

RESOLUTION NO. 61-2013

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, IN SECTIONS III-D.1 and 6.b; SECTIONS IV-E, SECTIONS IV-E.3.d,e,f and g; SECTIONS IV-E.5.i, j and k; SECTIONS IV-E.6; SECTIONS IV-E.7; SECTIONS IV-E.8; SECTIONS V-I.2.n,o and p, DEALING WITH PRINCIPAL USE REGULATIONS, SUPPLEMENTARY USE REGULATIONS AND HOME OCCUPATIONS.

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"; 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 and to enact and adopt the recommended amendments to the "Wichita-Sedgwick County Unified Zoning Code, July 9, 2009 Edition"; 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 the "Wichita-Sedgwick County Unified Zoning Code, July 9, 2009 Edition." Said Code is hereby referred to as the "UZC."

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.

SECTION 3.

(A) Section III-D.1 of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby amended as follows:

1. Principal Use Regulations Schedule. The Use Regulations Schedule of this section provides a tabular summary of the Principal land Use types allowed within each zoning

District. The schedule is intended for reference and does not necessarily reflect all of the regulations that may apply to particular Uses or Districts. In the event of conflict between the Use Regulations Schedule and the Use regulations found within the individual District sections of this Code, the text of the individual District regulations shall prevail.

(B) Section III-D.6.b of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby amended as follows:

b. Agriculture. There shall be no retail or wholesale sales permitted in conjunction with Agriculture Uses in the SF-10 District through the NR District, except on Sites of at least ten acres in size, unless a Conditional Use permit has been approved in accordance with Sec. V-D.

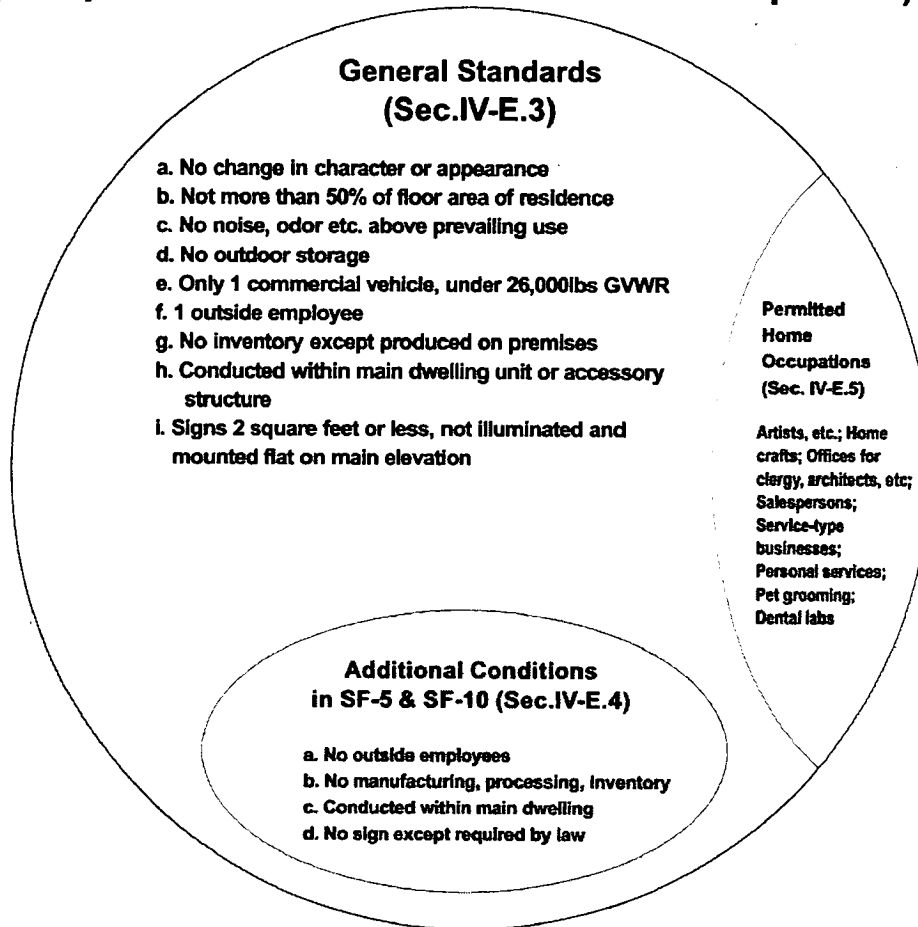
(C) Section IV-E of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby amended as follows:

HOME OCCUPATIONS

The Home Occupation standards of this section are intended to permit the establishment of certain incidental and accessory Home Occupations in residential and rural areas under conditions that will ensure their compatibility with the character of the subject area. They are intended to permit residents to engage in Home Occupations that are compatible with residential land Uses and to ensure that Home Occupations do not adversely affect the integrity of residential and rural areas. A Home Occupation shall be considered an Accessory Use, subject to the following standards. This section of the Code divides those uses deemed suitable as a Home Occupation into two subcategories. The first subcategory includes those uses permitted as a Home Occupation in Dwelling Units regardless of the property's zoning, subject to applicable development standards, and are referred to as Home Occupations. The second Home Occupation subcategory includes additional uses, referred to as rural Home Occupations, that may be permitted in the RR and SF-20 zoning districts if they are operated in compliance with applicable standards described below.

Home Occupations

(except those considered Rural Home Occupations)



(D) Section IV-E.3 of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby amended to read as follows:

3. General standards. The following standards shall apply to all Home Occupations unless specifically modified by the standards of Sec. IV-E.4 or Sec. IV-E.7.f.

(E) Section IV-E.3.d of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby amended to read as follows:

d. There shall be no Outdoor Storage of equipment, including but not limited to construction equipment, materials or Vehicles used in the Home Occupation unless allowed as a rural Home Occupation in the RR district.

(F) Section IV-E.3.e of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby amended to read as follows:

- e. No more than one Commercial Vehicle may be Parked inside or outside of a building and the one permitted Commercial Vehicle shall not exceed 26,000 pounds gross vehicle weight rating unless the Vehicle is associated with a rural Home Occupation as permitted by Sec. IV-E.8.I.

(G) Section IV-E.3.f of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby amended to read as follows:

- f. 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, time cards 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.

(H) Section IV-E.3.g of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby amended to read as follows:

- g. No inventory (except articles produced on the premises either by members of the immediate family residing on the premises or employees of the Home Occupation) shall be displayed or sold on the premises.

(I) Section IV-E.5.i of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby amended to read as follows:

- i. dental laboratories;

(J) Section IV-E.5.j of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby amended to read as follows:

- j. Tattooing and Body Piercing Facilities (County); and

(K) Section IV-E.5.k of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby amended to read as follows:

- k. uses determined by the Zoning Administrator to be similar in character to those listed above.

Rural Home Occupations in RR & SF-20

Rural Home Occupations Qualifications (Sec. IV-E.6)

- a. On a public road & 5+ acres
- b. Not within 120 feet of residence within rural home occupation
- c. In accessory structure, with floor area no greater than principal residence or less than 3,000 sq ft, whichever is greater
- d. Meets outdoor storage limits (see specific requirements)
- e. No more than the equivalent of 4 full time employees
- f. Meets these 2 general standards; no alteration of principal bldg; no creating noise, vibration, etc. above prevailing area
- g. Sign non-illuminated, up to 12 square feet

Permitted Rural Home Occupations (Sec. IV-E.7)

Animal care; Antique restoration; Assembly, maintenance & repair of ag implements, small mechanical & electronic devices; Vehicle repair, limited and general entirely within building, except per Sec. IV.7.d; Bed & breakfast inn; Blacksmith, welding, machine shop; Contractor's storage yard, site limited per Sec. IV-E.7.d; Custom Manufacturing pottery, etc. using only pulverized clay and kilns fired by electricity or gas; Parking of 1 commercial vehicle; production, packing, etc., bakery goods, etc., Farm buildings for nonagricultural storage; lawn care service, firewood sales, tattooing-body piercing and uses determined by zoning administrator as similar in character. Those uses allowed as home occupation in all districts.

Conditional Use may be applied for: (Sec IV-E.6.h)

- When rural home occupation does not meet the above qualifications
- Has 2 or more acres
- Has the equivalent of 4 employees or less

(L) Section IV-E.6 of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby amended to read as follows:

6. Types of Home Occupations not permitted. None of the following uses shall be deemed to be similar in character to permitted home occupations:
- a. Animal Care, General and Limited, except as provided in Sec. IV-E. 8;
 - b. Vehicle Repair, General and Limited, except as provided in Sec. IV-E.8;
 - c. Bed and Breakfast Inn, except as provided in Sec. IV-E.8;
 - d. contractor's storage, except as provided in Sec. IV-E.8;
 - e. Funeral Homes;
 - f. Kennels and Riding Academy or Stables when carried on as a business activity;

- g. Medical services other than medical or dental offices;
- h. Renting of trailers, vehicles or other equipment;
- i. Restaurants except as provided in Sec. IV-E.8;
- j. Tattooing and Body Piercing Facilities (City); and
- k. Any use first allowed by right or by Conditional Use in the LI or GI Districts, unless specifically listed as permitted in Sec. IV-E.8.

(M)Section IV-E.7 of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby amended to read as follows:

Qualifying conditions for rural Home Occupations. In addition to the Home Occupations allowed by Sec. IV-E.5, rural Home Occupations (as specified in Sec. IV-E.8) are allowed by right on Sites in the RR and SF-20 zoning Districts under the following conditions:

- a. Each Lot or tract shall be located upon a public road and shall contain a minimum of 5 acres, including road right-of-way.
- b. A rural Home Occupation must be located at least 120 feet from residences located off-site from the zoning lot or property containing the rural Home Occupation unless the off-site residence operates a rural home occupation.
- c. The rural Home Occupation may be conducted in an Accessory Structure having a Floor Area equal to the Floor Area of the principal residence or up to 3,000 square feet, whichever is greater.
- d. Outdoor Storage is permitted provided the size of the storage area does not exceed 10,000 square feet. The storage area shall be located behind the front of the buildings within which the Home Occupation is conducted. Outside storage shall not be located within any required Building Setback or within 50 feet of a property line, whichever is greater. Screening of the storage area by Structures, solid or semi-solid fencing and / or landscape materials from Abutting roads and Adjacent properties is required on properties of less than five acres in size or within 50 feet of a property line or public right-of-way. Fences used to accomplish Screening shall be constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units wood or similar material (not including woven wire) and shall be not less than six nor more than eight feet in Height. Landscape material intended to be used for Screening purposes must be indicated on a plan drawn to scale and submitted to the Planning Director for review and approval. Landscape material must provide the desired Screening effect within the first growing season following installation and throughout the year every year thereafter. Screening requirements for rural Home Occupations may be reduced or waived by Administrative Adjustment as described in Sec. V-I.2.
- e. No more than the equivalent of four full time employees or persons, other than persons occupying the Dwelling Unit as their residence, shall be employed at any rural Home Occupation site. 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, time cards 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.

- f. Only the standards of Secs. IV-E.3.a and IV-E.3.c shall apply to rural Home Occupations.
- g. One onsite, free-standing (or attached to an Accessory Building), non-illuminated Sign up to 12 square feet in size located outside public right-of-way shall be permitted.
- h. Rural Home Occupations as specified in Sec. IV-E.8 that do not meet one or more of the conditions above, but are limited to no less than two acres may be approved as Conditional Uses in accordance with the requirements and procedures for Conditional Uses in this Code.

(N) Section IV-E.8 of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby added to read as follows:

Types of rural Home Occupations permitted. Rural Home Occupations permitted, in addition to those allowed by Sec. IV-E.5, include:

- a. Animal Care, General and Limited;
- b. antique restoration;
- c. assembly, maintenance and repair of agricultural implements and equipment;
- d. assembly of small mechanical devices, electronic devices and components;
- e. Vehicle repair, limited and general; vehicle repair, general must be conducted entirely within an enclosed structure. Notwithstanding the definition of Vehicle repair, limited, such use may be conducted outside as a rural Home Occupation.
- f. Bed and Breakfast Inn subject to all applicable codes concerning tourist accommodations and food handling enterprises;
- g. blacksmith shop, Welding, heat treating and Machine Shop;
- h. contractor's storage, subject to size limitations and setback requirements as set out in Sec. IV-E.7.d above regardless of on-site location;
- i. custom butchering, meat curing and processing;
- j. household dining establishments conducted within the main residence by prior reservation only, and subject to applicable licensing and Building Code requirements;
- k. Manufacturing of pottery, statuary, figurines; or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas;
- l. the Parking or storage of one Commercial Vehicle that exceeds 26,000 pounds gross vehicle weight rating when owned by the occupant. Nothing in this section prohibits Commercial Vehicles of less than 26,000 pounds gross vehicle weight rating that comply with other applicable regulations.

- m. production, compounding, processing, packing or treatment of such products as bakery goods, candy, dairy products and food related products;
- n. production, fabrication and assembly of small implements used in the home, office, shop, garage, lawn, garden and farm;
- o. use of farm buildings for nonagricultural storage;
- p. lawn care service;
- q. truck farm or garden;
- r. sale, cutting, splitting and storage of firewood;
- s. Tattooing and Body Piercing Facilities; and
- t. Uses determined by the Zoning Administrator to be similar in character to those listed above.

(O) Section V-1.2 n, o and p of the Wichita-Sedgwick County Unified Zoning Code (July 9, 2009 Edition) as adopted by reference by Resolution No. 137-09, is hereby added to read as follows:

- n. permitting an Accessory Structure to be placed in front of the Principal Structure on less than five acres of land as specified in Sec. III-D.7.e(2);
- o. increasing maximum height permitted by the property development standards of the AFBP-O Air Force Base Protection Overlay District, but in no event shall an adjustment be granted that permits a structure height in excess of the height permitted by the underlying zoning district, and in addition to the Zoning Adjustment Criteria contained in Sec. V-1.6., the following criteria shall be used to evaluate adjustment requests: a line-of-sight analysis shall demonstrate that the proposed structure height does not provide a view of any portion of the air force base for a person located at any point on the Structure that exceeds the height permitted by this Overlay District given existing topography and the location and height of existing Structures and/or vegetation; or
- p. Screening requirements for Outdoor Storage associated with a rural Home Occupation, as required by Sec. IV-E.7.d may be reduced or waived on properties of less than five acres in size by zoning adjustment when existing topography or vegetation provides a natural screen or when the Adjacent land is used for agriculture or some other nonresidential land use.

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
 TIM R. NORTON
 RICHARD RANZAU
 JAMES B. SKELTON
 KARL PETERJOHN

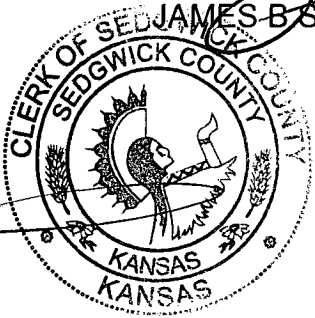
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DATED this 17th day of April, 2013.

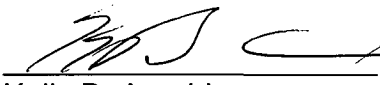
BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



JAMES B. SKELTON, CHAIRMAN



ATTEST:



Kelly B. Arnold,
County Clerk

APPROVED AS TO FORM ONLY:



ROBERT W. PARNACOTT
Assistant County Counselor