

RESOLUTION NO. 22-2013

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.

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 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 in Section 3, 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 December 20, 2012.

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

**Sec. II-B.2.f. Board of Zoning Appeals** means the Wichita-Sedgwick County Board of Zoning Appeals.

**Sec. II-B.2.k. Building Code** means those regulations of Title 18 Building Code of the Code of the City of Wichita or Chapter 6 of the Sedgwick County Code, or as applicable, sections in the Wichita-Sedgwick County Unified Building and Trades Code.

**Sec. II-B.2.m. Building Permit** means any permit required to be obtained pursuant to the Building Code to construct, enlarge, alter, repair, move, demolish or change the occupancy of a Building or Structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system or to cause any such work to be done for which a permit is required pursuant to the Building Code.

**Sec. II-B.14.t. Zoning Administrator** means the Planning Director or the Planning Director's designee.

**Sec. V-F.3. Application.** Any appeal shall be taken to the Board of Zoning Appeals. A complete application for an appeal shall be submitted to the Secretary of the Board of Zoning Appeals in a form established by the Secretary, along with a nonrefundable fee that has been established by the appropriate Governing Body to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid. Applications for appeals from the decisions of the administering officer shall be made within the time limit specified by the rules of the Board of Zoning Appeals.

**Sec. V-H.6. Appeal of Zoning Administrator's decision.** Appeals of the Zoning Administrator's written interpretation may be taken to the Board of Zoning Appeals by filing an appeal with the Board of Zoning Appeals' Secretary within the time limit specified by the rules of the Board of Zoning Appeals. The Board of Zoning Appeals shall grant to the Zoning Administrator's interpretation a presumption of correctness, placing the burden of persuasion of error on the appellant. In exercising the appeal power, the Board of Zoning Appeals may reverse or affirm wholly or partly or may modify the interpretation of the Zoning Administrator. If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the Zoning Administrator with directions to obtain such evidence and to reconsider the decision in light of such evidence.

**Sec. V-I.1. Authority.** The Planning Director, with the concurrence of the Director of the Metropolitan Area Building and Construction Department, shall have the authority to approve applications for Zoning Adjustments.

**Sec. VIII-E.1. Withhold permits.** The City or County may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City, County, Planning Commission or the Board of Zoning Appeals. The City or County may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this section shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

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

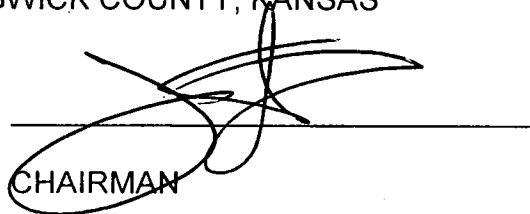
Commissioners present and voting were:

DAVID M. UNRUH	<u>Aye</u>
TIM R. NORTON	<u>Aye</u>
RICHARD RANZAU	<u>Aye</u>
JAMES B. SKELTON	<u>Aye</u>
KARL PETERJOHN	<u>Aye</u>


DATED this 16 day of February, 2013.

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS




  
CHAIRMAN

ATTEST:

  
Kelly B. Arnold,  
County Clerk

APPROVED AS TO FORM ONLY:

  
ROBERT W. PARNACOTT  
Assistant County Counselor