

ACTION

COMMITTEE	DATE
M.A.P.C. <u>approve as recommended</u>	<u>4/18/85</u>
BBB B. CO. C. <u>Defer 1 week</u>	<u>5/15/85</u>
B. Co. C. <u>APPROVED 3-0</u>	<u>5/22/85</u>

DR 85-9 - POSSIBLE AMENDMENT to
Sedgwick County Zoning Resolution.
RE: Location of Concrete & Asphalt
Batch Plants; as temporary uses.

() Published in The Daily Reporter on *May 30, 1985*

R#162-1985

RESOLUTION

CIRCLED ITEMS DENOTE CHANGES

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985: BY AMENDING SECTIONS 4-A-8, 5-A-10, AND 11-A OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS": ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 4-A-8 "CONDITIONAL USES" permitted in the "R" Rural Residential District, shall be amended to read as follows:

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

- j. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- k. Nursery or greenhouse.
- l. Public or private park or playground.
- m. Radio or television transmitters.
- n. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION II. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 5-A-10 "CONDITIONAL USES" permitted in the "R-1" Suburban Residential District shall be amended to read as follows:

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

- m. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- n. Nursery or greenhouse.
- o. Philanthropic institutions, homes for senior citizens and institutional homes.
- p. Private kindergartens, nurseries, children's homes, accommodating ten (10) or more enrollees.
- q. Public or private park or playground.
- r. Radio or television transmitters.
- 57. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 11-A "USES PERMITTED" in the "E" Light Industrial District shall be amended to read as follows:

A. USES PERMITTED.

1. Any use permitted in "C" District, except Conditional Uses and further provided, that mobile home parks, trailer courts and trailer camps shall not be permitted in this district.
2. Any of the following uses, providing such use does not constitute a hazard or nuisance from fire, explosion, odor, dust, smoke, undue noise or vibration or other similar causes. Any uses specifically mentioned in Section 12 shall not be included in Section 11 except when specifically permitted as a conditional use.
 - a. Manufacture, repair or modification of aircraft, missile, related and allied equipment and component parts thereof; and allied and associated manufacturing, testing, and research processes and functions.
 - b. Animal hospitals and kennels.
 - c. Assembly and maintenance of oil rigging, agricultural implements and equipment.
 - d. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including electroplating and manufacture of small parts only such as coils, condensers, transformers, crystal holders and the like.
 - e. Automobile painting, upholstery, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.

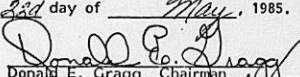
- f. Blacksmith shop, welding, heat treating and machine shop.
- g. Building material sales yard, including the sales of rock, sand, gravel and the like as an incidental part of the main business.
- h. Contractors' equipment storage yard or plant, retail sales of equipment commonly used by contractors.
- i. Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and wholesale food commissary or catering establishments.
- j. Draying, freighting or trucking yard or terminal.
- k. Feed and fuel yard and storage.
- l. Foundry casting lightweight nonferrous metal.
- m. Grain storage and elevators.
- n. Laboratories, experimental or testing.
- o. Laundry, cleaning and dyeing works and carpet and rug cleaning.
- p. Lumberyard.
- q. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously treated prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
- r. The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- s. The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, eaves, small tool and die works, and the like.
- t. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- u. Manufacture of musical instruments; toys, novelties, rubber and metal stamps, and amusement devices.
- v. Poultry or rabbit dressing.
- w. Sheet metal and wholesale plumbing shops.
- x. Small boat building.
- y. Stone monument works.
- z. Wholesale business, storage buildings and warehouses.
- aa. Concrete and asphalt mixing plants.
- bb. Storage of Class C fireworks.

3. Accessory structures.
4. Conditional Uses: The following uses may also be permitted if their location is first approved as provided for in Section 13.E:
- a. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. (River beds governed by the Kansas Statutes Annotated.)
 - (b) Portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.
 - c. Other uses which are of the same general character as those listed in this section, and which will not be detrimental to the area in which located, and which will not adversely affect the public health, safety, order, convenience, prosperity or general welfare.


SECTION IV. That Sections 4-A-8, 5-A-10 and 11-A of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 14, 1984, are hereby repealed.

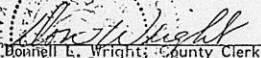
SECTION V. This resolution shall take effect and be enforced from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED THE 23d day of May, 1985.

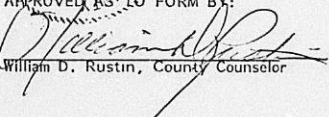

Donald E. Gragg, Chairman


Bernard A. Hentzen, Commissioner


Tom Scott, Commissioner

ATTEST:

Donnell E. Wright, County Clerk

(SEAL)
APPROVED AS TO FORM BY:


William D. Rustin, County Counselor

(Circled items denote changes)

(_____) Published in The Daily Reporter on *May 30, 1985*

R#162-1985

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985: BY AMENDING SECTIONS 4-A-8, 5-A-10, AND 11-A OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS": ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

- j. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- k. Nursery or greenhouse.
- l. Public or private park or playground.
- m. Radio or television transmitters.
- n.** Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION II. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 5-A-10 "CONDITIONAL USES" permitted in the "R-1" Suburban Residential District shall be amended to read as follows:

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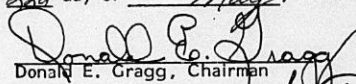
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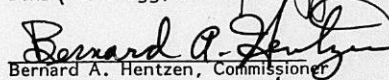
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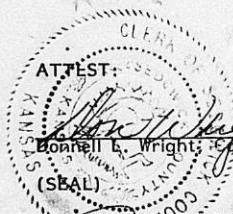

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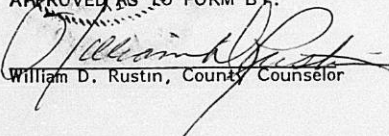
PASSED AND ADOPTED THE 22d day of May, 1995.


Donald E. Gragg, Chairman


Bernard A. Hentzen, Commissioner


Tom Scott, Commissioner

ATTEST:


Donnell L. Wright, County Clerk
(SEAL)

APPROVED AS TO FORM BY:

William D. Rustin, County Counselor

(_____) Published in The Daily Reporter on

RESOLUTION #162-1985

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

SECTION IV. That Sections 4-A-8, 5-A-10 and 11-A of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 14, 1984, are hereby repealed.

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

PASSED AND ADOPTED THE ____ day of _____, 1985.

Donald E. Cragg, Chairman

Bernard A. Hentzen, Commissioner

Tom Scott, Commissioner

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

APPROVED AS TO FORM BY:

William D. Rustin, County Counselor

(_____) Published in The Daily Reporter on

RESOLUTION #162-1985

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985: BY AMENDING SECTIONS 4-A-8, 5-A-10, AND 11-A OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS": ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 4-A-8 "CONDITIONAL USES" permitted in the "R" Rural Residential District, shall be amended to read as follows:

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

- j. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- k. Nursery or greenhouse.
- l. Public or private park or playground.
- m. Radio or television transmitters.
- n. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION II. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 5-A-10 "CONDITIONAL USES" permitted in the "R-1" Suburban Residential District shall be amended to read as follows:

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

- m. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- n. Nursery or greenhouse.
- o. Philanthropic institutions, homes for senior citizens and institutional homes.
- p. Private kindergartens, nurseries, children's homes, accommodating ten (10) or more enrollees.
- q. Public or private park or playground.
- r. Radio or television transmitters.
- s. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 11-A "USES PERMITTED" in the "E" Light Industrial District shall be amended to read as follows:

A. USES PERMITTED.

1. Any use permitted in "C" District, except Conditional Uses and further provided, that mobile home parks, trailer courts and trailer camps shall not be permitted in this district.
2. Any of the following uses, providing such use does not constitute a hazard or nuisance from fire, explosion, odor, dust, smoke, undue noise or vibration or other similar causes. Any uses specifically mentioned in Section 12 shall not be included in Section 11 except when specifically permitted as a conditional use.
 - a. Manufacture, repair or modification of aircraft, missile, related and allied equipment and component parts thereof; and allied and associated manufacturing, testing, and research processes and functions.
 - b. Animal hospitals and kennels.
 - c. Assembly and maintenance of oil rigging, agricultural implements and equipment.
 - d. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including electroplating and manufacture of small parts only such as coils, condensers, transformers, crystal holders and the like.
 - e. Automobile painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.

- f. Blacksmith shop, welding, heat treating and machine shop.
- g. Building material sales yard, including the sales of rock, sand, gravel and the like as an incidental part of the main business.
- h. Contractors' equipment storage yard or plant, retail sales of equipment commonly used by contractors.
- i. Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and wholesale food commissary or catering establishments.
- j. Draying, freighting or trucking yard or terminal.
- k. Feed and fuel yard and storage.
- l. Foundry casting lightweight nonferrous metal.
- m. Grain storage and elevators.
- n. Laboratories, experimental or testing.
- o. Laundry, cleaning and dyeing works and carpet and rug cleaning.
- p. Lumberyard.
- q. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously treated prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
- r. The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- s. The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, eaves, small tool and die works, and the like.
- t. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- u. Manufacture of musical instruments; toys, novelties, rubber and metal stamps, and amusement devices.
- v. Poultry or rabbit dressing.
- w. Sheet metal and wholesale plumbing shops.
- x. Small boat building.
- y. Stone monument works.
- z. Wholesale business, storage buildings and warehouses.
- aa. Concrete and asphalt mixing plants.
- bb. Storage of Class C fireworks.

3. Accessory structures.
4. Conditional Uses: The following uses may also be permitted if their location is first approved as provided for in Section 13.E:
 - a. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. (River beds governed by the Kansas Statutes Annotated.)
 - b. Portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.
 - c. Other uses which are of the same general character as those listed in this section, and which will not be detrimental to the area in which located, and which will not adversely affect the public health, safety, order, convenience, prosperity or general welfare.

SECTION IV. That Sections 4-A-8, 5-A-10 and 11-A of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 14, 1984, are hereby repealed.

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

PASSED AND ADOPTED THE ____ day of _____, 1985.

Donald E. Gragg, Chairman

Bernard A. Hentzen, Commissioner

Tom Scott, Commissioner

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

APPROVED AS TO FORM BY:

William D. Rustin, County Counselor

(_____) Published in The Daily Reporter on

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985: BY AMENDING SECTIONS 4-A-8, 5-A-10, AND 11-A OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS": ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

SECTION 1. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 4-A-8 "CONDITIONAL USES" permitted in the "R" Rural Residential District, shall be amended to read as follows:

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

- j. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- k. Nursery or greenhouse.
- l. Public or private park or playground.
- m. Radio or television transmitters.
- n. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION II. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 5-A-10 "CONDITIONAL USES" permitted in the "R-1" Suburban Residential District shall be amended to read as follows:

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

- m. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- n. Nursery or greenhouse.
- o. Philanthropic institutions, homes for senior citizens and institutional homes.
- p. Private kindergartens, nurseries, children's homes, accommodating ten (10) or more enrollees.
- q. Public or private park or playground.
- r. Radio or television transmitters.
- s. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 11-A "USES PERMITTED" in the "E" Light Industrial District shall be amended to read as follows:

A. USES PERMITTED.

1. Any use permitted in "C" District, except Conditional Uses and further provided, that mobile home parks, trailer courts and trailer camps shall not be permitted in this district.
2. Any of the following uses, providing such use does not constitute a hazard or nuisance from fire, explosion, odor, dust, smoke, undue noise or vibration or other similar causes. Any uses specifically mentioned in Section 12 shall not be included in Section 11 except when specifically permitted as a conditional use.
 - a. Manufacture, repair or modification of aircraft, missile, related and allied equipment and component parts thereof; and allied and associated manufacturing, testing, and research processes and functions.
 - b. Animal hospitals and kennels.
 - c. Assembly and maintenance of oil rigging, agricultural implements and equipment.
 - d. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including electroplating and manufacture of small parts only such as coils, condensers, transformers, crystal holders and the like.
 - e. Automobile painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.

- f. Blacksmith shop, welding, heat treating and machine shop.
- g. Building material sales yard, including the sales of rock, sand, gravel and the like as an incidental part of the main business.
- h. Contractors' equipment storage yard or plant, retail sales of equipment commonly used by contractors.
- i. Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and wholesale food commissary or catering establishments.
- j. Draying, freighting or trucking yard or terminal.
- k. Feed and fuel yard and storage.
- l. Foundry casting lightweight nonferrous metal.
- m. Grain storage and elevators.
- n. Laboratories, experimental or testing.
- o. Laundry, cleaning and dyeing works and carpet and rug cleaning.
- p. Lumberyard.
- q. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously treated prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
- r. The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- s. The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, eaves, small tool and die works, and the like.
- t. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- u. Manufacture of musical instruments; toys, novelties, rubber and metal stamps, and amusement devices.
- v. Poultry or rabbit dressing.
- w. Sheet metal and wholesale plumbing shops.
- x. Small boat building.
- y. Stone monument works.
- z. Wholesale business, storage buildings and warehouses.
- aa. Concrete and asphalt mixing plants.
- bb. Storage of Class C fireworks.

3. Accessory structures.
4. Conditional Uses: The following uses may also be permitted if their location is first approved as provided for in Section 13.E:
 - a. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. (River beds governed by the Kansas Statutes Annotated.)
 - b. Portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.
 - c. Other uses which are of the same general character as those listed in this section, and which will not be detrimental to the area in which located, and which will not adversely affect the public health, safety, order, convenience, prosperity or general welfare.

SECTION IV. That Sections 4-A-8, 5-A-10 and 11-A of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 14, 1984, are hereby repealed.

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

PASSED AND ADOPTED THE ____ day of _____, 1985.

Donald E. Cragg, Chairman

Bernard A. Hentzen, Commissioner

Tom Scott, Commissioner

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

APPROVED AS TO FORM BY:

William D. Rustin, County Counselor

WICHITA-SEDCWICK COUNTY
MAY 3, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Board of County Commissioners
FROM: Robert A. Lakin, Director of Planning
SUBJECT: DR 85-9 - Amendment to County Zoning Regulations
Re: Location of concrete and asphalt batch plants and other similar uses.

Attached is a delineated copy of an amendment to the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County" that is recommended by the Planning Commission for adoption. Please place this on your agenda for consideration at the meeting of May 15, 1985.

BACKGROUND:

This amendment was prepared at the direction of the Planning Commission after consideration of a recent zone change request for "F" Heavy Industrial and an accompanying conditional use request for the expansion of a sand and gravel extraction operation. The zoning was required for the location of a rock crusher and the storage of asphalt and concrete to be used for recycling.

The cases resulting in this amendment have been deferred by the Planning Commission until consideration can be given to changes in the zoning regulations. This will, in the Planning Commission's opinion, provide a more satisfactory method of providing approval for such uses than the establishment of "F" Heavy Industrial zoning.

Sand and gravel extraction operations are now permitted in the "R" Rural Residential and the "R-1" Suburban Residential Districts by a conditional use permit. In addition, asphalt and concrete batch plants may also be permitted as a temporary use but only when they are associated with a construction project for a governmental unit. This amendment will permit such uses, on a temporary basis in conjunction with a sand and gravel extraction operation without being associated with a governmental construction project.

It will still be permitted to establish reasonable time limitations for such operations when the conditional use permits are granted to insure that the use will eventually be removed and developed with uses compatible with the surrounding properties. This procedure will eliminate the need for establishment of industrial zoning in areas that will eventually be developed for residential purposes.

The changes in the provisions of the "E" Light Industrial District are proposed so that "F" Heavy Industrial zoning is not required for the temporary location of a portable rock crusher when operated in conjunction with a building materials storage yard. Also, there is a change in the text to eliminate contradictory verbiage in the resolution.

SUMMARY:

The amendments as proposed will provide for the following changes to the conditional uses permitted in the "R" Rural Residential and the "R-1" Suburban Residential Districts:

1. Permit as an accessory use to a sand and gravel extraction operation, the temporary location of a concrete or asphalt mixing plants and construction yards and buildings.
2. Permit the storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

In addition the amendment will make the following changes to the uses permitted in the "E" Light Industrial District:

1. Permit as a conditional use; a portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.

The Planning Commission considered this amendment at the meeting of April 18, 1985, and by a unanimous vote recommended that this amendment be adopted. A copy of the minutes of that MAFC meeting is attached.

RECOMMENDED ACTION:

Concur in the recommendation of the Planning Commission and adopt the Resolution.

Robert A. Lakin
Robert A. Lakin, Director of Planning

RAL:GEL:sad

cc: William Rustin, County Counselor
Tim Witsman, County Administrator
Wichita Board of Realtors, 717 N. Emporia, Wichita
Wichita Area Builders Association, 720 N. Main, Wichita
Ron Worley, Director of Building and Zoning, County
Planning Commission Chairpersons - all small communities
City Clerks and Administrators - all small communities
Dave Stannard, W. B. Carter Construction Co., 2550 S. Hoover,
Wichita

*Mail to all build comm.
City Clerks & Admins
& R.C. Chairpersons
from list on
5/5/85
Edrus*

Additions underlined
Deletions marked thru

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985; BY AMENDING SECTIONS 4-A-8, 5-A-10, AND 11-A OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS"; ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

- l. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- k. Nursery or greenhouse.
- l. Public or private park or playground.
- m. Radio or television transmitters.
- n. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

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

- m. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- n. Nursery or greenhouse.
- o. Philanthropic institutions, homes for senior citizens and institutional homes.
- p. Private kindergartens, nurseries, children's homes, accommodating ten (10) or more enrollees.
- q. Public or private park or playground.
- r. Radio or television transmitters.
- s. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 11-A "USES PERMITTED" in the "E" Light Industrial District shall be amended to read as follows:

A. USES PERMITTED.

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 - a. Manufacture, repair or modification of aircraft, missile, related and allied equipment and component parts thereof; and allied and associated manufacturing, testing, and research processes and functions.
 - b. Animal hospitals and kennels.
 - c. Assembly and maintenance of oil rigging, agricultural implements and equipment.
 - d. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including electroplating and manufacture of small parts only such as coils, condensers, transformers, crystal holders and the like.
 - e. Automobile painting, upholstery, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.

- f. Blacksmith shop, welding, heat treating and machine shop.
- g. Building material sales yard, including the sales of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete-mixing plant unless enclosed in a building.
- h. Contractors' equipment storage yard or plant, retail sales of equipment commonly used by contractors.
- i. Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and wholesale food commissary or catering establishments.
- j. Draying, lighting or trucking yard or terminal.
- k. Feed and fuel yard and storage.
- l. Foundry casting lightweight nonferrous metal.
- m. Grain storage and elevators.
- n. Laboratories, experimental or testing.
- o. Laundry, cleaning and dyeing works and carpet and rug cleaning.
- p. Lumberyard.
- q. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously treated prepared materials: bone, cellophane, canvas, cloth, cork, leathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
- r. The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- s. The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, eaves, small tool and die works, and the like.
- t. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- u. Manufacture of musical instruments; toys, novelties, rubber and metal stamps, and amusement devices.
- v. Poultry or rabbit dressing.
- w. Sheet metal and wholesale plumbing shops.
- x. Small boat building.
- y. Stone monument works.
- z. Wholesale business, storage buildings and warehouses.
- aa. Concrete and asphalt mixing plants.
- bb. Storage of Class C fireworks.

3. Accessory structures.
4. Conditional Uses: The following uses may also be permitted if their location is first approved as provided for in Section 13.E:
 - a. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. (River beds governed by the Kansas Statutes Annotated.)
 - b. Portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.
 - c. Other uses which are of the same general character as those listed in this section, and which will not be detrimental to the area in which located, and which will not adversely affect the public health, safety, order, convenience, prosperity or general welfare.

SECTION IV. That Sections 4-A-8, 5-A-10 and 11-A of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 14, 1988, are hereby repealed.

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

PASSED AND ADOPTED THE ___ day of _____, 1985.

Donald E. Gragg, Chairman

Bernard A. Hentzen, Commissioner

Tom Scott, Commissioner

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

APPROVED AS TO FORM BY:

William D. Rustin, County Counselor

WICHITA-SEDGWICK COUNTY
MAY 3, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Board of County Commissioners
FROM: Robert A. Lakin, Director of Planning
SUBJECT: DR 85-9 - Amendment to County Zoning Regulations
Re: Location of concrete and asphalt batch plants and other similar uses.

Attached is a delineated copy of an amendment to the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County" that is recommended by the Planning Commission for adoption. Please place this on your agenda for consideration at the meeting of May 15, 1985.

BACKGROUND:

This amendment was prepared at the direction of the Planning Commission after consideration of a recent zone change request for "F" Heavy Industrial and an accompanying conditional use request for the expansion of a sand and gravel extraction operation. The zoning was required for the location of a rock crusher and the storage of asphalt and concrete to be used for recycling.

The cases resulting in this amendment have been deferred by the Planning Commission until consideration can be given to changes in the zoning regulations. This will, in the Planning Commission's opinion, provide a more satisfactory method of providing approval for such uses than the establishment of "F" Heavy Industrial zoning.

Sand and gravel extraction operations are now permitted in the "R" Rural Residential and the "R-1" Suburban Residential Districts by a conditional use permit. In addition, asphalt and concrete batch plants may also be permitted as a temporary use but only when they are associated with a construction project for a governmental unit. This amendment will permit such uses, on a temporary basis in conjunction with a sand and gravel extraction operation without being associated with a governmental construction project.

It will still be permitted to establish reasonable time limitations for such operations when the conditional use permits are granted to insure that the use will eventually be removed and developed with uses compatible with the surrounding properties. This procedure will eliminate the need for establishment of industrial zoning in areas that will eventually be developed for residential purposes.

The changes in the provisions of the "E" Light Industrial District are proposed so that "F" Heavy Industrial zoning is not required for the temporary location of a portable rock crusher when operated in conjunction with a building materials storage yard. Also, there is a change in the text to eliminate contradictory verbiage in the resolution.

SUMMARY:

The amendments as proposed will provide for the following changes to the conditional uses permitted in the "R" Rural Residential and the "R-1" Suburban Residential Districts:

1. Permit as an accessory use to a sand and gravel extraction operation, the temporary location of a concrete or asphalt mixing plants and construction yards and buildings.
2. Permit the storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

In addition the amendment will make the following changes to the uses permitted in the "E" Light Industrial District:

1. Permit as a conditional use; a portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.

The Planning Commission considered this amendment at the meeting of April 18, 1985, and by a unanimous vote recommended that this amendment be adopted. A copy of the minutes of that MAPC meeting is attached.

RECOMMENDED ACTION:

Concur in the recommendation of the Planning Commission and adopt the Resolution.


Robert A. Lakin, Director of Planning

RAL:CEL:sad

cc: William Rustin, County Counselor
Tim Witsman, County Administrator
Wichita Board of Realtors, 717 N. Emporia, Wichita
Wichita Area Builders Association, 730 N. Main, Wichita
Ron Worley, Director of Building and Zoning, County
Planning Commission Chairpersons - all small communities
City Clerks and Administrators - all small communities
Dave Stannard, W. B. Carter Construction Co., 2550 S. Hoover,
Wichita

Additions underlined
Deletions marked thru

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985; BY AMENDING SECTIONS 4-A-8, 5-A-10, AND 11-A OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS"; ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 4-A-8 "CONDITIONAL USES" permitted in the "R" Rural Residential District, shall be amended to read as follows:

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

- j. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- k. Nursery or greenhouse.
- l. Public or private park or playground.
- m. Radio or television transmitter.
- n. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION II. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 5-A-10 "CONDITIONAL USES" permitted in the "R-1" Suburban Residential District shall be amended to read as follows:

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

- m. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1969, and subsequent amendments thereto.
- n. Nursery or greenhouse.
- o. Philanthropic institutions, homes for senior citizens and institutional homes.
- p. Private kindergartens, nurseries, children's homes, accommodating ten (10) or more enrollees.
- q. Public or private park or playground.
- r. Radio or television transmitters.
- s. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 11-A "USES PERMITTED" in the "E" Light Industrial District shall be amended to read as follows:

A. USES PERMITTED.

1. Any use permitted in "C" District, except Conditional Uses and further provided, that mobile home parks, trailer courts and trailer camps shall not be permitted in this district.
2. Any of the following uses, providing such use does not constitute a hazard or nuisance from fire, explosion, odor, dust, smoke, undue noise or vibration or other similar causes. Any uses specifically mentioned in Section 12 shall not be included in Section 11 except when specifically permitted as a conditional use.
 - a. Manufacture, repair or modification of aircraft, missile, related and allied equipment and component parts thereof; and allied and associated manufacturing, testing, and research processes and functions.
 - b. Animal hospitals and kennels.
 - c. Assembly and maintenance of oil rigging, agricultural implements and equipment.
 - d. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including electroplating and manufacture of small parts only such as coils, condensers, transformers, crystal holders and the like.
 - e. Automobile painting, upholstery, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.

- f. Blacksmith shop, welding, heat treating and machine shop.
- g. Building material sales yard, including the sales of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete-mixing plant unless enclosed in a building.
- h. Contractors' equipment storage yard or plant, retail sales of equipment commonly used by contractors.
- i. Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and wholesale food commissary or catering establishments.
- j. Drying, freighting or trucking yard or terminal.
- k. Feed and fuel yard and storage.
- l. Foundry casting lightweight nonferrous metal.
- m. Grain storage and elevators.
- n. Laboratories, experimental or testing.
- o. Laundry, cleaning and dyeing works and carpet and rug cleaning.
- p. Lumberyard.
- q. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously treated prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
- r. The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- s. The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, eaves, small tool and die works, and the like.
- t. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- u. Manufacture of musical instruments; toys, novelties, rubber and metal stamps, and amusement devices.
- v. Poultry or rabbit dressing.
- w. Sheet metal and wholesale plumbing shops.
- x. Small boat building.
- y. Stone monument works.
- z. Wholesale business, storage buildings and warehouses.
- aa. Concrete and asphalt mixing plants.
- bb. Storage of Class C fireworks.

3. Accessory structures.

4. Conditional Uses: The following uses may also be permitted if their location is first approved as provided for in Section 13.E:

a. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. (River beds governed by the Kansas Statutes Annotated.)

b. Portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.

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

SECTION IV. That Sections 4-A-8, 5-A-10 and 11-A of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 14, 1984, are hereby repealed.

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

PASSED AND ADOPTED THE ____ day of _____, 1985.

Donald E. Uragg, Chairman

Bernard A. Hentzen, Commissioner

Tom Scott, Commissioner

ATTEST:

Donnell L. Wright, County Clerk
(SLAL)

APPROVED AS TO FORM BY:

William D. Rustin, County Counselor

WICHITA-SEDCWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

May 3, 1985

TO: Board of County Commissioners
FROM: Robert A. Lakin, Director of Planning
SUBJECT: DR 85-9 - Amendment to County Zoning Regulations
Re: Location of concrete and asphalt batch plants and other similar uses.

Attached is a delineated copy of an amendment to the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County" that is recommended by the Planning Commission for adoption. Please place this on your agenda for consideration at the meeting of May 15, 1985.

BACKGROUND:

This amendment was prepared at the direction of the Planning Commission after consideration of a recent zone change request for "F" Heavy Industrial and an accompanying conditional use request for the expansion of a sand and gravel extraction operation. The zoning was required for the location of a rock crusher and the storage of asphalt and concrete to be used for recycling.

The cases resulting in this amendment have been deferred by the Planning Commission until consideration can be given to changes in the zoning regulations. This will, in the Planning Commission's opinion, provide a more satisfactory method of providing approval for such uses than the establishment of "F" Heavy Industrial zoning.

Sand and gravel extraction operations are now permitted in the "R" Rural Residential and the "R-1" Suburban Residential Districts by a conditional use permit. In addition, asphalt and concrete batch plants may also be permitted as a temporary use but only when they are associated with a construction project for a governmental unit. This amendment will permit such uses, on a temporary basis in conjunction with a sand and gravel extraction operation without being associated with a governmental construction project.

It will still be permitted to establish reasonable time limitations for such operations when the conditional use permits are granted to insure that the use will eventually be removed and developed with uses compatible with the surrounding properties. This procedure will eliminate the need for establishment of industrial zoning in areas that will eventually be developed for residential purposes.

The changes in the provisions of the "E" Light Industrial District are proposed so that "F" Heavy Industrial zoning is not required for the temporary location of a portable rock crusher when operated in conjunction with a building materials storage yard. Also, there is a change in the text to eliminate contradictory verbage in the resolution.

SUMMARY:

The amendments as proposed will provide for the following changes to the conditional uses permitted in the "R" Rural Residential and the "R-1" Suburban Residential Districts:

1. Permit as an accessory use to a sand and gravel extraction operation, the temporary location of a concrete or asphalt mixing plants and construction yards and buildings.
2. Permit the storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

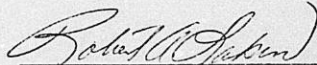
In addition the amendment will make the following changes to the uses permitted in the "E" Light Industrial District:

1. Permit as a conditional use; a portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.

The Planning Commission considered this amendment at the meeting of April 18, 1985, and by a unanimous vote recommended that this amendment be adopted. A copy of the minutes of that MAPC meeting is attached.

RECOMMENDED ACTION:

Concur in the recommendation of the Planning Commission and adopt the Resolution.



Robert A. Lakin, Director of Planning

RAL:GEL:sad

cc: William Rustin, County Counselor
Tim Witsman, County Administrator
Wichita Board of Realtors, 717 N. Emporia, Wichita
Wichita Area Builders Association, 730 N. Main, Wichita
Ron Worley, Director of Building and Zoning, County
Planning Commission Chairpersons - all small communities
City Clerks and Administrators - all small communities
Dave Stannard, W. B. Carter Construction Co., 2550 S. Hoover,
Wichita

Additions underlined
Deletions ~~marked thru~~

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985; BY AMENDING SECTIONS 4-A-8, 5-A-10, AND 11-A OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS": ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 4-A-8 "CONDITIONAL USES" permitted in the "R" Rural Residential District, shall be amended to read as follows:

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

- j. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- k. Nursery or greenhouse.
- l. Public or private park or playground.
- m. Radio or television transmitters.
- n. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION II. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 5-A-10 "CONDITIONAL USES" permitted in the "R-1" Suburban Residential District shall be amended to read as follows:

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

- m. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- n. Nursery or greenhouse.
- o. Philanthropic institutions, homes for senior citizens and institutional homes.
- p. Private kindergartens, nurseries, children's homes, accommodating ten (10) or more enrollees.
- q. Public or private park or playground.
- r. Radio or television transmitters.
- s. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 11-A "USES PERMITTED" in the "E" Light Industrial District shall be amended to read as follows:

A. USES PERMITTED.

1. Any use permitted in "C" District, except Conditional Uses and further provided, that mobile home parks, trailer courts and trailer camps shall not be permitted in this district.
2. Any of the following uses, providing such use does not constitute a hazard or nuisance from fire, explosion, odor, dust, smoke, undue noise or vibration or other similar causes. Any uses specifically mentioned in Section 12 shall not be included in Section 11 except when specifically permitted as a conditional use.
 - a. Manufacture, repair or modification of aircraft, missile, related and allied equipment and component parts thereof; and allied and associated manufacturing, testing, and research processes and functions.
 - b. Animal hospitals and kennels.
 - c. Assembly and maintenance of oil rigging, agricultural implements and equipment.
 - d. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including electroplating and manufacture of small parts only such as coils, condensers, transformers, crystal holders and the like.
 - e. Automobile painting, upholstery, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.

- f. Blacksmith shop, welding, heat treating and machine shop.
- g. Building material sales yard, including the sales of rock, sand, gravel and the like as an incidental part of the main business. ~~but-excluding-concrete-mixing-plant-unless-enclosed-in-a-building-~~
- h. Contractors' equipment storage yard or plant, retail sales of equipment commonly used by contractors.
- i. Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and wholesale food commissary or catering establishments.
- j. Draying, freighting or trucking yard or terminal.
- k. Feed and fuel yard and storage.
- l. Foundry casting lightweight nonferrous metal.
- m. Grain storage and elevators.
- n. Laboratories, experimental or testing.
- o. Laundry, cleaning and dyeing works and carpet and rug cleaning.
- p. Lumberyard.
- q. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously treated prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
- r. The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- s. The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, eaves, small tool and die works, and the like.
- t. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- u. Manufacture of musical instruments; toys, novelties, rubber and metal stamps, and amusement devices.
- v. Poultry or rabbit dressing.
- w. Sheet metal and wholesale plumbing shops.
- x. Small boat building.
- y. Stone monument works.
- z. Wholesale business, storage buildings and warehouses.
- aa. Concrete and asphalt mixing plants.
- bb. Storage of Class C fireworks.

3. Accessory structures.
4. Conditional Uses: The following uses may also be permitted if their location is first approved as provided for in Section 13.E:
 - a. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. (River beds governed by the Kansas Statutes Annotated.)
 - b. Portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.
 - c. Other uses which are of the same general character as those listed in this section, and which will not be detrimental to the area in which located, and which will not adversely affect the public health, safety, order, convenience, prosperity or general welfare.

SECTION IV. That Sections 4-A-8, 5-A-10 and 11-A of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 14, 1984, are hereby repealed.

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

PASSED AND ADOPTED THE ____ day of _____, 1985.

Donald E. Cragg, Chairman

Bernard A. Hentzen, Commissioner

Tom Scott, Commissioner

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

APPROVED AS TO FORM BY:

William D. Rustin, County Counselor

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 18, 1985

12. Case No. DR 85-9 - Departmental Review - Possible Amendment to Sedgwick County Zoning Resolution re: location of concrete and asphalt batch plants; rock crushers; as temporary uses.

DISCUSSION:

GLEN LYTLE, Special Assistant for Zoning, stated that this amendment had been prepared at the direction of the Planning Commission for the County Zoning Resolution for the temporary uses of the property located in the "R" Rural Residential District and the "R-1" Suburban Residential District for temporary uses for concrete and asphalt batch plants. Also for the temporary use of the rock crusher in conjunction with the storing and reuse of asphalt and concrete. He recalled that this amendment was prepared as a result of a zoning change request that before the Commission several weeks ago for the establishment of "F" Heavy Industrial zoning on the north side of 37th Street North between Hoover and Ridge Road. It was the feeling at that time that possibly an amendment to the ordinance to allow such uses on a temporary basis rather than establishing the heavy zoning would be more appropriate. This will permit in the "R" and "R-1" district the temporary uses of concrete and asphalt batch plants in conjunction with sand and gravel operations. In addition, it will allow the temporary storage of concrete and asphalt recycling and the inclusion of portable rock crushers. The other amendment was only for the rock crusher as a temporary use in conjunction with a building material sales yard in the "E" Light Industrial district, and that would be basically why the request for "F" Heavy Industrial zoning on this previous case to permit the use of a rock crusher.

PETERS asked about the site on Rock Road near 17th Street. He said that suppose this site was zoned "E" Light Industrial and there had been a concrete or asphalt plant with all of the development around it, what do you do in a case like that.

GARDNER said that on the subject case they would have to hire the services of a blasting crew to go in and blow the slag pile to get rid of it, and he supposed they recycled the remains.

PETERS commented that it was still piled there. He did not think that was permitted. He said that we have all the laws but we do not enforce them. He was wondering if this amendment was passed, what was going to happen.

GOEBEL felt that the amendment would be the best thing rather than give them zoning. He felt that it should be written in that if the site was not cleaned up by a certain time, that the City or County should be able to clean it up and access the cost to the property.

PETERS mentioned another area that was in the same condition.

LYTLE pointed out that this amendment would be a special permit or a conditional use permit that has to be processed through this body. If the Commission has that concern, they could establish time limits, have them furnish guarantees that the material would be removed at a particular time, and establish other conditions to take care of such matters.

PETERS said that there were conditions on the two sites that he just cited.

GOEBEL commented that the City raised the roof with him when he was to going to put in a duplex at Hillside and Douglas because he did not have a fence up. He put up fence, left it up for about 7 months, and when he started the duplex he took it back down. He has three men out there today putting it up again because he tried to get along with the neighbors. He felt that whoever fights Central Inspection the hardest gets by.

GARDNER stated that a lot the problems that they have had to look at in the last several years have been in areas, where in the past, this bench has granted industrial zoning that might have been handled by conditional use had it been available. The Ritchie's operation on West 21st was a good example. Most of that still exist under an industrial zoning category; only portions of it fall under conditional use permits. He said that the Stannard operation, in the vicinity of 29th and Hoover, was the first one that has been in recently where the Commission has had the ability to look at a set of controlling factors on a conditional use basis. The Ritchie pit that was in today on North West Street was in several years ago and had a tougher set of factors on a conditional use basis than they have seen in a long time and was typical of what they are using today more frequently, but it had pretty lax enforcement for a number of years. He said that if they go with a tool that uses a conditional use permit, it gives you the ability to establish a set of conditions for control, you would have a better level of control than if you just go with industrial zoning. You probably need to have somewhere in the procedure a better defined enforcement policy. The last clause in the policy that the whole permit was null and void if there was any violation does not mean anything. He felt that on a conditional use permit, he presumed if they were going to have enforcement, that needs to at least be the bottom line that can be invoked after a reasonable warning period.

BAYOUTH felt enforcement should be left to the courts.

WILSON felt that it should be an automatic thing rather than go to the courts.

MOTION: That the Planning Commission recommend to the Board of County Commissioners that this amendment be approved. Hansen moved, Bayouth seconded and it carried unanimously. Moore was not present.

WICHITA-SEDGWICK COUNTY

May 3, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Board of County Commissioners

FROM: Robert A. Lakin, Director of Planning

SUBJECT: DR 85-9 - Amendment to County Zoning Regulations
Re: Location of concrete and asphalt batch plants and other similar uses.

Attached is a delineated copy of an amendment to the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County" that is recommended by the Planning Commission for adoption. Please place this on your agenda for consideration at the meeting of May 15, 1985.

BACKGROUND:

This amendment was prepared at the direction of the Planning Commission after consideration of a recent zone change request for "F" Heavy Industrial and an accompanying conditional use request for the expansion of a sand and gravel extraction operation. The zoning was required for the location of a rock crusher and the storage of asphalt and concrete to be used for recycling.

The cases resulting in this amendment have been deferred by the Planning Commission until consideration can be given to changes in the zoning regulations. This will, in the Planning Commission's opinion, provide a more satisfactory method of providing approval for such uses than the establishment of "F" Heavy Industrial zoning.

Sand and gravel extraction operations are now permitted in the "R" Rural Residential and the "R-1" Suburban Residential Districts by a conditional use permit. In addition, asphalt and concrete batch plants may also be permitted as a temporary use but only when they are associated with a construction project for a governmental unit. This amendment will permit such uses, on a temporary basis in conjunction with a sand and gravel extraction operation without being associated with a governmental construction project.

It will still be permitted to establish reasonable time limitations for such operations when the conditional use permits are granted to insure that the use will eventually be removed and developed with uses compatible with the surrounding properties. This procedure will eliminate the need for establishment of industrial zoning in areas that will eventually be developed for residential purposes.

The changes in the provisions of the "E" Light Industrial District are proposed so that "F" Heavy Industrial zoning is not required for the temporary location of a portable rock crusher when operated in conjunction with a building materials storage yard. Also, there is a change in the text to eliminate contradictory verbage in the resolution.

SUMMARY:

The amendments as proposed will provide for the following changes to the conditional uses permitted in the "R" Rural Residential and the "R-1" Suburban Residential Districts:

1. Permit as an accessory use to a sand and gravel extraction operation, the temporary location of a concrete or asphalt mixing plants and construction yards and buildings.
2. Permit the storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

In addition the amendment will make the following changes to the uses permitted in the "E" Light Industrial District:

1. Permit as a conditional use; a portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.

The Planning Commission considered this amendment at the meeting of April 18, 1985, and by a unanimous vote recommended that this amendment be adopted. A copy of the minutes of that MAPC meeting is attached.

RECOMMENDED ACTION:

Concur in the recommendation of the Planning Commission and adopt the Resolution.


Robert A. Lakin, Director of Planning

RAL:GEL:sad

cc: William Rustin, County Counselor
Tim Witsman, County Administrator
Wichita Board of Realtors, 717 N. Emporia, Wichita
Wichita Area Builders Association, 730 N. Main, Wichita
Ron Worley, Director of Building and Zoning, County
Planning Commission Chairpersons - all small communities
City Clerks and Administrators - all small communities
Dave Stannard, W. B. Carter Construction Co., 2550 S. Hoover,
Wichita

Additions underlined
Deletions ~~marked thru~~

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985: BY AMENDING SECTIONS 4-A-8, 5-A-10, AND 11-A OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS": ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

SECTION 1. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 4-A-8 "CONDITIONAL USES" permitted in the "R" Rural Residential District, shall be amended to read as follows:

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

- j. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- k. Nursery or greenhouse.
- l. Public or private park or playground.
- m. Radio or television transmitters.
- n. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION II. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 5-A-10 "CONDITIONAL USES" permitted in the "R-1" Suburban Residential District shall be amended to read as follows:

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

- m. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- n. Nursery or greenhouse.
- o. Philanthropic institutions, homes for senior citizens and institutional homes.
- p. Private kindergartens, nurseries, children's homes, accommodating ten (10) or more enrollees.
- q. Public or private park or playground.
- r. Radio or television transmitters.
- s. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 11-A "USES PERMITTED" in the "E" Light Industrial District shall be amended to read as follows:

A. USES PERMITTED.

1. Any use permitted in "C" District, except Conditional Uses and further provided, that mobile home parks, trailer courts and trailer camps shall not be permitted in this district.
2. Any of the following uses, providing such use does not constitute a hazard or nuisance from fire, explosion, odor, dust, smoke, undue noise or vibration or other similar causes. Any uses specifically mentioned in Section 12 shall not be included in Section 11 except when specifically permitted as a conditional use.
 - a. Manufacture, repair or modification of aircraft, missile, related and allied equipment and component parts thereof; and allied and associated manufacturing, testing, and research processes and functions.
 - b. Animal hospitals and kennels.
 - c. Assembly and maintenance of oil rigging, agricultural implements and equipment.
 - d. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including electroplating and manufacture of small parts only such as coils, condensers, transformers, crystal holders and the like.
 - e. Automobile painting, upholstery, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.

- f. Blacksmith shop, welding, heat treating and machine shop.
- g. Building material sales yard, including the sales of rock, sand, gravel and the like as an incidental part of the main business, ~~but excluding concrete-mixing plant unless enclosed in a building.~~
- h. Contractors' equipment storage yard or plant, retail sales of equipment commonly used by contractors.
- i. Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and wholesale food commissary or catering establishments.
- j. Draying, freighting or trucking yard or terminal.
- k. Feed and fuel yard and storage.
- l. Foundry casting lightweight nonferrous metal.
- m. Grain storage and elevators.
- n. Laboratories, experimental or testing.
- o. Laundry, cleaning and dyeing works and carpet and rug cleaning.
- p. Lumberyard.
- q. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously treated prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
- r. The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- s. The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, eaves, small tool and die works, and the like.
- t. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- u. Manufacture of musical instruments; toys, novelties, rubber and metal stamps, and amusement devices.
- v. Poultry or rabbit dressing.
- w. Sheet metal and wholesale plumbing shops.
- x. Small boat building.
- y. Stone monument works.
- z. Wholesale business, storage buildings and warehouses.
- aa. Concrete and asphalt mixing plants.
- bb. Storage of Class C fireworks.

3. Accessory structures.

4. Conditional Uses: The following uses may also be permitted if their location is first approved as provided for in Section 13.E:

- a. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. (River beds governed by the Kansas Statutes Annotated.)
- b. Portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.
- c. Other uses which are of the same general character as those listed in this section, and which will not be detrimental to the area in which located, and which will not adversely affect the public health, safety, order, convenience, prosperity or general welfare.

SECTION IV. That Sections 4-A-8, 5-A-10 and 11-A of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 14, 1984, are hereby repealed.

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

PASSED AND ADOPTED THE ____ day of _____, 1985.

Donald E. Gragg, Chairman

Bernard A. Hentzen, Commissioner

Tom Scott, Commissioner

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

APPROVED AS TO FORM BY:

William D. Rustin, County Counselor

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 18, 1985

12. Case No. DR 85-9 - Departmental Review - Possible Amendment to Sedgwick County Zoning Resolution re: location of concrete and asphalt batch plants; rock crushers; as temporary uses.

DISCUSSION:

GLEN LYTLE, Special Assistant for Zoning, stated that this amendment had been prepared at the direction of the Planning Commission for the County Zoning Resolution for the temporary uses of the property located in the "R" Rural Residential District and the "R-1" Suburban Residential District for temporary uses for concrete and asphalt batch plants. Also for the temporary use of the rock crusher in conjunction with the storing and reuse of asphalt and concrete. He recalled that this amendment was prepared as a result of a zoning change request that before the Commission several weeks ago for the establishment of "F" Heavy Industrial zoning on the north side of 37th Street North between Hoover and Ridge Road. It was the feeling at that time that possibly an amendment to the ordinance to allow such uses on a temporary basis rather than establishing the heavy zoning would be more appropriate. This will permit in the "R" and "R-1" district the temporary uses of concrete and asphalt batch plants in conjunction with sand and gravel operations. In addition, it will allow the temporary storage of concrete and asphalt recycling and the inclusion of portable rock crushers. The other amendment was only for the rock crusher as a temporary use in conjunction with a building material sales yard in the "E" Light Industrial District, and that would be basically why the request for "F" Heavy Industrial zoning on this previous case to permit the use of a rock crusher.

PETERS asked about the site on Rock Road near 17th Street. He said that suppose this site was zoned "E" Light Industrial and there had been a concrete or asphalt plant with all of the development around it, what do you do in a case like that.

GARDNER said that on the subject case they would have to hire the services of a blasting crew to go in and blow the slag pile to get rid of it, and he supposed they recycled the remains.

PETERS commented that it was still piled there. He did not think that was permitted. He said that we have all the laws but we do not enforce them. He was wondering if this amendment was passed, what was going to happen.

GOEBEL felt that the amendment would be the best thing rather than give them zoning. He felt that it should be written in that if the site was not cleaned up by a certain time, that the City or County should be able to clean it up and access the cost to the property.

PETERS mentioned another area that was in the same condition.

LYTLE pointed out that this amendment would be a special permit or a conditional use permit that has to be processed through this body. If the Commission has that concern, they could establish time limits, have them furnish guarantees that the material would be removed at a particular time, and establish other conditions to take care of such matters.

PETERS said that there were conditions on the two sites that he just cited.

GOEBEL commented that the City raised the roof with him when he was to going to put in a duplex at Hillside and Douglas because he did not have a fence up. He put up fence, left it up for about 7 months, and when he started the duplex he took it back down. He has three men out there today putting it up again because he tried to get along with the neighbors. He felt that whoever fights Central Inspection the hardest gets by.

GARDNER stated that a lot the problems that they have had to look at in the last several years have been in areas, where in the past, this bench has granted industrial zoning that might have been handled by conditional use had it been available. The Ritchie's operation on West 21st was a good example. Most of that still exist under an industrial zoning category; only portions of it fall under conditional use permits. He said that the Stannard operation, in the vicinity of 29th and Hoover, was the first one that has been in recently where the Commission has had the ability to look at a set of controlling factors on a conditional use basis. The Ritchie pit that was in today on North West Street was in several years ago and had a tougher set of factors on a conditional use basis than they have seen in a long time and was typical of what they are using today more frequently, but it had pretty laxed enforcement for a number of years. He said that if they go with a tool that uses a conditional use permit, it gives you the ability to establish a set of conditions for control, you would have a better level of control than if you just go with industrial zoning. You probably need to have somewhere in the procedure a better defined enforcement policy. The last clause in the prlicy that the whole permit was null and void if there was any violation does not mean anything. He felt that on a conditional use permit, he presumed if they were going to have enforcement, that needs to at least be the bottom line that can be invoked after a reasonable warning period.

BAYOUTH felt enforcement should be left to the courts.

WILSON felt that it should be an automatic thing rather than go to the courts.

MOTION: That the Planning Commission recommend to the Board of County Commissioners that this amendment be approved. Hansen moved, Bayouth seconded and it carried unanimously. Moore was not present.

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

May 3, 1985

TO: Board of County Commissioners

FROM: Robert A. Lakin, Director of Planning

SUBJECT: DR 85-9 - Amendment to County Zoning Regulations
Re: Location of concrete and asphalt batch plants and other similar uses.

Attached is a delineated copy of an amendment to the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County" that is recommended by the Planning Commission for adoption. Please place this on your agenda for consideration at the meeting of May 15, 1985.

BACKGROUND:

This amendment was prepared at the direction of the Planning Commission after consideration of a recent zone change request for "F" Heavy Industrial and an accompanying conditional use request for the expansion of a sand and gravel extraction operation. The zoning was required for the location of a rock crusher and the storage of asphalt and concrete to be used for recycling.

The cases resulting in this amendment have been deferred by the Planning Commission until consideration can be given to changes in the zoning regulations. This will, in the Planning Commission's opinion, provide a more satisfactory method of providing approval for such uses than the establishment of "F" Heavy Industrial zoning.

Sand and gravel extraction operations are now permitted in the "R" Rural Residential and the "R-1" Suburban Residential Districts by a conditional use permit. In addition, asphalt and concrete batch plants may also be permitted as a temporary use but only when they are associated with a construction project for a governmental unit. This amendment will permit such uses, on a temporary basis in conjunction with a sand and gravel extraction operation without being associated with a governmental construction project.

It will still be permitted to establish reasonable time limitations for such operations when the conditional use permits are granted to insure that the use will eventually be removed and developed with uses compatible with the surrounding properties. This procedure will eliminate the need for establishment of industrial zoning in areas that will eventually be developed for residential purposes.

The changes in the provisions of the "E" Light Industrial District are proposed so that "F" Heavy Industrial zoning is not required for the temporary location of a portable rock crusher when operated in conjunction with a building materials storage yard. Also, there is a change in the text to eliminate contradictory verbage in the resolution.

SUMMARY:

The amendments as proposed will provide for the following changes to the conditional uses permitted in the "R" Rural Residential and the "R-1" Suburban Residential Districts:

1. Permit as an accessory use to a sand and gravel extraction operation, the temporary location of a concrete or asphalt mixing plants and construction yards and buildings.
2. Permit the storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

In addition the amendment will make the following changes to the uses permitted in the "E" Light Industrial District:

1. Permit as a conditional use; a portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.

The Planning Commission considered this amendment at the meeting of April 18, 1985, and by a unanimous vote recommended that this amendment be adopted. A copy of the minutes of that MAPC meeting is attached.

RECOMMENDED ACTION:

Concur in the recommendation of the Planning Commission and adopt the Resolution.


Robert A. Lakin, Director of Planning

RAL:GEL:sad

cc: William Rustin, County Counselor
Tim Witsman, County Administrator
Wichita Board of Realtors, 717 N. Emporia, Wichita
Wichita Area Builders Association, 730 N. Main, Wichita
Ron Worley, Director of Building and Zoning, County
Planning Commission Chairpersons - all small communities
City Clerks and Administrators - all small communities
Dave Stannard, W. B. Carter Construction Co., 2550 S. Hoover,
Wichita

Additions underlined
Deletions ~~marked thru~~

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985: BY AMENDING SECTIONS 4-A-8, 5-A-10, AND 11-A OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS": ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

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

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 4-A-8 "CONDITIONAL USES" permitted in the "R" Rural Residential District, shall be amended to read as follows:

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

- j. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- k. Nursery or greenhouse.
- l. Public or private park or playground.
- m. Radio or television transmitters.
- n. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION II. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 5-A-10 "CONDITIONAL USES" permitted in the "R-1" Suburban Residential District shall be amended to read as follows:

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

- m. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- n. Nursery or greenhouse.
- o. Philanthropic institutions, homes for senior citizens and institutional homes.
- p. Private kindergartens, nurseries, children's homes, accommodating ten (10) or more enrollees.
- q. Public or private park or playground.
- r. Radio or television transmitters.
- s. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

SECTION III. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on April 18, 1985, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, SECTION 11-A "USES PERMITTED" in the "E" Light Industrial District shall be amended to read as follows:

A. USES PERMITTED.

1. Any use permitted in "C" District, except Conditional Uses and further provided, that mobile home parks, trailer courts and trailer camps shall not be permitted in this district.
2. Any of the following uses, providing such use does not constitute a hazard or nuisance from fire, explosion, odor, dust, smoke, undue noise or vibration or other similar causes. Any uses specifically mentioned in Section 12 shall not be included in Section 11 except when specifically permitted as a conditional use.
 - a. Manufacture, repair or modification of aircraft, missile, related and allied equipment and component parts thereof; and allied and associated manufacturing, testing, and research processes and functions.
 - b. Animal hospitals and kennels.
 - c. Assembly and maintenance of oil rigging, agricultural implements and equipment.
 - d. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including electroplating and manufacture of small parts only such as coils, condensers, transformers, crystal holders and the like.
 - e. Automobile painting, upholstery, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.

- f. Blacksmith shop, welding, heat treating and machine shop.
- g. Building material sales yard, including the sales of rock, sand, gravel and the like as an incidental part of the main business. ~~but excluding concrete mixing plant unless enclosed in a building.~~
- h. Contractors' equipment storage yard or plant, retail sales of equipment commonly used by contractors.
- i. Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and wholesale food commissary or catering establishments.
- j. Draying, freighting or trucking yard or terminal.
- k. Feed and fuel yard and storage.
- l. Foundry casting lightweight nonferrous metal.
- m. Grain storage and elevators.
- n. Laboratories, experimental or testing.
- o. Laundry, cleaning and dyeing works and carpet and rug cleaning.
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- q. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously treated prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
- r. The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- s. The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, eaves, small tool and die works, and the like.
- t. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- u. Manufacture of musical instruments; toys, novelties, rubber and metal stamps, and amusement devices.
- v. Poultry or rabbit dressing.
- w. Sheet metal and wholesale plumbing shops.
- x. Small boat building.
- y. Stone monument works.
- z. Wholesale business, storage buildings and warehouses.
- aa. Concrete and asphalt mixing plants.
- bb. Storage of Class C fireworks.

3. Accessory structures.
4. Conditional Uses: The following uses may also be permitted if their location is first approved as provided for in Section 13.E:
 - a. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. (River beds governed by the Kansas Statutes Annotated.)
 - b. Portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.
 - c. Other uses which are of the same general character as those listed in this section, and which will not be detrimental to the area in which located, and which will not adversely affect the public health, safety, order, convenience, prosperity or general welfare.

SECTION IV. That Sections 4-A-8, 5-A-10 and 11-A of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 14, 1984, are hereby repealed.

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

PASSED AND ADOPTED THE ____ day of _____, 1985.

Donald E. Gragg, Chairman

Bernard A. Hentzen, Commissioner

Tom Scott, Commissioner

ATTEST:

Donnell L. Wright, County Clerk

(SEAL)

APPROVED AS TO FORM BY:

William D. Rustin, County Counselor

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 18, 1985

12. Case No. DR 85-9 - Departmental Review - Possible Amendment to Sedgwick County Zoning Resolution re: location of concrete and asphalt batch plants; rock crushers; as temporary uses.

DISCUSSION:

GLEN LYTLE, Special Assistant for Zoning, stated that this amendment had been prepared at the direction of the Planning Commission for the County Zoning Resolution for the temporary uses of the property located in the "R" Rural Residential District and the "R-1" Suburban Residential District for temporary uses for concrete and asphalt batch plants. Also for the temporary use of the rock crusher in conjunction with the storing and reuse of asphalt and concrete. He recalled that this amendment was prepared as a result of a zoning change request that before the Commission several weeks ago for the establishment of "F" Heavy Industrial zoning on the north side of 37th Street North between Hoover and Ridge Road. It was the feeling at that time that possibly an amendment to the ordinance to allow such uses on a temporary basis rather than establishing the heavy zoning would be more appropriate. This will permit in the "R" and "R-1" district the temporary uses of concrete and asphalt batch plants in conjunction with sand and gravel operations. In addition, it will allow the temporary storage of concrete and asphalt recycling and the inclusion of portable rock crushers. The other amendment was only for the rock crusher as a temporary use in conjunction with a building material sales yard in the "E" Light Industrial district, and that would be basically why the request for "F" Heavy Industrial zoning on this previous case to permit the use of a rock crusher.

PETERS asked about the site on Rock Road near 17th Street. He said that suppose this site was zoned "E" Light Industrial and there had been a concrete or asphalt plant with all of the development around it, what do you do in a case like that.

GARDNER said that on the subject case they would have to hire the services of a blasting crew to go in and blow the slag pile to get rid of it, and he supposed they recycled the remains.

PETERS commented that it was still piled there. He did not think that was permitted. He said that we have all the laws but we do not enforce them. He was wondering if this amendment was passed, what was going to happen.

GOEBEL felt that the amendment would be the best thing rather than give them zoning. He felt that it should be written in that if the site was not cleaned up by a certain time, that the City or County should be able to clean it up and access the cost to the property.

PETERS mentioned another area that was in the same condition.

LYTLE pointed out that this amendment would be a special permit or a conditional use permit that has to be processed through this body. If the Commission has that concern, they could establish time limits, have them furnish guarantees that the material would be removed at a particular time, and establish other conditions to take care of such matters.

PETERS said that there were conditions on the two sites that he just cited.

GOEBEL commented that the City raised the roof with him when he was to going to put in a duplex at Hillside and Douglas because he did not have a fence up. He put up fence, left it up for about 7 months, and when he started the duplex he took it back down. He has three men out there today putting it up again because he tried to get along with the neighbors. He felt that whoever fights Central Inspection the hardest gets by.

GARDNER stated that a lot the problems that they have had to look at in the last several years have been in areas, where in the past, this bench has granted industrial zoning that might have been handled by conditional use had it been available. The Ritchie's operation on West 21st was a good example. Most of that still exist under an industrial zoning category; only portions of it fall under conditional use permits. He said that the Stannard operation, in the vicinity of 29th and Hoover, was the first one that has been in recently where the Commission has had the ability to look at a set of controlling factors on a conditional use basis. The Ritchie pit that was in, today on North West Street was in several years ago and had a tougher set of factors on a conditional use basis than they have seen in a long time and was typical of what they are using today more frequently, but it had pretty lax enforcement for a number of years. He said that if they go with a tool that uses a conditional use permit, it gives you the ability to establish a set of conditions for control, you would have a better level of control than if you just go with industrial zoning. You probably need to have somewhere in the procedure a better defined enforcement policy. The last clause in the policy that the whole permit was null and void if there was any violation does not mean anything. He felt that on a conditional use permit, he presumed if they were going to have enforcement, that needs to at least be the bottom line that can be invoked after a reasonable warning period.

BAYOUTH felt enforcement should be left to the courts.

WILSON felt that it should be an automatic thing rather than go to the courts.

MOTION: That the Planning Commission recommend to the Board of County Commissioners that this amendment be approved. Hansen moved, Bayouth seconded and it carried unanimously. Moore was not present.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

April 10, 1985

TO: Wichita-Sedgwick County Metropolitan Area Planning Commission
FROM: Robert A. Lakin, Director of Planning
SUBJECT: DR 85-9 - Possible amendment to Sedgwick County Zoning Resolution Re: Location of concrete and asphalt batch plants and other similar uses.

Attached is a possible amendment to the Sedgwick County Zoning Resolutions that has been advertised for public hearing at the Planning Commission meeting of April 18, 1985. This meeting is scheduled to begin at 1:30 p.m., in the City Commission Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

BACKGROUND:

This amendment has been prepared at the direction of the Planning Commission after discussion of a recent zone change request for "F" Heavy Industrial Zoning and an accompanying conditional use permit request for the expansion of a sand and gravel extraction operation. The zoning was required for the location of a rock crusher and the storage of asphalt and concrete to be used for recycling.

These cases have been deferred until the June 13, 1985 meeting to see if amendments to the zoning regulations can be prepared that will result in a more satisfactory solution than the establishment of "F" Heavy Industrial zoning. The location of the property involved was on the north side of 37th Street North and between Hoover and Ridge Roads.

The extraction of sand and gravel operations are now permitted in the "R" Rural Residential and the "R-1" Suburban Residential Districts as a conditional use. In addition, asphalt and concrete batch plants may be permitted in any zoning district by a conditional use permit, as a temporary use, but only when they are associated with a construction project for a governmental unit.

What is being proposed by this amendment is to permit the location of asphalt and concrete batch plants, on a temporary basis, in conjunction with sand and gravel extraction operations without the requirement of being a part of a governmental construction project. In addition, the temporary use of land for the storage of concrete and asphalt for recycling, and including the use of a portable rock crusher. These uses would be permitted as conditional uses in the "R" and "R-1" districts. This would eliminate the need for establishment of Industrial zoning for such uses.

In the "E" Light Industrial District a change that is proposed is to permit as a temporary use the location of a portable rock crusher when operated in conjunction with a building materials storage yard. This required a change in the wording that specifically excluded uses listed as permitted in the "F" Heavy Industrial District. A change in paragraph (g) of the permitted uses strikes the words -- "but excluding concrete mixing plant unless enclosed in a building". This is contradictory to the same use that is listed by paragraph (aa) under the list of permitted uses.

SUMMARY:

The amendments as proposed will provide for the following changes to the conditional uses permitted in the "R" Rural Residential and the "R-1" Suburban Residential Districts:

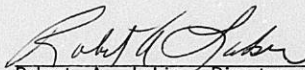
1. Permit as an accessory use to a sand and gravel extraction operation, the temporary location of a concrete or asphalt mixing plants and construction yards and buildings.
2. Permit the storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

In addition the amendment will make the following changes to the uses permitted in the "E" Light Industrial District:

1. Permit as a conditional use; a portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.

RECOMMENDED ACTION:

Make whatever changes are deemed to be in the best interests of the public and instruct the staff to prepare a resolution to be forwarded to the Board of County Commissioners with a recommendation for adoption. c



Robert A. Lakin, Director of Planning

RAL:GEL:sad

cc: Wichita Board of Realtors, 717 N. Emporia, Wichita
Wichita Area Builders Association, 730 N. Main, Wichita
David Spear, Sedgwick County Director of Public Works
Ron Worley, Director of Building and Zoning, County
Planning Commission Chairpersons - all small communities
City Clerks and Administrators - all small communities
Dave Stannard, W. B. Carter Construction Co., 2550 South Hoover,
Wichita

Possible Amendments to the
"Zoning Regulations For The Unincorporated
Area of Sedgwick County, Kansas, and Dated
October 5, 1983," and Scheduled for
Public Hearing before the MAPC - Thursday, April 18, 1985

Recommended that Section 4-A-8 (Conditional Uses in the "R" Rural Residential District) be amended to read as follows:

8. Conditional Uses: The following uses may also be permitted if their location is first approved by the Commission as provided for in Section 13.E.
 - a. Airport or aircraft landing field.
 - b. Cemetery.
 - c. Churches.
 - d. Club, private, non-profit and chartered by the State of Kansas.
 - e. Columbarium, crematory or mausoleum.
 - f. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. This may include concrete and asphalt mixing plants and accessory construction yards and buildings, as a temporary use, when requested as a part of the conditional use application, and operated as an accessory use to an extraction of raw materials operation. (River beds governed by the Kansas Statutes Annotated).
 - g. Farm buildings may be used for nonagricultural storage until such time as there are within a 500 foot radius a total of 5 residential units. (See also Section 17-A-5.)
 - h. Government buildings and premises.
 - i. Horse riding academy.
 - j. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
 - k. Nursery or greenhouse.
 - l. Public or private park or playground.
 - m. Radio or television transmitters.
 - n. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

Recommended that Section 5-A-10 (Conditional Uses in the "R-1" Suburban Residential District) be amended to read as follows:

10. Conditional Uses: The following uses may also be permitted if their location is first approved by the Commission as provided for in Section 13.E:
 - a. Airport or aircraft landing field.
 - b. Cemetery.
 - c. Club, private, non-profit and chartered by the State of Kansas.

- d. Columbarium, crematory or mausoleum.
- e. Correctional institutions.
- f. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. This may include concrete and asphalt mixing plants and accessory construction yards and buildings, as a temporary use, when requested as a part of the conditional use application, and operated as an accessory use to an extraction of raw materials operation. (River beds governed by the Kansas Statutes Annotated).
- g. Educational and religious institutions.
- h. Farm buildings may be used for nonagricultural storage until such time as there are located within a 500 foot radius a total of 5 residential units. (See also Section 17-A-5.)
- i. Government buildings and premises.
- j. Horse riding academy.
- k. Hospitals or sanitariums, except animal hospitals.
- l. Library or museum, public.
- m. Mobile home parks and trailer courts; provided that the applicant shall first have met all applicable conditions established in the Trailer Code as adopted by the Board of County Commissioners, Sedgwick County, Kansas, on February 3, 1960, and subsequent amendments thereto.
- n. Nursery or greenhouse.
- o. Philanthropic institutions, homes for senior citizens and institutional homes.
- p. Private kindergartens, nurseries, children's homes, accommodating ten (10) or more enrollees.
- q. Public or private park or playground.
- r. Radio or television transmitters.
- s. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

Recommended the Section 11-A (Uses permitted in the "E" Light Industrial District) be amended to read as follows:

A. USES PERMITTED.

- 1. Any use permitted in "C" District, except Conditional Uses and further provided, that mobile home parks, trailer courts and trailer camps shall not be permitted in this district.
- 2. Any of the following uses, providing such use does not constitute a hazard or nuisance from fire, explosion, odor, dust, smoke, undue noise or vibration or other similar causes. Any uses specifically mentioned in Section 12 shall not be included in Section 11 except when specifically permitted as a conditional use.
 - a. Manufacture, repair or modification of aircraft, missile, related and allied equipment and component parts thereof; and allied and associated manufacturing, testing, and research processes and functions.
 - b. Animal hospitals and kennels.
 - c. Assembly and maintenance of oil rigging, agricultural implements and equipment.

- d. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including electroplating and manufacture of small parts only such as coils, condensers, transformers, crystal holders and the like.
- e. Automobile painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.
- f. Blacksmith shop, welding, heat treating and machine shop.
- g. Building material sales yard, including the sales of rock, sand, gravel and the like as an incidental part of the main business. ~~but excluding concrete mixing plant unless enclosed in a building.~~
- h. Contractors' equipment storage yard or plant, retail sales of equipment commonly used by contractors.
- i. Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and wholesale food commissary or catering establishments.
- j. Draying, freighting or trucking yard or terminal.
- k. Feed and fuel yard and storage.
- l. Foundry casting lightweight nonferrous metal.
- m. Grain storage and elevators.
- n. Laboratories, experimental or testing.
- o. Laundry, cleaning and dyeing works and carpet and rug cleaning.
- p. Lumberyard.
- q. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously treated prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
- r. The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- s. The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, metal furniture, light sheet and tubular metal products, including heating and ventilating ducts and equipment, cornices, eaves, small tool and die works, and the like.
- t. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- u. Manufacture of musical instruments; toys, novelties, rubber and metal stamps, and amusement devices.
- v. Poultry or rabbit dressing.
- w. Sheet metal and wholesale plumbing shops.
- x. Small boat building.
- y. Stone monument works.

- z. Wholesale business, storage buildings and warehouses.
 - aa. Concrete and asphalt mixing plants.
 - bb. Storage of Class C fireworks.
3. Accessory structures.
4. Conditional Uses: The following uses may also be permitted if their location is first approved as provided for in Section 13.E:
- a. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc. (River beds governed by the Kansas Statutes Annotated.)
 - b. Portable rock crusher, as a temporary use, when operated in conjunction with a building materials sales yard.
 - c. Other uses which are of the same general character as those listed in this section, and which will not be detrimental to the area in which located, and which will not adversely affect the public health, safety, order, convenience, prosperity or general welfare.

F. J. H. R.

ADD TO SECTION 4.A.8.

- n. Concrete and asphalt mixing plants and accessory construction yards and buildings as a temporary use, when operated only in conjunction with an approved extraction of raw materials operation.
- o. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

ADD TO SECTION 5.A.10.

- s. Concrete and asphalt mixing plants and accessory construction yards and buildings as a temporary use, when operated only in conjunction with an approved extraction of raw materials operation.
- t. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

AMEND SECTION 11.A.2.g.

and strike

but excluding concrete mixing plant unless enclosed in a building

ADD TO SECTION 11.A.4.

- c. Portable rock crusher, as a temporary use, and unless operated in conjunction with Section 11.A.2.g. *when*

STATE OF KANSAS)
Sedgwick County) ss.

Larry Ricketts, being first duly sworn, Deposes

and says: That he is Publisher of

THE DAILY REPORTER

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive Time, the first publication thereof being made as aforesaid on the 22nd day of March, 1985, with subsequent publications being made on the following dates:

- _____ 19__
- _____ 19__
- _____ 19__
- _____ 19__
- _____ 19__
- _____ 19__
- _____ 19__

Subscribed and sworn to before me this 25th day of March, 1985

Notary Public

My commission expires: June 13, 1987

Printer's fee \$ \$9.24

Additional copies \$ _____

(Published in The Daily Reporter on March 22, 1985)

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

NOTICE IS HEREBY GIVEN that on April 18, 1985, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 453 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes to the Zoning Regulations for the unincorporated areas of Sedgwick County, Kansas.

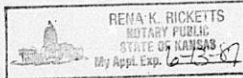
That SECTION 4 - ("R" Rural Residential District) and SECTION 5 - ("R-1" Suburban Residential District) be amended to permit concrete and asphalt mixing plants and accessory construction yards to be permitted as a temporary use when operated in conjunction with an approved conditional use for the extraction of raw materials; and to permit by conditional use, the storage of concrete and asphalt, including the use of a portable rock crusher, as a temporary use of a property.

That SECTION 11 - ("E" Light Industrial District) be amended to permit concrete mixing plants other than within an enclosed building; and to permit portable rock crushers on a temporary basis, by conditional use, when operated in conjunction with a building materials storage yard.

Copies of the proposed amendment are available upon request from the 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 Sedgwick County Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my hand and seal this 18th day of March, 1985.

Robert A. Lakin, Secretary
Wichita-Sedgwick County Metropolitan Area Planning Commission
(SEAL)
(March 22)



Blaw

(Published in The Daily Reporter on March 22, 1985)

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COPY

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WITNESS my hand and seal this 18th day of March, 1985.

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

(SEAL)

ADD TO SECTION 4.A.8.

JACK'S
Notes for
amending Resol.

- n. Concrete and asphalt mixing plants and accessory construction yards and buildings as a temporary use, when operated only in conjunction with an approved extraction of raw materials operation.
- o. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

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by
SCZ-0521
#CU-276
114

ADD TO SECTION 5.A.10.

- s. Concrete and asphalt mixing plants and accessory construction yards and buildings as a temporary use, when operated only in conjunction with an approved extraction of raw materials operation.
- t. Storage of concrete and asphalt for recycling, as a temporary use, including a portable rock crusher.

AMEND SECTION 11.A.2.g.

and strike

but excluding concrete mixing plant unless enclosed in a building

ADD TO SECTION 11.A.4.

- c. Portable rock crusher, as a temporary use, and ^{when} unless operated in conjunction with Section 11.A.2.g.