

RESOLUTION NO. 185-2015

A RESOLUTION AMENDING THE SECTIONS LISTED BELOW OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (JULY 9, 2009 EDITION), AS ADOPTED BY REFERENCE BY SEDGWICK COUNTY RESOLUTION NO. 137-09.

WHEREAS, the Board of County Commissioners ("Board") is authorized by K.S.A. 12-741 et seq. to adopt zoning regulations for the unincorporated area of Sedgwick County, Kansas, upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission ("MAPC"); and,

WHEREAS, upon the recommendation of the MAPC the Board has adopted by Resolution No. 137-09 a standard code entitled the "Wichita-Sedgwick County Unified Zoning Code, July 9, 2009 Edition" (the UZC); and,

WHEREAS, the MAPC has held public hearings as required by law and has made recommendations to the Board for the amendment of such regulations; and,

WHEREAS, the Board desires to adopt the recommendations of the MAPC as revised by the Board and to enact and adopt the recommended amendments to the UZC; and,

WHEREAS, the Board is authorized by K.S.A. 12-3301 et seq. to adopt by reference certain standard codes after notice and hearing.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS;

SECTION 1. The Board hereby adopts and enacts the following amendments, set out in Section 3 of this resolution, to the UZC. Except as amended hereafter, the remainder of the UZC shall remain in effect.

SECTION 2. The Board finds that notice of public hearing of the amendments was published once in the official county paper as required by K.S.A. 12-3303; and a public hearing was held by the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 23, 2015, and September 17, 2015.

SECTION 3. The following sections of the UZC, as identified, are amended as follows:

Sec. I-G. URBAN AREAS OF INFLUENCE

In order to provide for review of zoning map amendment requests by the planning commissions in certain cities of Sedgwick County, the Governing Body of the County has adopted and hereby maintains Urban Areas of Influence around such communities.

1. A city's urban area of influence is the area comprising the urban growth area of the city as set out in the current joint city-county comprehensive plan adopted by the MAPC. A city's Urban Area of Influence may be enlarged on request of the city and approval by the Board of County Commissioners after recommendation by the MAPC.
2. Interpretation of boundaries. The rules for interpreting the boundaries of the Urban Areas of Influence shall be the same as for interpreting the boundaries of zoning districts, as set forth in Sec. III-A.5.
3. Amendments. The procedures for changing Urban Area of Influence boundaries are set out in Sec. V-K.
4. Exceptions. The cities of Eastborough, Viola and Wichita are not subject to the provisions regarding Urban Areas of Influence.

Sec. II-B.14.u. Urban Areas of Influence means the area surrounding certain cities in Sedgwick County, as shown on the "2035 urban growth areas map" of the County's comprehensive plan, as amended from time to time.

Sec. II-V.K. ENLARGEMENT OF URBAN AREA OF INFLUENCE BOUNDARIES

1. Initiation of enlargement request. Proposed enlargement of the boundaries of the urban areas of influence may be initiated through application filed with the Planning Director by any planning commission of a city within the County, by the Metropolitan Area Planning Commission or by the Board of County Commissioners.
2. Planning Commission hearing. The Planning Director will establish a time and date for a hearing before the Metropolitan Area Planning Commission and will notify the mayor and planning commission of any affected city, the Metropolitan Area Planning Commission and the Board of County Commissioners of the date, time and place of said hearing. After consideration of the evidence and arguments presented at the hearing, the Metropolitan Area Planning Commission shall recommend approval, approval with conditions or modifications, or disapproval of the proposed change.
3. Board of County Commissioners' hearing. The Planning Director shall forward the Planning Commission's recommendation to the Board of County Commissioners. The Board of County Commissioners may accept, modify or reject the recommendation of the Planning Commission. The action of the Board of County Commissioners on any proposed change to an area of influence boundary shall be final.

Sec. V-C.9. Negative recommendation by city's planning commission for cases in an Urban Area of Influence. If a proposed rezoning involves property within the Urban Area of Influence of a city in Sedgwick County, and if the planning commission of that city has recommended against the rezoning on or before thirty (30) days following notification of the city of the proposed rezoning,

approval of such change by the Governing Body shall require a super-majority vote of all members; provided, however, if the Governing Body returns the case to the Metropolitan Area Planning Commission for further consideration, upon return to the Governing Body approval shall only require a simple majority vote. If the city planning commission does not respond within thirty (30) days it will be considered a de facto recommendation of approval; provided, however, representatives of the city may still appear at any public hearing or meeting regarding the proposed rezoning and present comments or testimony as can any member of the public.

Sec. V-D.9. Negative recommendation by city's planning commission for cases in an Urban Area of Influence. If a proposed Conditional Use involves property within the Urban Area of Influence of a city in Sedgwick County, and if the planning commission of that city has recommended against the Conditional Use on or before thirty (30) days following notification of the city of the proposed Conditional Use, approval of such Conditional Use by the Governing Body shall require a super-majority vote of all members; provided, however, if the Governing Body returns the case to the Metropolitan Area Planning Commission for further consideration, upon return to the Governing Body approval shall only require a simple majority vote. If the city planning commission does not respond within thirty (30) days it will be considered a de facto recommendation of approval; provided, however, representatives of the city may still appear at any public hearing or meeting regarding the proposed Conditional Use and present comments or testimony as can any member of the public.

Sec. V-E.9. Negative recommendation by city's planning commission for cases in an Urban Area of Influence. If a proposed CUP involves property within the Urban Area of Influence of a city in Sedgwick County, and if the planning commission of that city has recommended against the CUP on or before thirty (30) days following notification of the city of the proposed CUP, approval of such CUP by the Governing Body shall require a super-majority vote of all members; provided, however, if the Governing Body returns the case to the Metropolitan Area Planning Commission for further consideration, upon return to the Governing Body approval shall only require a simple majority vote. If the city planning commission does not respond within thirty (30) days it will be considered a de facto recommendation of approval; provided, however, representatives of the city may still appear at any public hearing or meeting regarding the proposed Conditional Use and present comments or testimony as can any member of the public.

SECTION 4. This Resolution shall take effect and be in force from and after its adoption and publication in the official county newspaper.

Commissioners present and voting were:

DAVID M. UNRUH	Aye
TIM R. NORTON	Aye
RICHARD RANZAU	No
JAMES M. HOWELL	Aye
KARL PETERJOHN	Aye

DATED this 21st day of October, 2015.

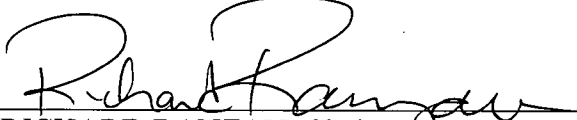
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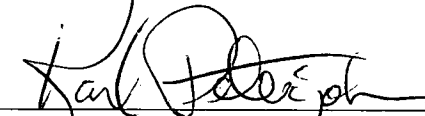
 KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS



 RICHARD RANZAU, Chairman
 Commissioner, Fourth District



 KARL PETERJOHN, Chair Pro Tem
 Commissioner, Third District

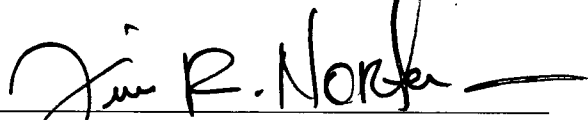
APPROVED AS TO FORM:



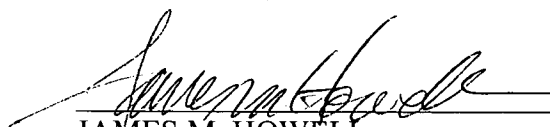
 ROBERT W. PARNACOTT
 Assistant County Counselor



 DAVID M. UNRUH
 Commissioner, First District



 TIM R. NORTON
 Commissioner, Second District



 JAMES M. HOWELL
 Commissioner, Fifth District