

ORDINANCE NO. 49-149

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

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

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2011-00025

Zone change request from SF-5 Single-family Residential ("SF-5") to TF-3 Two-family Residential ("TF-3") on properties described as:

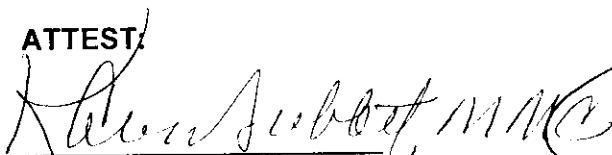
Lot 14, Block 2, Fruitvale Park Addition to Wichita, Sedgwick County, Kansas.

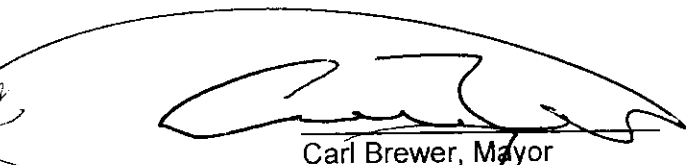
SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 1st day of November, 2011.

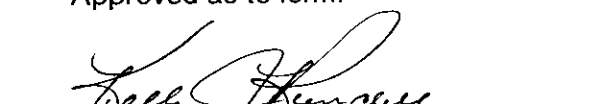
ATTEST:


Karen Sublett, City Clerk


Carl Brewer, Mayor



Approved as to form:


for Gary E. Rebenstorf, Director of Law

RECEIVED

NOV 07 2011

METROPOLITAN PLANNING
ROUTE  _____

City of Wichita
City Council Meeting
October 25, 2011

TO: Mayor and City Council

SUBJECT: ZON2011-00025 – City Zone Change from SF-5 Single-Family Residential (“SF-5”) to TF-3 Two-Family Residential (“TF-3”), generally located east of Bebe Street and north of North 2nd Street West (316 N. Bebe). (District IV)

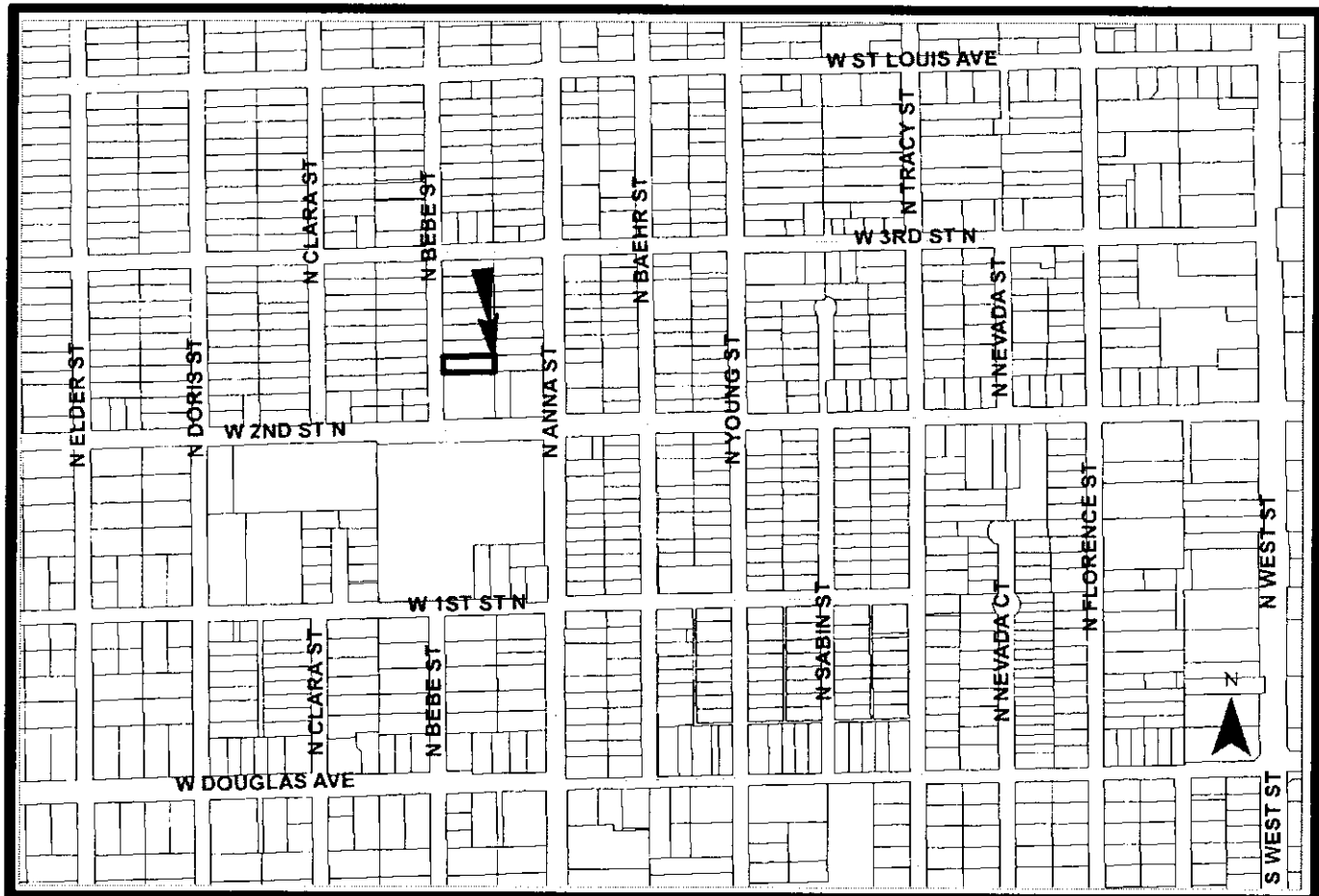
INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, vote (12-0)

DAB IV Recommendation: Approve, vote (10-0)

MAPD Staff Recommendation: Approve



Background: The applicant is seeking TF-3 Two-family Residential (“TF-3”) zoning for a 0.25-acre platted property. The site is currently zoned SF-5 Single-family Residential (“SF-5”), and is located northeast of the intersection of North Bebe Street and West 2nd Street. The applicant proposes to develop the site with a duplex. The *Unified Zoning Code* (UZC) defines a duplex as a lot used for “...two principal dwelling units within a single building.” The code permits building heights up to 35 feet in the TF-3 district, which is the same maximum height allowed in the SF-5 district. If the request were to be approved, the existing single lot would allow only one duplex structure with two living units or one single-family structure (permitted by right in the TF-3 district); however it is possible to replat or lot split the existing 0.25-acre (or 10,890 sq. ft.) lot into two 5,445 square-foot lots that could allow two single-family residential structures, but only one duplex structure (3,000 square feet minimum lot area per dwelling unit for duplex or 6,000 square feet for a duplex structure).

Property immediately surrounding the site to the north, east and west is zoned SF-5, and developed with primarily single-family residences. A SF-5 zoned property to the north of the subject site is actually developed with a duplex, while property located approximately 280 feet to the southwest of the subject site is zoned TF-3, and is developed with duplexes. Property south of the subject site is zoned B Multi-family Residential (“B”), and is developed with an apartment complex.

Analysis: At the District IV Advisory Board meeting on Monday, September 12, the DAB voted 10-0 to approve the rezone request. There was one question regarding parking requirements for duplexes, but there were no other major concerns expressed. There has been no opposition to the request.

At the MAPC meeting held September 22, 2011, the MAPC voted (12-0) to recommend approval of the request for TF-3 zoning. The case was approved through a consent vote since no one was present to voice concerns on the request. No protests have been received during the subsequent two week protest period.

Financial Considerations: There are no financial considerations in regards to the zoning request.

Goal Impact: The application promotes Economic Vitality.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

Attachments:

- Ordinance
- MAPC Minutes
- DAB Memo