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RESOLUTION NO. 019-2026

A RESOLUTION AMENDING VARIOUS SECTIONS OF ARTICLES II, 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 THE SHORT TERM RENTALS IN THE COUNTY LAND USE

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 February 13, 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 Resolution No. 137-09 ("UZC"), is hereby amended as follows:

1. *Article II, Section B.2.e. of the UZC is hereby amended to read as follows:*
 - e. **Bed and Breakfast Inn** means the use of an owner-occupied or manager occupied residential Structure to provide rooms for temporary lodging or lodging and meals for not more than 15 Transient Guests on a paying basis. See Transient Guest in 13.f. herein. A Bed and Breakfast Inn shall be considered either a Short Term Rental in the City or a Short Term Rental in the County.
2. *Article II, Section B.12.q, r, s, t, u, v, w, x, y, ,z, aa, bb, and cc of the UZC are hereby amended to read as follows:*
 - q. **Short Term Rental in the City** means the Use of a residential Dwelling Unit or Structure to provide room(s) for temporary lodging or lodging and meals for Transient Guests on a paying basis in the City. The residential Dwelling Unit or Structure may be owner or manager occupied. The term Short Term Rental in the City also includes Bed and Breakfast Inn.

r. **Short Term Rental in the County** means the Use of a residential Dwelling Unit or Structure to provide room(s) for temporary lodging or lodging and meals for Transient Guests on a paying basis in the unincorporated area of the County. The residential Dwelling Unit or Structure may be owner or manager occupied. The term Short Term Rental in the County also includes Bed and Breakfast Inn.

s. **Sign** means any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to designate an individual, a firm, profession, business, or a commodity and that are visible from any public Street or the air.

t. **Single-Family** means the use of a Lot for only one detached principal Dwelling Unit, excluding a structure used as a Group Residence, that may be a Residential-Design Manufactured Home but shall not be a Mobile Home.

u. **Site** means same as Lot.

v. **Solid Waste Incinerator** means a permanent facility operated alone or in conjunction with a Recycling Processing Center or Landfill for the purpose of burning solid waste or trash and converting it to ash.

w. **Storage, Outdoor** means the keeping, storing, placing or locating outside of an enclosed structure for more than 72 consecutive hours any property, goods, products, equipment, Trailers, Portable Storage Containers, or other similar items not considered Accessory Uses as listed in this Code. The term Storage, Outdoor (or Outdoor Storage) does not include Vehicle Storage Yard.

x. **Story** means that portion of a Building, other than a Basement, included between the surface of any floor and the surface of the floor next above it, or, if

there be no floor above it, then the space between the floor and the ceiling next above.

y. **Street** means a public thoroughfare of such width to conform to adopted subdivision regulations. For the purposes of these regulations, the term Street shall include "road," "highway," "boulevard," "avenue," "courts" and the like.

z. **Street Right-of-Way Line** means the dividing line between a Lot, tract or parcel of land and a Street.

aa. **Street Width** means the amount of street right-of-way Abutting a Lot's property line.

bb. **Structure** means anything constructed or erected that requires location on the ground or attached to something having a location on the ground.

cc. **Subdistrict (Airport Overlay)** means a distinct area within an Airport Overlay District marked for particular Uses.

3. *Article III, Section D.6.qq. of the UZC is hereby amended to read as follows:*

qq. **Short Term Rental in the City.** Although listed as a permitted Use in some Districts, Short Term Rental in the City shall always require either 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 non-owner occupied and located in the SF-10, SF-5, TF-3, MF-18 and MF-29 Districts. A non-owner occupied Short Term Rental in the City shall be permitted in all other Districts where listed as a permitted Use. An owner occupied Short Term Rental in the City shall be permitted where listed

as a permitted Use. Whether allowed by-right, by Administrative Permit approval, or by Conditional Use approval, a Short Term Rental in the City shall be subject to the following standards:

4. Article III, Section D.6.rr. of the UZC is hereby amended to read as follows:

rr. Short Term Rental in the County. Although listed as a permitted Use in some Districts, Short Term Rental in the County shall always require either 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). Whether allowed by Administrative Permit approval, or by Conditional Use approval, a Short Term Rental in the County shall be subject to the following standards:

(1) An Administrative Permit or Conditional Use for a Short Term Rental in the County shall be valid for a period of five (5) years. At the expiration of the five (5) year period, an Administrative Permit may be extended for successive five (5) year periods by applying for Administrative Permit review in accordance with Sec. V-L., and a Conditional Use may be extended for successive five (5) year periods by applying for Conditional Use review in accordance with Sec. V-D. No Short Term Rental in the County shall operate without a valid Administrative Permit or Conditional Use.

(a) Any Administrative Permit or Conditional Use for a Short Term Rental in the County shall not be extended if the Short Term Rental in the County is found by a preponderance of evidence to be a detriment to the surrounding area. For the

purposes of this subsection, detriment means negative effects/impacts to the health, safety and welfare of the general public by allowing or permitting unsafe or illegal activities on the premises of the Short Term Rental in the County.

(b) Any Administrative Permit or Conditional Use for a Short Term Rental in the County may be revoked by the Zoning Administrator, with the concurrence of the Planning Director, if the Short Term Rental in the County is found by a preponderance of evidence to be a detriment to the surrounding area. For the purposes of this subsection, detriment means negative effects/impacts to the health, safety and welfare of the general public by allowing or permitting unsafe or illegal activities on the premises of the Short Term Rental in the County.

(2) Permitted only in residential Dwelling Units and permitted Accessory Apartments.

(3) May be permitted as either a Primary Use or an Accessory Use.

(4) Not permitted to be in any Recreational Vehicle.

(5) An owner, operator or property manager must be designated for the Short Term Rental in the County. The designated owner, operator or property manager shall:

(a) Live within thirty (30) miles of the Short Term Rental in the County.

(b) Be generally available twenty-four (24) hours per day, seven (7) days a week to respond to concerns or complaints regarding the operation or occupancy of the Short Term Rental in the County.

(c) Post contact information for the owner, operator or property manager in a conspicuous and accessible location in the Short Term Rental in the County Dwelling Unit.

(6) No more than twenty (20) adults shall be on the premises of a Short Term Rental in the County. For the purposes of this subsection, an adult is any person over 12 years of age.

(7) Any Short Term Rental in the County is subject to inspection by the Zoning Administrator, building official, and the Fire Chief of Sedgwick County Fire District #1 or their designee(s), for compliance with all applicable codes.

(8) Use of the Short Term Rental in the County is limited to activities that are incidental, customary and accessory to a residential Dwelling Unit, as determined by the Zoning Administrator.

(9) Weekly residential trash service shall be provided with an adequate number of trash receptacles on-site.

(10) Must be in compliance at all times with all applicable zoning, building, fire and life-safety, codes.

5. *Article V, Section A.5. of the UZC is hereby amended to read as follows:*

5. Standing to appeal. The following persons shall have the standing to appeal a matter under this Code, except for a matter involving a Short Term Rental in the City or a Short Term Rental in the County, as shown below: the applicant; the Planning Director; the Zoning Administrator; the Planning Commission; the Governing Body; any owner of land directly affected by the action or proposed action; any owner of land within 200 feet of the property in question in the City

and within 1,000 feet of the property in question in the County; if the matter is partly or wholly within the Urban Area of Influence of a second or third class city in the County, by the Planning Commission or municipal government of that city; or by any other person determined by either the body taking the final, non-appellate, action or by the appellate body to be actually or potentially aggrieved by the action or proposed action. For a matter involving a Short Term Rental in the City or a Short Term Rental in the County, the following persons shall have the standing to appeal the action of the Planning Director: the applicant, the Zoning Administrator, the Planning Commission, the Governing Body, and all owners of record of land directly affected by the action and which Abut and are Contiguous to the application area, irrespective of streets or alleys.

6. *Article V, Section L.2.c. of the UZC is hereby added to read as follows:*
 - c. Short Term Rental in the County, subject to Sec. III-D.6.rr.
7. *Article V, Section L.5. of the UZC is hereby amended to read as follows:*
 - 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. For a Short Term Rental in the County, 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.

8. *Article V, Section L.7. of the UZC is 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. Is a Short Term Rental in the County that does not meet the requirements of Sec. III-D.6.rr;
- e. Is a Short Term Rental in the County 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;
- f. 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;

g. 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;

h. 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

i. 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.

9. Article V, Section L.8. of the UZC is hereby amended to read as follows:

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.

10. Article V, Section L.9. of the UZC is hereby amended to read as follows:

9. Appeal of the Planning Director's decision. For the purposes of this section, any person shall have the standing to appeal the action of the Planning Director,

as specified in Sec. V-A.5. When an application for an Administrative Permit has been denied, or when such application has been approved with conditions or modifications that are unacceptable to the applicant, the applicant may file an application for Conditional Use approval with the Planning Commission pursuant to Sec. V-D and the filing fee for the Administrative Permit shall be applied toward the filing fee for the Conditional Use approval. When an application for an Administrative Permit, except for a Short Term Rental in the City or a Short Term Rental in the County, has been approved, with or without conditions, and a person with standing to appeal as specified in Sec V-A.5 has filed a written protest petition, the application shall be forwarded to the Planning Commission for Conditional Use approval pursuant to Sec. V-D. When an application for a Short Term Rental in the City or a Short Term Rental in the County has been approved, with or without conditions, and a person with standing to appeal as specified in Sec V-A.5, except for all owners of record of land which Abut and are Contiguous to the application area, file a written protest petition, the application shall be forwarded to the Planning Commission for Conditional Use approval pursuant to Sec. V-D. If 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, the application shall be forwarded to the Planning Commission for Conditional Use approval pursuant to Sec. V-D. Any appeal provided for in this section must be filed within 14 days of the date of the decision.

If the application area is located within a CUP or P-O, the application for Conditional Use approval shall also be considered as an application for an amendment to the CUP or P-O as outlined in Sec. V-E.13, or Sec. V-C.13, as applicable.

11. Article V, Section L.12. of the UZC is hereby added to read as follows:

12. Failure of Conditions. If the Zoning Administrator finds that there is a violation of any of the conditions of an Administrative Permit, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII hereof, may, with the concurrence of the Planning Director, declare that the Administrative Permit is null and void. Such finding and declaration shall be made in writing and mailed to the owner of the real property that is affected by the Administrative Permit restrictions. A copy shall be sent to the Planning Director. The Zoning Administrator's declaration shall be final unless appealed in accordance with Sec. V-F.

12. All references of the Bed and Breakfast Inn land use contained in Article III, Section B of the UZC shall be removed and references to the Short Term Rental in the County land use shall be added, consistent with the Land Use table included below, which is also amended accordingly as included herein.

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

USE TYPE	ZONING DISTRICTS																				Conditions
	R	S	S	S	T	M	M	M	N	G	N	L	O	G	I	I	C	L	G	A	
	R	F	F	F	F	F	B	H	O	O	R	C	W	C	P	P	B	I	F	B	
	2	1	5	3	1	2	8	9													
	0	0																			
COMMERCIAL																					
Bed and Breakfast Inn	P	C	C	C	-C	C	C	C				P	P	P	P	P		P		P	P
RESIDENTIAL																					
Short Term Rental in the County	P	P	P	P	P	P		P	P	P	P	P	P	P			P		P	D.6.rr	

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

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

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Commissioners present and voting were:

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

aye
aye
aye
aye
aye

Dated this 21st day of January, 2026.

ATTEST:

K.B. Arnold
KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Jeff Blubaugh
JEFF BLUBAUGH, Chairman
Commissioner, Second District

Stephanie Wise
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PETER F. MEITZNER
Commissioner, First District

Ryan Baty
RYAN BATY
Commissioner, Fourth District

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

APPROVED AS TO FORM:

Kirk W. Sponsel
KIRK W. SPONSEL
Deputy County Counselor