

(150004) Published in the Ark Valley News on _____

RESOLUTION NO. 163-2025

Published on: _____

A RESOLUTION AMENDING ARTICLE V-B OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (JULY 9, 2009, EDITION), AS ADOPTED BY REFERENCE IN SEDGWICK COUNTY RESOLUTION NO. 137-09 AND CITY OF WICHITA ORDINANCE NO. 48-431, PERTAINING TO PUBLIC NOTICE DEVELOPMENT SIGNS.

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 April 10, 2025, 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 Sedgwick County resolution no. 137-09 and City of Wichita ordinance no. 48-431, is hereby amended as follows:

Case No. DER2024-00011

- A. Article V-B. - NOTICES AND HEARINGS of the UZC is hereby amended to read as follows:

The requirements and limitations of this section shall apply to hearings and hearing notices.

1. **Compliance with notice requirements.** Notice under this Code shall be deemed to be complete and in compliance with applicable requirements when there is substantial compliance with applicable notice requirements. Minor technical deviations from the requirements shall not be deemed to impair the notice where there is actual notice. When required written notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the general location of the subject property shall be strictly construed. Substantial compliance with the posted notice requirement shall be deemed to have been met upon the initial installation of the posted notice as evidenced by the submission of the required affidavit as specified in Sec. V-B.4.c. In all cases, where there is a question raised at the hearing regarding the adequacy of notice, the body hearing the matter shall make a formal

finding as to whether there was substantial compliance with the notice requirements of this article.

2. **Scope of action.** The body holding the hearing may take any action on the application that is consistent with the notice given, including approving such application, approving the application with conditions or denying the application. The review body may impose conditions to the application or allow amendments to the application if the effect of the conditions or the amendments is to allow a less intensive use or zoning district than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application. The review body may not approve a greater amount of development, a more intensive use or a more intensive zoning district than was indicated in the notice.
3. **Continuance.** A hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this article, provided that the hearing is set for a specific date and time.
4. **Notices.** The provisions of this section describe the various types of notices that may be required. The actual type of notice required for a given application is specified in the relevant section of this article.
 - a. **Published notice.** Notice required pursuant to this section shall be published in the official newspaper and shall indicate the time and place of the public hearing and a general description of the application. If such application affects specific property, the subject property shall be designated by legal description or a general description sufficient to identify the property under consideration. If a general description is used, the notice shall include a statement indicating where the complete legal description may be viewed.
 - b. **Written notice.** Notice required pursuant to this section shall be mailed to all owners of record of real property within the area to be altered and to all owners of record of real property located in the area to be notified surrounding the area proposed to be altered, before the public hearing, and shall indicate the time and place of the public hearing and a general description of the application. The required area of notification shall be such property located within at least 200 feet of the area proposed to be altered in the City and at least 1,000 feet of the area proposed to be altered in the County. For property located adjacent to or outside the city limits that is proposed to be altered by the City, the area of notification of the City's action shall be at least 1,000 feet. Notice of the County's action shall extend 200 feet in those areas where the notification area extends within the corporate limits of a city. In addition, it is the intent of this Code to give advisory notification to such additional persons as shall be specified by Planning Commission

policy and as indicated on the application forms, provided that such advisory notification area shall not be used in the calculation for protest in Secs. V-C.10 or V-D.10. The written notice required herein shall be placed in the mail with the postmark to be not less than 20 days prior to the date of the public hearing.

- c. **Posted notice.** Notice required pursuant to this section shall be posted by the placement of a sign(s) on the subject property; provided, however, that no such sign(s) shall be required for any application for amendment to the text of this Code. The required sign(s) shall be provided by the Metropolitan Area Planning Department, after payment of a nonrefundable fee to defray the cost of the sign(s). The sign(s) shall provide a general description sufficient to identify the property under consideration, and the nature of the proposed request. The sign(s) shall be installed on the property no less than 13 days prior to the date of the scheduled public hearing, in accordance with standards provided by the Metropolitan Area Planning Department. The applicant or applicant's agent shall submit a signed affidavit attesting to the proper placement of the required sign(s) on the subject property. A complete affidavit shall be submitted to the Planning Director in a form established by the Director. The affidavit shall include the date and time of the placement of the sign(s) and be notarized. A photograph(s) of the sign(s) properly placed on the subject property may be included, but is/are not required. The processing of an application may be delayed until a complete affidavit has been submitted to the Planning Director.
- d. **Downzonings.** Whenever five or more owners of record owning ten or more Contiguous or noncontiguous lots, tracts or parcels of the same zoning classification initiate a rezoning of their property from a less restrictive to a more restrictive zoning classification, such amendment shall require notice by publication but shall not require written notice, and shall not be subject to protest petition provision of Sec. V-C.10.
- e. **Notice to other cities.** For applications or proposals involving specific property located within the Urban Area of Influence of any city of the second or third class within Sedgwick County, the Planning Director shall send notice of the application to the Planning Commission of such city. The Planning Commission of that city may then hold a public hearing and make a recommendation to the Metropolitan Area Planning Commission, based on the criteria for review established for the subject application type. The Planning Commission of the other city shall make its recommendation to the Metropolitan Area Planning Commission on or before the scheduled date of the public hearing before the Metropolitan Area Planning Commission. The lack of a

recommendation by the other city's planning commission on or before the scheduled date of the hearing before the Metropolitan Area Planning Commission, shall be construed as a recommendation for approval of the application or proposal.

B. Paragraph 4 of Article V-C. – OFFICIAL ZONING MAP AND UNIFIED ZONE CODE TEXT AMENDMENTS of the UZC is hereby amended to read as follows:

4. **Establishment of hearing date, publication of notice.** Promptly upon determining that an application is complete, the Planning Director shall schedule a public hearing before the Planning Commission, notify the applicant of the meeting and hearing date and give notice of the hearing in accordance with the notice requirements of Secs. V-B.4.a, V-B.4.b, V-B.4.c, V-B.4.d. and V-B.4.e. The initial public hearing before the Planning Commission shall be scheduled for the next meeting date for which it is practicable to give at least 20 days' notice.

C. Paragraph 4 of Article V-D. – CONDITIONAL USES of the UZC is hereby amended to read as follows:

4. **Establishment of hearing date, publication of notice.** Promptly upon determining that an application is complete, the Planning Director shall schedule a public hearing before the Planning Commission, notify the applicant of the meeting and hearing date and give notice of the hearing in accordance with the notice requirements of Secs. V-B.4.a, V-B.4.b, V-B.4.c, . and V-B.4.e. The initial public hearing before the Planning Commission shall be scheduled for the next meeting date for which it is practicable to give at least 20 days' notice.

D. Paragraph 4 of Article V-E. – COMMUNITY UNIT PLANS (CUP) of the UZC is hereby amended to read as follows:

4. **Establishment of hearing date, publication of notice.** Promptly upon determining that an application is complete, the Planning Director shall schedule a public hearing before the Planning Commission, notify the applicant of the meeting and hearing date and give notice of the hearing in accordance with Secs. V-B.4.a, V-B.4.b, V-B.4.c, and V-B.4.e. The initial public hearing before the Planning Commission shall be scheduled for the next meeting date for which it is practicable to give at least 20 days' notice.

E. Paragraph 4 of Article V-F. – APPEALS of the UZC is hereby amended to read as follows:

4. **Establishment of hearing date, publication of notice.** . Promptly upon determining that an application is complete, the Secretary shall schedule a public hearing before the Board of Zoning Appeals, notify the applicant of the meeting and hearing date and give notice of the

hearing in accordance with Secs. V-B.4.a, V-B.4.b, and V-B.4.c. Notices shall be mailed to such additional persons as shall be specified by the Board of Zoning Appeals policy and as indicated on the application forms. If the applicant is not the owner of the property that is the subject of the appeal, then the property owner(s) shall also be sent a copy of the notice. The public hearing before the Board of Zoning Appeals shall be scheduled for the next meeting date for which it is practicable to give at least 20 days' notice.

F. Paragraph 4 of Article V-G. – VARIANCES of the UZC is hereby amended to read as follows:

4. **Establishment of hearing date, publication of notice.** Promptly upon determining that an application is complete, the Secretary shall schedule a public hearing before the Board of Zoning Appeals, notify the applicant of the meeting and hearing date and give notice of the hearing in accordance with Secs. V-B.4.a, V-B.4.b, and V-B.4.c. Notice shall be mailed to such additional persons as shall be specified by Board of Zoning Appeals policy and as indicated on the application forms. The public hearing before the Board of Zoning Appeals shall be scheduled for the next meeting date for which it is practicable to give at least 20 days' notice.

G. Paragraphs 5 through 10 of Article V-I. – ZONING ADJUSTMENTS of the UZC are hereby amended to read as follows:

5. **Notice.** Notice shall be given in accordance with the notice requirements of Sec. V-B.4.c.
6. **Action by the Planning Director.** The Planning Director shall approve the application for a Zoning Adjustment unless the request would violate the provisions of Secs. V-I.2 or V-I.6. The Planning Director may impose special conditions of approval on the Zoning Adjustment, including but not limited to time limitations, access limitations, screening and landscaping, and other controls to prevent damage to adjacent properties or safeguard public interests.
7. **Zoning Adjustment Criteria.** The Planning Director shall not approve a Zoning Adjustment if the Planning Director finds that the proposed development:
 - a. Would adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity of the subject tract, including traffic reasonably expected to be generated by the proposed Use and other Uses in the area given the existing zoning, existing land uses and proposed land uses in the area;
 - b. Creates more adverse impacts on existing Uses in surrounding

areas than that reasonably might result from development of the site in strict compliance with the adjusted standard;

- c. Would not be compatible with existing or permitted Uses on Abutting Sites, in terms of adjusted Building Height, Setbacks and Open Spaces, bulk and scale, Landscaping, Parking or circulation features; or
- d. Will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity for reasons specifically articulated by the Planning Director.

The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria.

- 8. **Notice of decision.** The Planning Director shall, within two business days of making a decision, give notice of such decision to the applicant, to the Zoning Administrator, and to any other person reasonably requesting such notice. The Planning Director's decision shall be considered approved as submitted if the Zoning Administrator has not responded within ten days of the date of transmission, unless the review period is extended by action of the applicant.
- 9. **Appeal of Planning Director's decision.** When an application for Zoning Adjustment has been denied or when such application has been approved with conditions or modifications that are unacceptable to the applicant, the applicant may file a Variance with the Board of Zoning Appeals pursuant to Sec. V-G and the filing fee for the Zoning Adjustment shall be applied toward the filing fee for the Variance.
- 10. **Appeal of BZA's decision.** Any person, official or governmental agency dissatisfied with the decision of the Board of Zoning Appeals may bring an action in the district court of the Eighteenth Judicial District to determine the reasonableness of such decision. Such appeal shall be filed within 30 days of the final decision of the Board of Zoning Appeals.

H. Paragraph 5 of Article V-L. – ADMINISTRATIVE PERMITS of the UZC is hereby amended to read as follows:

- 5. **Notices.** The provisions of this Section describe the various types of notices that may be required. The actual type of notice required for a given application is specified below.
 - a. Written notice.
 - 1. For a Wireless Communication Facility application, notice shall be given in accordance with the notice requirements of Sec. V-

B.4.c.

2. For a Short Term Rental in the City, written notification stating the nature of the proposed use shall be mailed to all owners of record of land which Abut and are Contiguous to the application area.

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.

Commissioners present and voting were:

PETER F. MEITZNER
JEFF BLUBAUGH
STEPHANIE WISE
RYAN BATY
JAMES M. HOWELL


aye
aye
aye
aye
aye

Dated this 4 day of June, 2025.

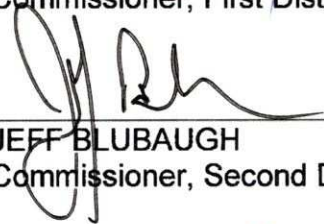
ATTEST:



KELLY B. ARNOLD, County Clerk

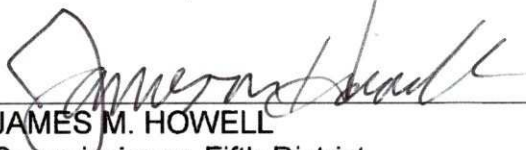

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


RYAN BATY, Chairman
Commissioner, Fourth District


PETER F. MEITZNER, Chair Pro Tem
Commissioner, First District


JEFF BLUBAUGH
Commissioner, Second District


STEPHANIE WISE
Commissioner, Third District


JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:


SAMANTHA SEANG
Assistant County Counselor