, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, AND CITY OF VALLEY CENTER, AND THE CITY OF GODDARD, ALL IN SEDGWICK COUNTY, KANSAS, BY: ESTABLISHING A NEW TYPE OF ZONING DISTRICT TO BE DESIGNATED A PLANNED UNIT DEVELOPMENT DISTRICT; ESTABLISHING PROCEDURES FOR OBTAINING APPROVAL THEREOF, DEFINING THE USES PERMITTED IN SUCH A DISTRICT, AND ESTABLISHING THE STANDARDS, CONDITIONS AND REGULATIONS APPLICABLE THERETO; PROVIDING FOR THE MINIMUM ACREAGE SIZE, THE DENSITY OR INTENSITY OF THE LAND USE THEREOF, AND LIMITING THE DESIGN, BULK, AND LOCATION OF BUILDINGS IN SUCH A DISTRICT: AMENDING SECTIONS 1, 2, 12 AND 14 OF THE SEDGWICK COUNTY, KANSAS ZONING RESOLUTION: ALL IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 1971 SUPP. 12-725 THROUGH 733 INCLUSIVE.

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

Section I. That upon the recommendation of the Metropolitan Area Planning Commission on March 8, 1973, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, the following sections of the Sedgwick County Zoning Resolution are hereby amended to read as follows:

SECTION 12 A. GENERAL shall be amended to read as follows:

SECTION 12.A. "PUD-D" Planned Unit Development-Diversified.

1. Purpose and Statement of Objectives:

This Section of the Zoning Resolution is intended to serve and achieve the following purposes and objectives: To promote the public health, safety, and morals and general welfare of the citizens in the unincorporated territory lying within three miles of the cities included in this Zoning Resolution, in an era of increasing urbanization and growing demand for housing of all types and designs; to provide for commercial facilities conveniently located to such housing; to provide for well-located, clean, safe, permanent industrial sites involving a minimum strain on transportation and other community facilities; to encourage innovation in residential, commercial, and industrial development and renewal so that growing demands of the population may be met by greater variety in type, design, and land use of buildings, and for the conservation of adjacent and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing and recreation, jobs, and industrial plants conveniently located to each other may be extended to all citizens and residents of said area; to encourage a more efficient use of land and public services or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economy may inure to the benefit of those who need shelter; to lessen the burden of traffic on streets and highways; to encourage the incorporation of the best features of modern design in said area, and conserve the value of the land; and, in aid of the foregoing purposes and objectives, to provide procedure which can relate the type, design and layout of residential, commercial, and industrial development to the particular site and the particular demand for housing and other facilities.

2. Designation of Local Administrative Authority Functions and Duties:

The Wichita-Sedgwick County Metropolitan Area Planning Commission, hereinafter referred to as Planning Commission, is hereby designated as the administrative authority to administer the provisions of this Resolution and shall have the following functions and duties:

(a) To prescribe rules and regulations consistent with the provisions of this Resolution;

(b) To maintain permanent and accurate records relating to any planned unit development district established hereunder;

(c) To act as the receiving and approving authority for all applications for approval of the proposed planned unit development; and when required, to refer and recommend the same to the Board of County Commissioners for final action.

(d) To provide application forms to be used by landowners seeking approval of a planned unit development.

3. Definitions:

In the construction of this Resolution, the following definitions shall prevail:

(a) "Common Open Space" is a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned unit development and designed and intended for the use and enjoyment of residents and owners of the planned unit development. Common open space may contain such complementary structure and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the planned unit development.

(b) "Landowner" shall mean the legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of a contract to purchase or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of this Resolution.

(c) "Plan" shall mean the provisions for development of a planned unit development, including such drawings as shall serve as a plat or subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this Resolution shall mean the written and graphic materials referred to in this definition.

(d) "Planned Unit Development" is an area of land controlled by a landowner to be developed as a single entity for a number of dwelling units, office uses, commercial uses, or any combination thereof, if any, the plan for which may not correspond in lot size, bulk or type of dwelling or commercial or industrial use, density, lot coverage and required open space, to the regulations established in any one or more of the districts of the Sedgwick County Zoning Resolution.

4. Standards, Conditions and Criteria:

The following standards, conditions and criteria shall govern and control the "PUD-D" - Planned Unit Development-Diversified herein established:

(a) Minimum size shall be 575 acres, which shall be contiguous except as may be separated by public roads.

(b) Permitted Uses

(1) Housing

(2) Public and Institutional Uses

(3) Transportation facilities, including airports, mass transit, bus stations, trucking terminals

(4) Housing support facilities, including professional and personal services, comparison and convenience shopping

(5) Regional facilities, including office complexes, shopping centers

(6) Manufacturing, processing and fabrication, warehousing and other employment centers when specified and approved in the plan

(7) Recreational uses

(8) Temporary uses when approved by the
Planning Commission.

(a) Sand and gravel extraction

(b) Nursery

(c) Asphalt and concrete plants used

in connection with highway construction.

All uses not within enclosed structures shall be subject to such additional design review as to layout, intensity, screening and landscaping as may be determined appropriate and needed in order to protect the integrity of the PUD and to protect the existing and future investments, both within the PUD and areas adjacent thereto.

The Planning Commission shall indicate the need for such review at the time Preliminary Plan approval is given. Such required design review shall be submitted to the Planning Commission at the final plan approval or at such further time and date as the Planning Commission shall designate. In lieu of such design review (except as to location), the developer may submit covenants or other forms of design control devices which when satisfactory to the Planning Commission may be used to meet the requirements of this paragraph.

5. Land Use Mix:

In order to achieve a balance within the development of uses providing housing, employment and recreation, and lessen the dependency on automobile travel for their needs and to provide living and working area having the qualities of a self-sustaining community, the following mix of land use shall be adhered to:

(a) Residential development shall not exceed 75 percent of the total area of the PUD. Not over 75 percent of such residential area shall be for single-family detached residences nor shall more than 80 percent of such area be developed for multiple-family residences.

(b) Business and industrial areas shall not exceed 40 percent of the total development area.

(c) Open Space-Recreational (public or private) areas shall be included, having an area equal to at least 20 percent of the non-business and industrial area.

(d) Schools and airports shall not be included in making the computation in items (a) through (c) above.

6. Density:

The density of residential development shall not exceed 9 dwelling units per gross acre, based on all land devoted to housing, and its related open space and recreation areas. Housing, when combined with commercial structures, shall be treated as commercial in all intensity controls except off-street parking.

7. Land Intensity Controls:

(a) Ground coverage. Maximum ground coverage per parcel shall not exceed:

- (1) .50 percent for housing, except attached single-family may be 100 percent
- (2) 35 percent for business
- (3) 50 percent for industrial

For purposes of computation, parcels shall not include open space area

(b) Floor area ratio. The maximum allowable floor area ratio shall be:

- (1) .5 for single and two-family detached dwellings
- (2) 3.0 for single-family attached dwellings
- (3) .5 for multiple dwellings
- (4) .5 for business and offices
- (5) 2.5 for industrial.

(c) There shall be no maximum building heights except as may be determined by the Planning Commission during the review of the preliminary plan based on the proximity of the development to existing or prospective adjacent development.

8. Off-Street Parking and Loading:

The off-street parking and off-street loading requirements shall be the same as that required for uses in other districts, except that housing for elderly may be reduced to 0.5

spaces per dwelling unit; all single-family dwelling units shall provide two spaces per dwelling unit; and all other dwelling unit areas shall provide 1.5 spaces per dwelling unit.

Other parking may be altered as part of preliminary plan approval upon submission of detailed information and justification as to the particular development proposed. All parking areas having 5 or more spaces shall have at least 5 percent of the parking area utilized for landscaping; which will be distributed throughout the parking area.

9. Lot Size and Splits:

No minimum lot size shall be required; however, lots shall be so proportioned and sized to accommodate the uses proposed and shall include, or provide for, necessary and appropriate access, easements, utilities and other facilities needed to ensure development. In general terms, lots should be the disposition or conveyancing parcel for the ultimate user(s). Lots may be designed on final plans. Any division, splitting, or relotting of a lot into any number of non-industrial designed tracts of land may be permitted under the lot split provisions of the Metropolitan Area Planning Commission subdivision regulations. For industrial designed areas, land which is designed into block(s), and which have access to a public street may be split into several ownerships without lot split approval.

10. Signs:

Prior to construction, a plan for signs shall be submitted. Signs shall include those devices communicating a message (excluding traffic control) whether for informational, directional or sales purposes. The plan shall provide for design location and number, which are based on the street geometrics, design speed, width and relationship of the site or buildings to the roadway. In general, the signs shall be integrated into the design of the structures and neighborhood. Billboards which identify or provide direction to uses or activities within the Planned Unit Development may be permitted only if at the final plan stage, the number and general location are identified thereon. No signs shall project into public right-of-way.

11. Landscape and Screening Plans:

To protect the integrity of development areas, both within and without the PUD, landscaped areas and walks for use as buffers may be required as a part of the PUD. This may include treatment of large parking areas, such as for shopping centers, schools, clubs and industry. Prior to construction permit issuance, a plan shall be approved. Such plan (which shall be prepared by an architect or landscape architect) shall indicate all buffering and/or landscaping and further providing identification of materials and design of fences; location, species (botanical and common name) of plant material; and the quality (size-age) of plant material.

12. Architectural Controls:

To protect the integrity of development areas, both within and without the PUD, consideration may be given to the architectural design of the structures to include roofscape design. This shall include treatment of rooftop projections to make them an integral part of the building design as viewed from the ground or from above. Prior to the issuance of construction permits for any structures with a roof having a slope of less than 1:5, detailed plans showing roofscape design shall be submitted and approval obtained.

13. (Platting Alternate - Improvement Standards)

A final plan may be recorded in lieu of a subdivision, and in such event the provisions of the plan, as approved, shall have the same force and effect as a plat regularly adopted under the subdivision rules and regulations, provided that:

(a) The requirements for land description, easements, design standards, both general and specific, installation of improvements and improvement procedures, grants and dedication; signatures of owners, Metropolitan Area Planning Commission and Board of County Commissioners, shall be as set forth in the Subdivision Rules and Regulations, except as may be differently authorized herein.

(b) Street and sidewalk design standards may be modified on a showing of criteria which provide geometrics based on functional relationships to intensity of land

use, anticipated volumes, ownership and maintenance responsibility, drainage and self-imposed standards, such as extra off-street parking and common areas (which can be guaranteed through common ownership interest organizations similar to homes associations and improvement trusts).

14. Findings of Fact:

Before approving a PUD-D, the Board of County Commissioners shall find each of the following conditions to exist:

(a) That the proposal is in general conformity with the provisions of the adopted master plan for Sedgwick County, Kansas, and that the development of the PUD-D will not have a substantially adverse affect on the development of the neighboring area. The area shall be self-sustaining over the planning period involved by production of revenues being at least equal to financial outlays by local and area government in a twenty year period. The area can be served by a full range of urban facilities within the scheduled time for development.

(b) The developer shall have professional staff within his organization, or have contracted with consultants, architects, engineers, realtors and economists capable of carrying out all phases of the project. The developer shall also show evidence of financial capabilities to reasonably assure success and completion of the project. This may be in the form of financial statements, lines of credits and evidence of satisfactorily completed development projects.

15. Supplemental Information:

In addition to the other information required by this Resolution, the contents of the application in connection with the submission of the preliminary plan, the applicant shall provide a schedule showing the proposed time and sequence within which the application for final approval of all sections of the planned unit development are intended to be filed. The application for tentative approval of a planned unit development shall include a written statement by the landowner setting forth the reasons why in his opinion a planned unit development would be in the public interest and would be consistent with the statement of objectives on planned unit developments by the Board of County Commissioners and the Planning Commission of the City having jurisdictional interest of the area involved.

16. Applications for Approval of a Planned Unit Development, Administration and Procedures:

The approval of a PUD shall be under a two-phase submission. A preliminary plan approval and a final plan approval shall be obtained. The preliminary plan shall establish schematically the design and land use concepts in sufficient detail for the evaluation of a final plan, including detail site location (if required by the Planning Commission) and design of land forms.

(a) Preliminary Approval:

(1) A preliminary plan shall be submitted showing the date, north point, scale of drawing, general location, topography, natural features, existing structures, adjacent street and platting patterns, proposed street system by functional class, location and direction of all watercourses and area subject to flooding, land use designation to such detail as to identify the nature, character and intensity of use of the development, provisions for parking of vehicles and the location, width and ownership of proposed streets, open space and recreational areas, together with ultimate ownership, public facilities in place (sewer, schools, water, drainage, including horizontal location, and elevation and flow lines), and proposed public facilities by type and size.

(2) Documentation shall include a general description of the project and a justification as to the need therefor.

(3) The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall in such cases specify reasonable periods within which such development shall be commenced. The time schedule established for the commencement of the project, or any section thereof, may be modified from time to time by the Planning Commission upon the showing of good cause by the developer. If

development has not begun within 18 months after preliminary approval has been granted, or the time schedule has not been extended by the Planning Commission for good cause, then in that event such preliminary approval shall be null and void.

(4) The Planning Commission may adopt rules concerning the format and number of copies required for submission.

(5) Ownership lists shall be submitted, including all property included in the application, and within 1,000 feet radius thereof, which shall become a notification list for the public hearing.

(6) The preliminary plan shall be presented to the Planning Commission in the same fashion as a request for change in zoning, except that the Planning Commission may adopt procedures for review by subcommittees prior to the formal public hearing of the Planning Commission.

(7) The Planning Commission shall submit its recommendation to the Board of County Commissioners after holding a public hearing.

(8) The Board of County Commissioners prior to granting approval shall make such findings of fact as may be required by this Resolution. If approved, the Planned Unit Development shall become effective upon publication of a Resolution and upon filing for record with the Register of Deeds a certificate stating that a PUD has been submitted and approved by the Board of County Commissioners legally describing the lands to which it is applicable and stating that a copy is on file in the Office of the County Clerk. Such certificate shall state the nature of the plan, the approved density or intensity of land uses sufficient to notify the public or prospective purchaser of the existence of such a plan. The certificate shall specify that the plan is binding on all successors and assigns unless amended as provided by law.

(b) Submission of a final plan:

(1) After approval of a preliminary plan, a final plan may be submitted in whole or in part for the development, subject to the conditions of approval and the requirements herein.

(2) Format. The final plan shall be a detailed site plan combined with such easements and dedications and parcel identifications, and platting certificates as may be required to qualify such final plan as a subdivision.

(3) Approval shall be given by the Planning Commission if the plan is substantially in accord with the preliminary plan, provided that all conditions shall have been met and guarantees for improvements provided. The Planning Commission is delegated the power and right to approve such plan as a subdivision and to accept on behalf of the County all dedication grants and easements thereon. Said plan shall be deemed to be in substantial compliance if:

(a) The design and spatial arrangements are comparable to that in the approved preliminary plan.

(b) The planned residential density or intensity of use shall not be varied by more than 5 percent; nor shall the open space areas be reduced, nor shall there be a substantial relocation thereof.

(c) There is no more than a 10 percent increase of floor area for non-residential uses.

(d) There is no increase greater than 5 percent of the total ground coverage by buildings by class of land use nor involve a substantial change in the height of buildings.

(4) Construction permits shall not be issued until the final plan is filed for record with the Register of Deeds together with such other documents and certificates as may have been required.

(c) Modification of Plan:

(1) Minor changes in dimensions, descriptions and uses may be approved in writing when the integrity of designs and intent of the plan is maintained.

(2) Amendments. The plan (either preliminary or final) may be modified by filing requests for changes and modifications to either or both (depending on the nature and impact of the change requested) by following the same procedure as for approval of the original plan.

(a) Modification of the plan by Sedgwick County, Kansas. All those provisions of the plan authorized to be enforced by the County under Section 16(d) may be modified, removed or released by the County through action by the Board of County Commissioners, subject to the following conditions:

(1) No such modification, removal or release of the provisions of the plan by the County shall affect the rights of the residents and owners of the planned unit development to maintain and enforce those provisions, at law or equity, as provided under Section 16(d).

(2) No modification, removal or release of the provisions of the plan by the County shall be permitted except upon a finding by the Board of County Commissioners, following a public hearing held in accordance with Section 14.C of the Sedgwick County Zoning Resolution and that the same is consistent with the efficient development and preservation of the entire planned unit development, does not adversely affect either the enjoyment of land

abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

(3) Modification by the residents. Residents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the County to enforce the provisions of the plan.

(d) Enforcement:

To further the mutual interest of the residents and owners of the planned unit development of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modification, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

(1) Enforcement by the County. The provisions of the plan relating to:

(a) The use of land and the use, bulk and location of buildings and structures

(b) The quality and location of common open space, and

(c) The intensity of use or the density of residential units, shall run in favor of the County and shall be enforceable in law or in equity by the County, without limitation on any powers or regulations otherwise granted the County by law.

(2) Enforcement by the residents and owners.

All provisions of the plan shall run in favor of the residents and owners of the planned unit development, but

only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

(e) Covenants, Trusts, Homes Association

(1) To provide for control, operation, construction and maintenance of private roads, parking areas, common open space, community facilities, recreation areas, buildings, lighting, security measures and other similar items, the developer may create such legal entities as appropriate to undertake and be responsible therefor. These might be homes association, community trusts, implemented by agreements, contracts and covenants. At preliminary approval, a statement regarding the nature, intent, coverage and expected use of such devices shall be submitted. Included in the covenant shall be the remedies to local government in the event certain or all of such activities are not undertaken, or done in an inadequate manner. The final form of such covenants shall be submitted with the final PUD and shall have been approved as to form by the Planning Commission and the Board of County Commissioners. Section II. That Section 2 of the Sedgwick County Zoning Resolution shall be amended by adding the following definition:

FLOOR AREA RATIO (F.A.R.): The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is

located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned unit developments, by the net site area. The floor area ratio requirements shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

Section III. That Section 1 of the Sedgwick County Zoning Resolution shall be amended by adding the following district:

"PUD-D" - Planned Unit Development-Diversified District.

Section IV. That Section 14.C.2 of the Sedgwick County Zoning Resolution shall be amended by adding the following to the fee schedule table immediately after Conditional Use permits:

Planned Unit Development New Approval - Preliminary	\$200.00 + \$10/Acre Maximum - \$10,000.00
Planned Unit Development (Any Category) Final	None
Planned Unit Development (Any Category) Amendment	\$200.00

Section V. Severability and Grandfather Clause

Should any section, clause or provision of this Resolution be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part so declared to be invalid. All zoning classifications of property heretofore established according to law and prior resolutions, are hereby preserved and saved except as the same are changed or amended hereunder. And any zoning resolution regulations, rules, maps, community unit plans, heretofore adopted or approved by the County of Sedgwick under its zoning authority shall continue in full force and effect until and unless the same is modified as provided for in this Resolution.

Section VI. This resolution shall take effect and be enforced from and after its adoption and publication in the Official County paper.

PASSED AND ADOPTED this _____ day of _____,

1973.

Earl E. Rush, Chairman

Elmer S. Peters, Commissioner

Tom Scott, Commissioner

ATTEST:

Marie Warden, County Clerk

(SEAL)

March 1, 1973

Wichita-Sedgwick County Metropolitan
Area Planning Commission

Robert A. Lakin, Director of Planning

DR 73-5 and DR 73-6 - Amendments to text of
the City Zoning Ordinance and County Zoning
Resolution. Re: Planned Unit Developments

Attached hereto are copies of the proposed amendments to the City of Wichita Zoning Ordinance and the Sedgwick County Zoning Resolution which have been advertised for public hearing at the Planning Commission meeting of March 8, 1973. These have been put into proper legal form from the third rough draft that was discussed with the Planning Commission at the noon luncheon on December 14, 1972.

This new zoning district, PUD-D Planned Unit Development Diversified, is to be used only for new communities or areas exceeding 575 acres that will be providing residential, recreational, office, commercial and industrial uses within the development. This is considered to be a minimum size to accommodate all such uses that would be associated within a community. It is anticipated that the use of this district will generally be used for much larger developments than the minimum size that has been established. The existing provisions for residential and commercial CUP's presently in the City Zoning Ordinance will remain until such time that the new zoning ordinance would replace these districts with PUD's of limited uses and areas.

These regulations have been drawn in accordance with new State legislation that was enacted in 1971. It will permit the development of land on a large scale basis, as long as it complies with the comprehensive plan, and the developer may do so without the necessity of complying with strict lot-by-lot zoning and subdivision regulations. It does, however, require the submission of plans for approval of the MAPC and the governing bodies and to their satisfaction assure that the development will be in the best interests of the community. Standards have been included to provide residential density limitations, percentages of land use within the development, open space requirements, parking, sign and landscape controls and screening of areas that would generally be considered unsightly.

It is anticipated that the use of this zoning district will provide an effective tool for the development of land and provide a more flexible method of attaining good development.

RAL:GEL:ber
Attachments

R E S O L U T I O N

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO OCTOBER 26, 1970, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, AND CITY OF VALLEY CENTER, AND THE CITY OF GODDARD, ALL IN SEDGWICK COUNTY, KANSAS, BY: ESTABLISHING A NEW TYPE OF ZONING DISTRICT TO BE DESIGNATED A PLANNED UNIT DEVELOPMENT DISTRICT; ESTABLISHING PROCEDURES FOR OBTAINING APPROVAL THEREOF, DEFINING THE USES PERMITTED IN SUCH A DISTRICT, AND ESTABLISHING THE STANDARDS, CONDITIONS AND REGULATIONS APPLICABLE THERETO; PROVIDING FOR THE MINIMUM ACREAGE SIZE, THE DENSITY OR INTENSITY OF THE LAND USE THEREOF, AND LIMITING THE DESIGN, BULK, AND LOCATION OF BUILDINGS IN SUCH A DISTRICT: AMENDING SECTIONS 1, 2, 12 AND 14 OF THE SEDGWICK COUNTY, KANSAS ZONING RESOLUTION: ALL IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 1971 SUPP. 12-725 THROUGH 733 INCLUSIVE.

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

Section I. That upon the recommendation of the Metropolitan Area Planning Commission on March 1973, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, the following sections of the Sedgwick County Zoning Resolution are hereby amended to read as follows:

SECTION 12 A. GENERAL shall be amended to read as follows:

SECTION 12.A. "PUD-D" Planned Unit Development-Diversified.

1. Purpose and Statement of Objectives:

This Section of the Zoning Resolution is intended to serve and achieve the following purposes and objectives: To promote the public health, safety, and morals and general welfare of the citizens in the unincorporated territory lying within three miles of the cities included in this Zoning Resolution, in an era of increasing urbanization and growing demand for housing of all types and designs; to provide for commercial facilities conveniently located to such housing; to provide for well-located, clean, safe, permanent industrial sites involving a minimum strain on transportation and other community facilities; to encourage innovation in residential, commercial, and industrial development and renewal so that growing demands of the population may be met by greater variety in type, design, and land use of buildings, and for the conservation of adjacent and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing and recreation, jobs, and industrial plants conveniently located to each other may be extended to all citizens and residents of said area; to encourage a more efficient use of land and public services or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economy may inure to the benefit of those who need shelter; to lessen the burden of traffic on streets and highways; to encourage the incorporation of the best features of modern design in said area, and conserve the value of the land; and, in aid of the foregoing purposes and objectives, to provide procedure which can relate the type, design and layout of residential, commercial, and industrial development to the particular site and the particular demand for housing and other facilities.

2. Designation of Local Administrative Authority Functions and Duties:

The Wichita-Sedgwick County Metropolitan Area Planning Commission, hereinafter referred to as Planning Commission, is hereby designated as the administrative authority to administer the provisions of this Resolution and shall have the following functions and duties:

(a) To prescribe rules and regulations consistent with the provisions of this Resolution;

(b) To maintain permanent and accurate records relating to any planned unit development district established hereunder;

(c) To act as the receiving and approving authority for all applications for approval of the proposed planned unit development; and when required, to refer and recommend the same to the Board of County Commissioners for final action.

(d) To provide application forms to be used by landowners seeking approval of a planned unit development.

3. Definitions:

In the construction of this Resolution, the following definitions shall prevail:

(a) "Common Open Space" is a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned unit development and designed and intended for the use and enjoyment of residents and owners of the planned unit development. Common open space may contain such complementary structure and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the planned unit development.

(b) "Landowner" shall mean the legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of a contract to purchase or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of this Resolution.

(c) "Plan" shall mean the provisions for development of a planned unit development, including such drawings as shall serve as a plat or subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this Resolution shall mean the written and graphic materials referred to in this definition.

(d) "Planned Unit Development" is an area of land controlled by a landowner to be developed as a single entity for a number of dwelling units, office uses, commercial uses, or any combination thereof, if any, the plan for which may not correspond in lot size, bulk or type of dwelling or commercial or industrial use, density, lot coverage and required open space, to the regulations established in any one or more of the districts of the Sedgwick County Zoning Resolution.

4. Standards, Conditions and Criteria:

The following standards, conditions and criteria shall govern and control the "PUD-D" - Planned Unit Development-Diversified herein established:

(a) Minimum size shall be 575 acres, which shall be contiguous except as may be separated by public roads.

(b) Permitted Uses

(1) Housing

(2) Public and Institutional Uses

(3) Transportation facilities, including airports, mass transit, bus stations, trucking terminals

(4) Housing support facilities, including professional and personal services, comparison and convenience shopping

(5) Regional facilities, including office complexes, shopping centers

(6) Manufacturing, processing and fabrication, warehousing and other employment centers when specified and approved in the plan

(7) Recreational uses

(8) Temporary uses when approved by the
Planning Commission.

(a) Sand and gravel extraction

(b) Nursery

(c) Asphalt and concrete plants used

in connection with highway construction.

All uses not within enclosed structures shall be subject to such additional design review as to layout, intensity, screening and landscaping as may be determined appropriate and needed in order to protect the integrity of the PUD and to protect the existing and future investments, both within the PUD and areas adjacent thereto.

The Planning Commission shall indicate the need for such review at the time Preliminary Plan approval is given. Such required design review shall be submitted to the Planning Commission at the final plan approval or at such further time and date as the Planning Commission shall designate. In lieu of such design review (except as to location), the developer may submit covenants or other forms of design control devices which when satisfactory to the Planning Commission may be used to meet the requirements of this paragraph.

5. Land Use Mix:

In order to achieve a balance within the development of uses providing housing, employment and recreation, and lessen the dependency on automobile travel for their needs and to provide living and working area having the qualities of a self-sustaining community, the following mix of land use shall be adhered to:

(a) Residential development shall not exceed 75 percent of the total area of the PUD. Not over 75 percent of such residential area shall be for single-family detached residences nor shall more than 80 percent of such area be developed for multiple-family residences.

(b) Business and industrial areas shall not exceed 40 percent of the total development area.

(c) Open Space-Recreational (public or private) areas shall be included, having an area equal to at least 20 percent of the non-business and industrial area.

(d) Schools and airports shall not be included in making the computation in items (a) through (c) above.

6. Density:

The density of residential development shall not exceed 9 dwelling units per gross acre, based on all land devoted to housing, and its related open space and recreation areas. Housing, when combined with commercial structures, shall be treated as commercial in all intensity controls except off-street parking.

7. Land Intensity Controls:

(a) Ground coverage. Maximum ground coverage per parcel shall not exceed:

- (1) .50 percent for housing, except attached single-family may be 100 percent
- (2) 35 percent for business
- (3) 50 percent for industrial

For purposes of computation, parcels shall not include open space area

(b) Floor area ratio. The maximum allowable floor area ratio shall be:

- (1) .5 for single and two family detached dwellings
- (2) 2.5 for single-family attached dwellings
- (3) .5 for multiple dwellings
- (4) .5 for business and offices
- (5) 2.5 for industrial.

(c) There shall be no maximum building heights except as may be determined by the Planning Commission during the review of the preliminary plan based on the proximity of the development to existing or prospective adjacent development.

8. Off-Street Parking and Loading:

The off-street parking and off-street loading requirements shall be the same as that required for uses in other districts, except that housing for elderly may be reduced to 0.5

spaces per dwelling unit; all single-family dwelling units shall provide two spaces per dwelling unit; and all other dwelling unit areas shall provide 1.5 spaces per dwelling unit.

Other parking may be altered as part of preliminary plan approval upon submission of detailed information and justification as to the particular development proposed. All parking areas having 5 or more spaces shall have at least 5 percent of the parking area utilized for landscaping; which will be distributed throughout the parking area.

9. Lot Size and Splits:

No minimum lot size shall be required; however, lots shall be so proportioned and sized to accommodate the uses proposed and shall include, or provide for, necessary and appropriate access, easements, utilities and other facilities needed to ensure development. In general terms, lots should be the disposition or conveyancing parcel for the ultimate user(s). Lots may be designed on final plans. Any division, splitting, or relotting of a lot into any number of non-industrial designed tracts of land may be permitted under the lot split provisions of the Metropolitan Area Planning Commission subdivision regulations. For industrial designed areas, land which is designed into block(s), and which have access to a public street may be split into several ownerships without lot split approval.

10. Signs:

Prior to construction, a plan for signs shall be submitted. Signs shall include those devices communicating a message (excluding traffic control) whether for informational, directional or sales purposes. The plan shall provide for design location and number, which are based on the street geometrics, design speed, width and relationship of the site or buildings to the roadway. In general, the signs shall be integrated into the design of the structures and neighborhood. Billboards which identify or provide direction to uses or activities within the Planned Unit Development may be permitted only if at the final plan stage, the number and general location are identified thereon. No signs shall project into public right-of-way.

11. Landscape and Screening Plans:

To protect the integrity of development areas, both within and without the PUD, landscaped areas and walks for use as buffers may be required as a part of the PUD. This may include treatment of large parking areas, such as for shopping centers, schools, clubs and industry. Prior to construction permit issuance, a plan shall be approved by the Planning Department. Such plan (which shall be prepared by an architect or landscape architect) shall indicate all buffering and/or landscaping and further providing identification of materials and design of fences; location, species (botanical and common name) of plant material; and the quality (size-age) of plant material.

12. Architectural Controls:

To protect the integrity of development areas, both within and without the PUD, consideration may be given to the architectural design of the structures to include roofscape design. This shall include treatment of rooftop projections to make them an integral part of the building design as viewed from the ground or from above. Prior to the issuance of construction permits for any structures with a roof having a slope of less than 1:5, detailed plans showing roofscape design shall be submitted and approval obtained.

13. (Platting Alternate - Improvement Standards)

A final plan may be recorded in lieu of a subdivision, and in such event the provisions of the plan, as approved, shall have the same force and effect as a plat regularly adopted under the subdivision rules and regulations, provided that:

(a) The requirements for land description, easements, design standards, both general and specific, installation of improvements and improvement procedures, grants and dedication; signatures of owners, Metropolitan Area Planning Commission and Board of County Commissioners, shall be as set forth in the Subdivision Rules and Regulations, except as may be differently authorized herein.

(b) Street and sidewalk design standards may be modified on a showing of criteria which provide geometrics based on functional relationships to intensity of land

use, anticipated volumes, ownership and maintenance responsibility, drainage and self-imposed standards, such as extra off-street parking and common areas (which can be guaranteed through common ownership interest organizations similar to homes associations and improvement trusts).

14. Findings of Fact:

Before approving a PUD-D, the approving authority shall find each of the following conditions to exist:

(a) That the proposal is in general conformity with the provisions of the adopted master plan for Sedgwick County, Kansas, and that the development of the PUD-D will not have a substantially adverse affect on the development of the neighboring area. The area shall be self-sustaining over the planning period involved by production of revenues being at least equal to financial outlays by local and area government. The area can be served by a full range of urban facilities within a reasonable time.

(b) That the developer is capable both organizationally and financially to carry out the project with reasonable expectation for success and completion.

15. Supplemental Information:

In addition to the other information required by this Resolution, the contents of the application in connection with the submission of the preliminary plan, the applicant shall provide a schedule showing the proposed time and sequence within which the application for final approval of all sections of the planned unit development are intended to be filed. The application for tentative approval of a planned unit development shall include a written statement by the landowner setting forth the reasons why in his opinion a planned unit development would be in the public interest and would be consistent with the statement of objectives on planned unit developments by the Board of County Commissioners and the Planning Commission of the City having a jurisdictional interest of the area involved.

16. Applications for Approval of a Planned Unit Development,
Administration and Procedures:

The approval of a PUD shall be under a two-phase submission. A preliminary plan approval and a final plan approval shall be obtained. The preliminary plan shall establish schematically the design and land use concepts in sufficient detail for the evaluation of a final plan, including detail site location (if required by the Planning Commission) and design of land forms.

(a) Preliminary Approval:

(1) A preliminary plan shall be submitted showing the date, north point, scale of drawing, general location, topography, natural features, existing structures, adjacent street and platting patterns, proposed street system by functional class, location and direction of all watercourses and area subject to flooding, land use designation to such detail as to identify the nature, character and intensity of use of the development, provisions for parking of vehicles and the location, width and ownership of proposed streets, open space and recreational areas, together with ultimate ownership, public facilities in place (sewer, schools, water, drainage, including horizontal location, and elevation and flow lines), and proposed public facilities by type and size.

(2) Documentation shall include a general description of the project and a justification as to the need therefor.

(3) The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall in such cases specify reasonable periods within which such development shall be commenced. The time schedule established for the commencement of the project, or any section thereof, may be modified from time to time by the Planning Commission upon the showing of good cause by the developer. If

development has not begun within 18 months after preliminary approval has been granted, or the time schedule has not been extended by the Planning Commission for good cause, then in that event such preliminary approval shall be null and void.

(4) The Planning Commission may adopt rules concerning the format and number of copies required for submission.

(5) Ownership lists shall be submitted, including all property included in the application, and within 1,000 feet radius thereof, which shall become a notification list for the public hearing.

(6) The preliminary plan shall be presented to the Planning Commission in the same fashion as a request for change in zoning, except that the Planning Commission may adopt procedures for review by sub-committees prior to the formal public hearing of the Planning Commission.

(7) The Planning Commission shall submit its recommendation to the Board of County Commissioners after holding a public hearing.

(8) The Board of County Commissioners prior to granting approval shall make such findings of fact as may be required by this Resolution. If approved, the Planned Unit Development shall become effective upon publication of a Resolution and upon filing for record with the Register of Deeds a certificate stating that a PUD has been submitted and approved by the Board of County Commissioners legally describing the lands to which it is applicable and stating that a copy is on file in the Office of the County Clerk. Such certificate shall state the nature of the plan, the approved density or intensity of land uses sufficient to notify the public or prospective purchaser of the existence of such a plan. The certificate shall specify that the plan is binding on all successors and assigns unless amended as provided by law.

(b) Submission of a final plan:

(1) After approval of a preliminary plan, a final plan may be submitted in whole or in part for the development, subject to the conditions of approval and the requirements herein.

(2) Format. The final plan shall be a detailed site plan combined with such easements and dedications and parcel identifications, and platting certificates as may be required to qualify such final plan as a subdivision.

(3) Approval shall be given by the Planning Commission if the plan is substantially in accord with the preliminary plan, provided that all conditions shall have been met and guarantees for improvements provided. The Planning Commission is delegated the power and right to approve such plan as a subdivision and to accept on behalf of the County all dedication grants and easements thereon. Said plan shall be deemed to be in substantial compliance if:

(a) The design and spatial arrangements are comparable to that in the approved preliminary plan.

(b) The planned residential density or intensity of use shall not be varied by more than 5 percent; nor shall the open space areas be reduced, nor shall there be a substantial relocation thereof.

(c) There is no more than a 10 percent increase of floor area for non-residential uses.

(d) There is no increase greater than 5 percent of the total ground coverage by buildings by class of land use nor involve a substantial change in the height of buildings.

(4) Construction permits shall not be issued until the final plan is filed for record with the Register of Deeds together with such other documents and certificates as may have been required.

(c) Modification of Plan:

(1) Minor changes in dimensions, descriptions and uses may be approved in writing when the integrity of designs and intent of the plan is maintained.

(2) Amendments. The plan (either preliminary or final) may be modified by filing requests for changes and modifications to either or both (depending on the nature and impact of the change requested) by following the same procedure as for approval of the original plan.

(a) Modification of the plan by Sedgwick County, Kansas. All those provisions of the plan authorized to be enforced by the County under Section 16(d) may be modified, removed or released by the County through action by the Board of County Commissioners, subject to the following conditions:

(1) No such modification, removal or release of the provisions of the plan by the County shall affect the rights of the residents and owners of the planned unit development to maintain and enforce those provisions, at law or equity, as provided under Section 16(d).

(2) No modification, removal or release of the provisions of the plan by the County shall be permitted except upon a finding by the Board of County Commissioners, following a public hearing held in accordance with Section 14.C of the Sedgwick County Zoning Resolution and that the same is consistent with the efficient development and preservation of the entire planned unit development, does not adversely affect either the enjoyment of land

abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

(3) Modification by the residents. Residents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the County to enforce the provisions of the plan.

(d) Enforcement:

To further the mutual interest of the residents and owners of the planned unit development of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modification, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

(1) Enforcement by the County. The provisions of the plan relating to:

(a) The use of land and the use, bulk and location of buildings and structures

(b) The quality and location of common open space, and

(c) The intensity of use or the density of residential units, shall run in favor of the County and shall be enforceable in law or in equity by the County, without limitation on any powers or regulations otherwise granted the County by law.

(2) Enforcement by the residents and owners. All provisions of the plan shall run in favor of the residents and owners of the planned unit development, but

only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

(e) Covenants, Trusts, Homes Association

(1) To provide for control, operation, construction and maintenance of private roads, parking areas, common open space, community facilities, recreation areas, buildings, lighting, security measures and other similar items, the developer may create such legal entities as appropriate to undertake and be responsible therefor. These might be homes association, community trusts, implemented by agreements, contracts and covenants. At preliminary approval, a statement regarding the nature, intent, coverage and expected use of such devices shall be submitted. Included in the covenant shall be the remedies to local government in the event certain or all of such activities are not undertaken, or done in an inadequate manner. The final form of such covenants shall be submitted with the final PUD and shall have been approved as to form by the Planning Commission and the Board of County Commissioners.

Section II. That Section 2 of the Sedgwick County Zoning Resolution shall be amended by adding the following definition:

FLOOR AREA RATIO (F.A.R.): The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is

located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned unit developments, by the net site area. The floor area ratio requirements shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

Section III. That Section 1 of the Sedgwick County Zoning Resolution shall be amended by adding the following district:

"PUD-D" - Planned Unit Development-Diversified District.

Section IV. That Section 14.C.2 of the Sedgwick County Zoning Resolution shall be amended by adding the following to the fee schedule table immediately after Conditional Use permits:

Planned Unit Development	\$200.00 + \$10/Acre
New Approval - Preliminary	Maximum - \$10,000.00
Planned Unit Development (Any Category) Final	None
Planned Unit Development (Any Category) Amendment	\$200.00

Section V. Severability and Grandfather Clause

Should any section, clause or provision of this Resolution be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part so declared to be invalid. All zoning classifications of property heretofore established according to law and prior resolutions, are hereby preserved and saved except as the same are changed or amended hereunder. And any zoning resolution regulations, rules, maps, community unit plans, heretofore adopted or approved by the County of Sedgwick under its zoning authority shall continue in full force and effect until and unless the same is modified as provided for in this Resolution.

Section VI. This resolution shall take effect and be enforced from and after its adoption and publication in the Official County paper.

PASSED AND ADOPTED this _____ day of _____,
1973.

Earl E. Rush, Chairman

Elmer S. Peters, Commissioner

Tom Scott, Commissioner

ATTEST:

Marie Warden, County Clerk

(SEAL)

() Published in The Wichita Beacon on February 20, 1973

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on THURSDAY, MARCH 8, 1973, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m., will consider the following:

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS, BY: ESTABLISHING A NEW TYPE OF ZONING DISTRICT TO BE DESIGNATED "PUD-D", PLANNED UNIT DEVELOPMENT-DIVERSIFIED; DESIGNATING THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION AS THE APPROVING AUTHORITY; ESTABLISHING PROCEDURES FOR OBTAINING APPROVAL THEREOF, DEFINING THE USES PERMITTED IN SUCH A DISTRICT, AND ESTABLISHING THE STANDARDS, CONDITIONS AND REGULATIONS APPLICABLE THERETO; PROVIDING FOR THE MINIMUM ACREAGE SIZE (575 ACRES), THE DENSITY OR INTENSITY OF THE LAND USE THEREOF, AND LIMITING THE DESIGN, BULK, AND LOCATION OF BUILDINGS IN SUCH DISTRICTS; AND AMENDING SECTION 1. (DISTRICTS AND GENERAL REGULATIONS), SECTION 2. (DEFINITIONS), SECTION 12. (EXCEPTIONS-PLANNED UNIT DEVELOPMENTS), SECTION 14. (ADMINISTRATION-COST OF PROCEEDING) OF THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS: AS AUTHORIZED AND IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 1971 SUPPLEMENT 12-725 THROUGH 12-733 INCLUSIVE: AND PURSUANT TO THE PROVISIONS OF K.S.A. 19-2920.

Copies of said Resolution are on file in the Office of the Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, 4th Floor, City Building Annex, 104 South Main, Wichita, Kansas, and are available to interested persons.

The proposed amendments will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my name and seal this 9th day of February, 1973.

(SEAL)

Robert A. Lakin, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commission