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RESOLUTION NO. 057-2023

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A RESOLUTION AMENDING ARTICLE II, SECTION B AND ARTICLE IV, SECTIONS A AND E OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (JULY 9, 2009, EDITION), AS ADOPTED BY REFERENCE IN RESOLUTION NO. 137-09, PERTAINING TO HOME OCCUPATION DAY CARE.

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

SECTION I. That upon the recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission on November 17, 2022, and after said Planning Commission had given proper notice and held a public hearing as provided by law, and under the authority granted by K.S.A. 12-741 *et. seq.*, the Wichita-Sedgwick County Unified Zoning Code, as adopted by reference in Resolution No. 137-09, is hereby amended as follows:

Case No. DER2022-00009

1. Article II, Section B, Items 4.b and 4.c of the Unified Zoning Code (the "UZC"), are hereby amended to read as follows:
 - b. **Day Care, General** means a Day Care center that provides care, protection, and supervision for more than ~~ten~~ twelve (12) individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees or a Day Care center for ~~ten~~ twelve (12) or fewer individuals at any one time that is not operated as a Home Occupation.
 - c. **Day Care, Limited** means a Day Care center operated as a Home Occupation that provides care, protection, and supervision for no more than ~~ten~~ twelve (12) individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees.

2. Article IV, Section A, Item 4 of the UZC is hereby amended to read as follows:
 4. **Off Street Parking Schedule:** Off-street Parking Spaces shall be provided in accordance with the following off-street Parking schedule.

LAND USE	NUMBER OF SPACES REQUIRED
RESIDENTIAL	
Accessory Apartment	One per accessory apartment
Assisted Living	.35 per unit
Boarding House	One per housekeeping unit plus one per each boarder/lodger
Dormitory	One per two occupants based on maximum design capacity
Duplex	One per Dwelling Unit
Fraternity or Sorority	One per resident and house parent, plus 1 guest space per four residents; 1 per 250 sq. ft. if not used for residential purposes
Group Home	One per Dwelling Unit
Group Residence, Limited or General	One per bedroom
Manufactured Home	1 per Dwelling Unit
Manufactured Home Park	1 per Dwelling Unit
Manufactured Home Subdivision	1 per Dwelling Unit
Mobile Food Unit in the City	Parking Study
Multi-family	1.25 per efficiency and one-bedroom Dwelling Unit; 1.75 per two bedroom or larger Dwelling Unit
Single-family	One per Dwelling Unit
PUBLIC AND CIVIC	
Auditorium, Athletic field, or stadium, outdoor	.33 per seat
Auditorium, Athletic field, or stadium, indoor	.33 per seat
Cemetery	Parking study
Church, Place of Worship or Theatre (live performance)	One per four seats based on room or space with maximum seating capacity
Community Assembly, concentrated (e.g., auction rooms, auditoriums, lodge rooms, reviewing stands, etc. which typically do not have fixed seats, but if chairs are provided they are not accompanied by a table)	One per 21 sq. ft. used for community assembly
Community Assembly, less concentrated-assembly areas that may have fixed seats and tables (e.g., bingo parlors, conference rooms, exhibit rooms, stages, etc.)	One per 45 square feet used for community assembly
Correctional Facility	One per employee in the largest working shift, plus one per each resident who is permitted to drive
Correctional Placement Residence, Limited or General	One per employee in the largest working shift, plus one per each resident who is permitted to drive
Day Care Center, Limited, General	One per teacher/employee, plus one per vehicle used in center, plus one per ten children based on enrollment above 12 children
Day Reporting Center	One per 333 square feet
Golf Course	Four per hole, plus one per practice tee, plus one per 400 square feet of pro shop concession area
Government Service	One per 333 square feet

Government Service	One per 333 square feet
Hospital and Convalescent Care Facilities	One per five beds, plus one per employee in the largest working shift
Library	One per 400 square feet
Neighborhood Swimming Pool	One per 110 square feet of pool area, plus one per 100 square feet of clubhouse area excluding restrooms and dressing rooms
Nursing Facility	One per five beds plus one per employee
Parks and Recreation	Parking study
Recycling Collection Station, Private, Public	None required so long as collection boxes do not take up required parking spaces; if required spaces are occupied by collection boxes then additional spaces equal to the minimum required shall be provided
Recycling Processing Center	One per employee for commercial use; one per 1,000 square feet for public drop-off
Reverse Vending Machine	.5 per machine
School, Elementary	One per teacher /employee, plus five visitor spaces
School, Middle	One per teacher/employee, plus ten visitor spaces
School, High	One per teacher/employee, plus one per five students
Safety Service	One per employee per largest shift
University or College	One per employee, plus one per three students
Utility, Major	One per employee
Utility, Minor	None required
COMMERCIAL	
Airport or Airstrip	Parking study
Animal Care, Limited	One per 333 square feet
Animal Care, General	One per 333 square feet
Automated Teller Machine	If located on a site with another office or commercial use 0 additional spaces are required; if the ATM is a stand-alone use then one per ATM is required; queuing is required per Sec. IV-A.11
Bank or Financial Institution	One per 333 square feet
Bed and Breakfast Inn	Same as Hotel/Motel
Billiard center or pool hall	One per 125 square feet of customer area
Bowling center	Four per lane
Broadcast/Recording Studio	One per 333 square feet
Car Wash (with dryer)	Queuing requirements only
Car Wash (without dryer)	Two per stall
Construction Sales and Service	One per 500 square feet for sales area plus warehouse parking standard
Convenience Store	One per 333 square feet
Dance Hall	One per 45 square feet
Farmers Market in the City	One per 333 square feet of exhibition and sales area
Flea market	One per 333 square feet exhibition and sales area
Funeral Home	One per three seats
Go-cart/skateboard track	One per 800 square feet of track area
Golf, miniature	One per hole
Golf driving range or batting cage	One per tee or cage
Health club/fitness center	One per 150 square feet

Heliport	Parking study
Hotel or Motel	One per guest room, plus one per 250 square feet used for retail purposes, professional and service facilities, offices, meeting rooms, recreational spaces (space designated for storage closet or utility need not be included in computation); one per five occupants required for tavern and drinking establishment, club or restaurant that is contained within a hotel/motel
Kennel, Hobby	One per outside employee
Kennel, Boarding, Breeding or Training	Parking study required
Marine Facility, Recreational	Parking study required
Medical Service	One per 333 square feet
Microbrewery	One per 500 square feet
Monument Sales	One per 333 square feet
Museum/gallery	One per 333 square feet
Nightclub in the City	One per two occupants
Nightclub in the County	One per two occupants
Nursery and Garden Center	One per 333 square feet of office/sales area plus one per 2,500 square feet of plant display area
Office, General	One per 333 square feet
Pawnshop	One per 333 square feet
Personal Care Service	One per 333 square feet
Personal Improvement Service	One per 333 square feet
Post Office Substation	One per 333 square feet of office area plus warehouse standard
Printing and Copying, Limited or General	One per 333 square feet
Recreation and Entertainment, Indoor	Parking study
Recreation and Entertainment, Outdoor	Parking study
Recreational Vehicle Campground	One per camping space
Restaurant	One per three seats
Retail, General, (except "large item," below)	One per 333 square feet for the first 400,000 square feet, plus one per 250 square feet for Building Floor Area between 400,001 and 600,000 square feet, plus one per 225 square feet for Building Floor Area over 600,000 square feet
Retail, General, large item (e.g. furniture, appliances, carpet, and machinery)	One per 500 square feet
Riding Academy or Stable	Parking study
Rodeo in the City	Parking study
Secondhand Store	One per 333 square feet
Service Station	One per 333 square feet of sales area
Sexually Oriented Business in the City	Retail, nightclub, or theater standard depending on underlying use
Sexually Oriented Business in the County	Retail, nightclub, or theater standard depending on underlying use
Skating rink	One per 333 square feet rink, plus one per 75 square feet of observation deck area

Swimming pool, public	One per 70 square feet of pool area, plus one per 100 square feet of associated building assembly area, plus one per three spectators
Tattooing and Body Piercing Facility in the City	One per 333 square feet
Tattooing and Body Piercing Facility in the County	One per 333 square feet
Tavern and Drinking Establishment	One per two occupants, except no additional parking for initial 16 occupants in outdoor seating area
Tennis/racquetball courts	Three per court
Theater, indoor	One per three seats
Vehicle and Equipment Sales, Outdoor	One per 500 square feet of building floor area, plus two spaces for the first 10,000 square feet of lot area used for sales or storage purposes, plus one space for each 10,000 square feet of lot area used for sales, display or storage purposes thereafter (Parking Spaces required per the Lot Area calculation shall be located near the entrance of the business and shall be signed for "Customer Parking Only")
Vehicle Repair, General	One per 500 square feet, plus three spaces
Vehicle Repair, Limited	One per 333 square feet, plus three spaces
Vocational School	One per teacher/employee, plus one per three students
Warehouse, Self-Service Storage	One per employee plus one per 8,000 square feet of floor area but in no case shall there be less than five spaces
Wireless Communication Facility	None required
INDUSTRIAL, MANUFACTURING AND EXTRACTIVE	
Asphalt or Concrete Plant, Limited	One per employee parking on-site
Asphalt or Concrete Plant, General	One per employee plus office standard
Basic Industry	One per employee plus office or warehouse standard
Construction Burn Site, Limited	None required
Construction Burn Site, General	One per employee
Freight Terminal	One per 333 square feet of office use plus warehouse standard
Gas and/or Fuel Storage and Sales	One per employee plus office use
Hazardous Operations	Parking study
Landfill	One per employee plus office use
Manufacturing, limited or general	One per 500 square feet
Mining or Quarrying	One per employee plus office use
Oil and Gas Drilling	None required
Research Services	One per 333 square feet
Rock Crushing	One per employee
Solid Waste Incinerator	One per employee plus office use
Storage, Outdoor, as a Principal Use	One per 10,000 square feet
Transfer Station	One per employee plus office use
Vehicle Storage Yard	One per 10,000 square feet
Warehousing	One per 2,000 square feet of the first 20,000 square feet of building floor area, plus one per 5,000 square feet of building floor area over 20,000 square feet
Welding or Machine Shop	One per 500 square feet

Wholesale or Business Services	One per 2,500 square feet of warehouse storage
Wrecking/Salvage Yard	One per 333 square feet of office or retail sales area, plus 1 per 2,000 square feet of building floor area used for warehousing of salvaged parts: plus one per 43,500 square feet of outdoor storage area
AGRICULTURAL	
Agriculture	None required
Agricultural Processing	Parking study
Agricultural Research	Parking study
Agricultural Sales and Service	One per 500 square feet, plus two spaces per 10,000 square feet of vehicle and equipment sales area
Grain Storage	Parking study

- a. Unless noted otherwise, "square feet" means "gross floor area" or "gross leasable area," whichever is determined by OCI to be the appropriate category on which to make the calculation.
- b. Parking study indicates that the applicant may submit a parking demand analysis that substantiates the number of spaces proposed by the applicant. If an analysis is not submitted, staff will select a use that is most similar to the proposed use and use that parking standard.

3. Article IV, Section A, Item 14 of the UZC is hereby amended to read as follows:

14. **Off-street Loading schedule.** Off-street Loading Spaces shall be provided in accordance with the following schedule.

Use Type	Minimum Number of Spaces
Hospitals, Nursing Homes, and Convalescent Care Facilities with gross Floor Area of 10,000 square feet or more	One per 30,000 square feet
Hotels with gross Floor Area of 10,000 square feet or more	One per 100,000 square feet
Offices with gross Floor Area of 10,000 square feet or more	One per 100,000 square feet
Funeral Homes	One per 5,000 square feet
Commercial, industrial, manufacturing, Warehousing Uses with gross floor area of 5,000 square feet or more	One per 25,000 square feet for the first 100,000 square feet; one per 50,000 square feet beyond the first 100,000 square feet
Day Care Centers with 11 13 or more capacity	One per ten students

4. Article IV, Section E, Item 3.f of the UZC is hereby amended to read as follows:

f. With the exception of Day Care, Limited, No more than one person other than persons occupying such Dwelling Unit as their residence shall be employed except that up to the equivalent of four persons may be employed in a Home Occupation in the SF-20 and RR districts. A full time employee is a person employed by, or who conducts business on behalf of, a rural Home Occupation in time increments of eight hours or more per day. A part time equivalent full time employee is defined as any person employed by, or who conducts business on behalf of, a rural Home Occupation in time increments of less than eight hours per day. Determination of an employee's status as a full time or part time equivalent on-site status shall be determined by payroll records, timecards or other business records. Employees or persons lacking a record on which to determine the employee's full time or part time equivalent shall be considered full time employees. The number of employees permitted for a Day Care; Limited Home Occupation shall be as determined by the State of Kansas, but shall in no case be more than two individuals at any one time.

5. Article IV, Section E, item 5.a. of the UZC is hereby amended to read as follows:

5. Types of Home Occupations permitted. Home Occupations shall include the following list of occupations, plus uses that are similar in character; all other occupations shall be prohibited:

a. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof, provided that instruction shall be limited to not more than ten twelve (12) pupils at a time;

6. The originals of Article II, Section B, Items 4.b and 4.c., Article IV, Section A, Items 4 and 14 pertaining to Day Care Centers, Article IV, Section E, Items 3.f. and 5.a. of the Unified Zoning Code are hereby repealed

SECTION II. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

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Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

aye
aye
aye
aye
aye

Dated this 22 day of March, 2023.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

for Kelly B. Arnold
KELLY B. ARNOLD, County Clerk



Peter F. Meitzner
PETER F. MEITZNER, Chairman
Commissioner, First District

James M. Howell
JAMES M. HOWELL, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:

Kirk W. Sponsel
KIRK W. SPONSEL
Assistant County Counselor

Sarah Lopez
SARAH LOPEZ
Commissioner, Second District

David T. Dennis
DAVID T. DENNIS
Commissioner, Third District

Ryan K. Baty
RYAN K. BATY
Commissioner, Fourth District