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RESOLUTION NO. 241-2025

A RESOLUTION AMENDING VARIOUS SECTIONS OF ARTICLE III AND V OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (JULY 9, 2009, EDITION), AS ADOPTED BY REFERENCE IN RESOLUTION NO. 137-09 AND AS AMENDED, TO ESTABLISH AN ADMINISTRATIVE PERMIT PROCESS FOR DAY CARE, GENERAL LAND USE IN THE RR, SF-5, SF-10, SF-20, TF-3 AND MH ZONING DISTRICTS

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 August 14, 2025, and after said Planning Commission has 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 ("UZC"), is hereby amended as follows:

1. *Article III, Section B.2.b.(2) of the UZC is hereby amended to read as follows:*

(2) Public and Civic Uses

Church or Place of Worship, subject to Sec. III-D.6.nn

Community Assembly, subject to Sec. III-D.6.nn

Day Care, Limited and General, subject to Sec. III-D.6.i

Golf Course

Parks and Recreation

Recycling Collection Station, Private, subject to Sec. III-D.6.q

Utility, Minor

2. *Article III, Section B.2.c.(2) of the UZC is hereby amended to read as follows:*

(2) Public and Civic Uses

Cemetery

Church or Place of Worship

Community Assembly

Correctional Facility, subject to Sec. III-D.6.h

Correctional Placement Residence, Limited and General, subject to Sec. III-D.6.h

Government Service

Neighborhood Swimming Pool, subject to Sec. III-D.6.aa

Safety Service

School, Elementary, Middle and High

Utility, Major

3. *Article III, Section B.3.b.(2) of the UZC is hereby amended to read as follows:*

(2) Public and Civic Uses

Church or Place of Worship

Day Care, Limited and General, subject to Sec. III-D.6.i

Golf Course

Parks and Recreation

Recycling Collection Station, Private, subject to Sec. III-D.6.q

School, Elementary, Middle and High

Utility, Minor

4. *Article III, Section B.3.c.(2) of the UZC is hereby amended to read as follows:*

(2) Public and Civic Uses

Cemetery

Community Assembly

Correctional Facility, subject to Sec. III-D.6.h

Correctional Placement Residence, Limited and General, subject to Sec. III-

D.6.h

Government Service

Hospital

Library

Neighborhood Swimming Pool, subject to Sec. III-D.6.aa

Safety Service

Utility, Major

5. *Article III, Section B.4.b.(2) of the UZC is hereby amended to read as follows:*

(2) Public and Civic Uses

Church or Place of Worship

Day Care, Limited and General, subject to Sec. III-D.6.i

Golf Course

Parks and Recreation

Recycling Collection Station, Private, subject to Sec. III-D.6.q

School, Elementary, Middle and High

Utility, Minor

6. *Article III, Section B.4.c.(2) of the UZC is hereby amended to read as follows:*

(2) Public and Civic Uses

Cemetery

Community Assembly

Government Service

Library

Neighborhood Swimming Pool, subject to Sec. III-D.6.aa

Safety Service

Utility, Major

7. *Article III, Section B.5.b.(2) of the UZC is hereby amended to read as follows:*

(2) Public and Civic Uses

Church or Place of Worship

Day Care, Limited and General, subject to Sec. III-D.6.i

Golf Course

Library

Parks and Recreation

Recycling Collection Station, Private, subject to Sec. III-D.6.q

School, Elementary, Middle and High

Utility, Minor

8. *Article III, Section B.5.c.(2) of the UZC is hereby amended to read as follows:*

(2) Public and Civic Uses

Cemetery

Community Assembly

Government Service

Neighborhood Swimming Pool, subject to Sec. III-D.6.aa

Safety Service

Utility, Major

9. *Article III, Section B.6.b.(2) of the UZC is hereby amended to read as follows:*

(2) Public and Civic Uses

Church or Place of Worship

Convalescent Care Facility, Limited

Day Care, Limited and General, subject to Sec. III-D.6.i

Golf Course

Library

Parks and Recreation

Recycling Collection Station, Private, subject to Sec. III-D.6.q

School, Elementary, Middle and High

Utility, Minor

10. *Article III, Section B.6.c.(2) of the UZC is hereby amended to read as follows:*

(2) Public and Civic Uses

Cemetery

Community Assembly

Government Service

Neighborhood Swimming Pool, subject to Sec. III-D.6.aa

Safety Service

Utility, Major

11. *Article III, Section B.10.b.(2) of the UZC is hereby amended to read as follows:*

(2) Public and Civic Uses

Church or Place of Worship

Day Care, Limited and General, subject to Sec. III-D.6.i

Golf Course

Hospital

Library

Parks and Recreation

Recycling Collection Station, Private, subject to Sec. III-D.6.q

School, Elementary, Middle and High

Utility, Minor

12. *Article III, Section B.10.c.(2) of the UZC is hereby amended to read as follows:*

(2) Public and Civic Uses

Community Assembly

Neighborhood Swimming Pool, subject to Sec. III-D.6.aa

Safety Service

Utility, Major

13. *The type of use for Day Care, Limited and Day Care, General in the Use Regulations Schedule under Article III, Section D of the UZC is hereby amended to read as follows:*

P = Permitted Use C = Conditional Use C/P = Permitted Use/Conditional Use

USE TYPE	ZONING DISTRICTS																					
	R R	S F 2 0	S F 1 0	S F 5	T F 3	M F 1 8	M F 2 9	B	H	N O	G O	N R	L C	O W	G C	I P - A	I P	C B D	L I	G I	A F B	Conditions
PUBLIC AND CIVIC																						
Day Care, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	C	P	D.6.i
Day Care, General	C/P	C/P	C/P	C/P	C/P	P	P	P	C/P	P	P	P	P	P	P		P	P	P	C	P	D.6.i

14. *Article III, Section D.6, Item i of the UZC is hereby amended to read as follows:*

i. **Day Care, Limited and General.** Although listed as a permitted Use in some Districts, Day Care, General shall always require an Administrative Permit and be subject to Sec. V-L (Administrative Permit review procedures) or a Conditional Use and be subject to Sec. V-D (Conditional Use review procedures) when located in the RR, SF-20, SF-10, SF-5, TF-3 and MH Districts. Day Care, Limited shall be permitted where listed as a permitted Use. Day Care Centers, Limited and General, shall be subject to the following standards:

- (1) **Compliance with state regulations.** Day Care Centers shall comply with all applicable state regulations.
- (2) **Compliance with Home Occupation standards.** When located in the residence of the care provider in a residential zoning District, Day Care Centers shall comply with the applicable Home Occupation standards of Sec. IV-E.
- (3) **Outdoor play in residential areas.** Outdoor play shall be limited to the hours of 7:30 a.m. to 6:30 p.m. if located within 100 feet of a Lot containing a Dwelling Unit.
- (4) **Parking and Loading.** Provision of Parking Spaces in Sec. IV-A.4 may be provided by shared Parking when the Day Care is located within an existing Church or Place of Worship, however, the Day Care shall provide convenient off-street loading facilities as required in Sec. IV-A.14.

- (5) **Signs.** When located within a Dwelling Unit in the RR, SF-20, SF-10, SF-5, TF-3 and MH Districts, Signs for Day Care, General shall be allowed per the applicable standards of Sec. IV-E.
- (6) **Age limitation.** When Daycare, General is permitted by Administrative Permit approval, only the care of children, as specified by K.S.A. 65-503, as amended, is permitted.
15. *Article V, Section L, Item 2 of the UZC is hereby amended to read as follows:*
2. **Types of Administrative Permits Allowed.** The following Administrative Permits are allowed, when required by this Code.
- a. Wireless Communication Facility, subject to Sec. 111-D.6.g.
 - b. Short Term Rental in the City, subject to Sec. III-D.6.qq.
 - c. RESERVED
 - d. Daycare, General, subject to Sec. III-D.6.i.
16. *Article V, Section L, Item 5 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, a sign shall be posted on the property for the specified time as required by Planning Commission policy.

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.
3. RESERVED
4. For a Daycare, General, 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.

17. *Article V, Section L, Items 7 and 8 of the UZC are hereby amended to read as follows:*

7. **Administrative Permit Criteria.** The Planning Director shall not approve an Administrative Permit if the Planning Director finds that the proposed development:

- a. Is a Wireless Communication Facility that does not conform to the Location/Design Guidelines in the "Wireless Communication Master Plan" and, for zoning Lots located within the City, is not designated on the "Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map" of the APPENDICES AND SUPPLEMENTS of this Code, and that does not meet the requirements of Sec. III-D.6.g.;
- b. Is a Short Term Rental in the City that does not meet the requirements of Sec. III-D.6.qq;

- c. Is a Short Term Rental in the City and more than 50% of all owners of record of land which Abut and are Contiguous to the application area, as specified above, file a written protest petition;
- d. RESERVED
- e. RESERVED
- f. Is a Daycare, General that does not meet the requirements of Sec. III-D.6.i.;
- g. Is a Daycare, General and more than 50% of all owners of record of land which Abut and are Contiguous to the application area, as specified above, file a written protest petition;
- h. 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;
- i. Creates more adverse impacts on existing Uses in surrounding areas than might reasonably result from Development of the Site in strict compliance with applicable standards;
- j. Would not be compatible with existing or permitted Uses on Abutting Sites, in terms of Building Height, Setbacks and Open Spaces, bulk and scale, Landscaping, Parking or circulation features; or

- k. 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 three 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 confirmed 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.

SECTION II. The above changes to the UZC are hereby incorporated as a part of the UZC as amended.

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SECTION III. This Resolution shall take effect and be in force from and after its adoption and publication in the official County paper.

Commissioners present and voting were:

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

aye
aye
aye
aye
aye

Dated this 10 day of September, 2025.

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Ryan Baty
RYAN BATY, Chairman
Commissioner, Fourth District

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Commissioner, First District

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Commissioner, Second District

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STEPHANIE WISE
Commissioner, Third District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:

Samantha Seang 8/27/25
SAMANTHA SEANG
Assistant County Counselor