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RESOLUTION NO. 169-2026

A RESOLUTION AMENDING VARIOUS SECTIONS OF ARTICLES II, III, IV, 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, DEALING WITH ACCESSORY APARTMENTS

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 13, 2026, 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.1.b. of the UZC is hereby amended to read as follows:*

b. **Accessory Dwelling Unit** means an Accessory Use Dwelling Unit that may be wholly within, or may be detached from, a principal Single-Family Dwelling Unit or Duplex. An Accessory Dwelling Unit shall be Subordinate to the principal dwelling. Includes the term Accessory Apartment. See also Sec. III-D.6.a.

2. *Article II, Section B.12.cc. of the UZC is hereby added to read as follows:*

cc. **Subordinate** means a Building, Structure or Use that is smaller in Floor Area than the Principal Structure, Building or Use on the same Zoning Lot.

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

(1) **Residential Uses**

Single-Family

Manufactured Home (only in the County and subject to Sec. III-D.6.I)

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Group Home

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

(1) **Residential Uses**

Group Residence, Limited and General

5. *Article III, Section B.3.b.(1) of the UZC is hereby added to read as follows:*

(1) **Residential Uses**

Single-Family

Manufactured Home (only in the County and subject to Sec. III-D.6.1)

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Group Home

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

(1) **Residential Uses**

Group Residence, Limited and General

7. *Article III, Section B.4.b.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Single-Family

Manufactured Home (only in the County and subject to Sec. III-D.6.I)

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Group Home

Short Term Rental in the City, subject to Sec. III-D.6.qq

8. *Article III, Section B.4.c.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Group Residence, Limited

9. *Article III, Section B.5.b.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Single-Family

Manufactured Home (only in the County and subject to Sec. III-D.6.l)

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Group Home

Short Term Rental in the City, subject to Sec. III-D.6.qq

10. *Article III, Section B.5.c.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Group Residence, Limited

11. *Article III, Section B.6.b.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Single-Family

Duplex

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Group Home

Short Term Rental in the City, subject to Sec. III-D.6.qq

12. *Article III, Section B.6.c.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Assisted Living

Group Residence, Limited

Multi-Family at a maximum density of 14.5 Dwelling Units per acre

13. *Article III, Section B.7.b.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Single-Family

Duplex

Multi-Family

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Assisted Living

Group Home

Short Term Rental in the City, subject to Sec. III-D.6.qq

14. *Article III, Section B.8.b.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Single-Family

Duplex

Multi-Family

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Assisted Living

Group Home

Short Term Rental in the City, subject to Sec. III-D.6.qq

15. *Article III, Section B.9.b.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Single-Family

Duplex

Multi-Family

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Assisted Living

Group Home

Group Residence, Limited

Short Term Rental in the City, subject to Sec. III-D.6.qq

16. *Article III, Section B.10.b.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Single-Family

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Manufactured Home

Manufactured Home Park

Manufactured Home Subdivision

Group Home

Short Term Rental in the City, subject to Sec. III-D.6.qq

17. *Article III, Section B.10.c.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Assisted Living

18. *Article III, Section B.11.b.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Single-Family

Duplex

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Group Home

Short Term Rental in the City, subject to Sec. III-D.6.qq

19. *Article III, Section B.11.c.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Assisted Living

Group Residence, Limited

Multi-Family at a maximum density of 14.5 Dwelling Units per acre

20. *Article III, Section B.12.b.(1) of the UZC is hereby amended to read as follows:*

(1) **Residential Uses**

Single-Family

Duplex

Multi-Family

Manufactured Home (only in the County and subject to Sec. III-D.6.l)

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Assisted Living

Group Home

Group Residence, Limited and General

Short Term Rental in the City, subject to Sec. III-D.6.qq

21. Article III, Section B.13.b.(1) of the UZC is hereby amended to read as follows:

(1) Residential Uses

Single-Family

Duplex

Multi-Family

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Assisted Living

Group Home

Group Residence, Limited

Short Term Rental in the City, subject to Sec. III-D.6.qq

22. Article III, Section B.14.b.(1) of the UZC is hereby amended to read as follows:

(1) Residential Uses

Single-Family

Duplex

Multi-Family

Manufactured Home (only in the County and subject to Sec. III-D.6.l)

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Assisted Living

Group Home

Group Residence, Limited and General

Short Term Rental in the City, subject to Sec. III-D.6.qq

23. Article III, Section B.16.b.(1) of the UZC is hereby amended to read as follows:

(1) Residential Uses

Single-Family

Duplex

Multi-Family

Manufactured Home (only in the County and subject to Sec. III-D.6.l)

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Assisted Living

Group Home

Group Residence, Limited and General

Short Term Rental in the City, subject to Sec. III-D.6.qq

24. Article III, Section B.19.b.(1) of the UZC is hereby amended to read as follows:

(1) Residential Uses

Single-Family

Duplex

Multi-Family

Accessory Dwelling Unit, subject to Sec. III-D.6.a

Assisted Living

Group Home

Group Residence, Limited and General

Short Term Rental in the City, subject to Sec. III-D.6.qq

25. The type of use regulation for Accessory Apartments 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	M 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
COMMERCIAL																						
Accessory Dwelling Unit	P	P	P	C/ P	C/ P	P	P	P	P	P	P	P	P		P			P			P	D.6.a

26. The Supplementary Use Regulations for Accessory Apartments in Article III, Section D.6.a of the UZC are hereby amended to read as follows:

a. **Accessory Dwelling Units.** Although listed as a Permitted Use in some Districts, Accessory Dwelling Units 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 SF-5 and TF-3 Districts. In TF-3, an Accessory Dwelling Unit shall be permitted by right when the Site is developed as Single-Family. An Accessory Dwelling Unit shall be permitted by right in all other Districts where listed as a Permitted Use. Whether allowed by-right, by Administrative Permit approval, or by Conditional Use approval, an Accessory Dwelling Unit shall be subject to the following standards:

- (1) **Number of units.** A maximum of one Accessory Dwelling Unit may be allowed on the same Lot as a Single-Family Dwelling Unit or Duplex and may be within the Main Building, within an accessory Building or constructed as an accessory Building. A maximum of one Accessory Dwelling Unit shall be permitted per each Administrative Permit or Conditional Use and shall be developed in conformance to the approved Site plan.
- (2) **Appearance.** When located within the Established Central Area, as identified in the Wichita-Sedgwick County Comprehensive Plan, the appearance of an Accessory Dwelling Unit shall be compatible with the

principal structure. To accomplish this, the following standards shall apply to Accessory Dwelling Units located within the Established Central Area:

- (a) **Architectural style.** The Accessory Dwelling Unit shall reflect the architectural style of the Principal Structure and/or Dwelling Units immediately surrounding the property.
- (b) **Exterior materials.** The exterior finish materials shall meet one of the following:
 - (1) The exterior finish materials shall be substantially similar in appearance, placement, and percentage of facade coverage (+/- 10%) to the exterior finish material of the Principal Structure on the Lot; or
 - (2) Siding shall be made from sturdy materials such as wood, composite boards, vinyl, aluminum, or metal, and the siding must be composed in a shingle pattern, a horizontal clapboard, or shiplap pattern. The boards in the pattern must be 6 inches or less in width.
- (c) **Roof Pitch.** The pitch of the roof shall meet one of the following:
 - (1) The pitch of the roof shall be the same as the pitch of the roof of the Principal Structure on the Lot; or
 - (2) The pitch of the roof shall be at least 6/12.
- (d) **Windows.** At least 5 percent of the total area of the Street facing façade shall be windows.
- (3) **Ownership.** The Accessory Dwelling Unit shall remain accessory to and under the same ownership as the principal Single-Family Dwelling Unit or Duplex, and the ownership shall not be divided or sold as a condominium. When requesting an Accessory Dwelling Unit on a lot containing a Duplex, both sides of the Duplex shall be on the same Zoning Lot and under the same ownership.
- (4) **Utility Service.** The water and sewer service provided to the Accessory Structure shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (5) **Development Standards.** All Accessory Dwelling Units shall be subject to the Accessory use development and performance standards in Sec. III-D.7.e.

- (6) **Size.** The maximum Floor Area for an Accessory Dwelling Unit shall be limited to 1000 square feet when located within the Established Central Area.

26. *The parking requirement for Accessory Apartments in the Off-street Parking Schedule under Article IV, Section A of the UZC is hereby amended to read as follows:*

LAND USE	NUMBER OF SPACE REQUIRED
RESIDENTIAL	
Accessory Dwelling Unit	None required

27. *Article V, Section L.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.
- Wireless Communication Facility, subject to Sec. 111-D.6.g.
 - Short Term Rental in the City, subject to Sec. III-D.6.qq.
 - RESERVED
 - Daycare, General, subject to Sec. III-D.6.i.
 - Accessory Dwelling Unit, subject to Sec. III-D.6.a.

28. *Article V, Section L.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.
- Written notice.
 - For a Wireless Communication Facility application, a sign shall be posted on the property for the specified time as required by Planning Commission policy.
 - 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.
 - RESERVED
 - 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.

5. For an Accessory Dwelling Unit , 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.

29. *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. 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. Is an Accessory Dwelling Unit that does not meet all the requirements of Sec. III-D.6.a. (1)-(6);
- i. Is an Accessory Dwelling Unit 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;
- j. 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;

- k. 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;
- l. 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
- m. 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.

SECTION II. That upon the taking effect of this Resolution, the above changes to the Wichita-Sedgwick County Unified Zoning Code are hereby incorporated as a part of the Wichita-Sedgwick County Unified Zoning Code 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 16 day of September, 2026.

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk



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OF SEDGWICK COUNTY, KANSAS

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