

## ***Zoning Approval in Wichita/Sedgwick County***

### ***Factors considered by the MAPC - The Golden Rules***

- 1) *The zoning, uses and character of the neighborhood:* Factual description of the application area and surrounding property as to existing zoning, land uses, general condition, age of structure, etc.
- 2) *The suitability of the subject property for the uses to which it has been restricted:* How is the property currently zoned and what uses are allowed on the property? Are these uses suitable given surrounding zoning and site criteria? Are the current allowed uses the only ones which might be appropriate for this property?
- 3) *Extent to which removal of the restrictions will detrimentally affect nearby property:* Can the uses allowed in the requested district be good neighbors to existing development? This is a subjective question. The focus should be on facts, not fears, and should be based on issues that zoning can address (e.g., allowed uses, minimum lot sizes, height, setbacks, traffic, etc.)
- 4) *Length of time subject property has remained vacant as zoned:* Factual information, but its importance can be somewhat subjective. A property might be vacant because the current zoning is unsuitable, but there may be other reasons not related to zoning. Some examples might be a glut of available property of the same zoning district, financing problems, speculation, lack of available services or other development problems.
- 5) *Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:* The protection of public health, safety and welfare is the basis for zoning. The relationship between the property owner's right to use and obtain value from their property and the City's responsibility to its citizens should be weighed.
- 6) *Conformance of the requested change to the adopted or recognized Comprehensive Plan:* Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date or are there mitigating circumstances which speak to the nonconformity?
- 7) *Impact of the proposed development on community facilities:* Are water and sewer available for extension? How are roads impacted? Can other community facilities (e.g. police, fire, parks, libraries, schools) handle the increased development? Should be based on factual information referencing standards used to make the determination.
- 8) *Opposition or support of neighborhood residents:* This is just one of the factors to be considered and by itself is not sufficient reason to approve or deny a request.
- 9) *Recommendation of professional staff:* Should be based on the preceding eight factors, adopted plans and policies, other technical reports (e.g., Capital Improvement Programs, facility master plans, etc.) which speak to the topic and staff's best professional judgment.

The applicant is responsible to demonstrate that the proposal meets the applicable review criteria.

## ***Special Considerations in Smaller Cities***

The formal process of applying for subdivision and zoning approvals is much the same across communities in the area, but the way the process is handled can be quite different. In addition, many smaller cities in the area apply a broader set of principles in determining whether to grant a zoning or subdivision request.

- 1) What are the existing uses of property and their character and condition on the subject property and in the surrounding neighborhood?
- 2) What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change in zoning classification?
- 3) Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration for a change in zoning?
- 4) Would the requested change in zoning correct an error in the application of these regulations as applied to the subject property?
- 5) Is the change in zoning requested because of changed or changing conditions in the area of the subject property and if so what is the nature and significance of such changed or changing conditions?
- 6) Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property if the change in zoning were approved?
- 7) Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements access control, or building setback lines if the change in zoning was approved?
- 8) Would a screening plan be necessary for existing and/or potential uses of the subject property if the change in zoning was approved?
- 9) Is there a general amount of suitable vacant land or buildings available or not available for development that currently has the same zoning district classification as is requested for the subject property?
- 10) In the event that the subject property is requested for business or individual uses, are such uses needed to provide more services or employment opportunities?
- 11) Is the subject property suitable for the current zoning to which it has been restricted?
- 12) If the change in zoning were approved, would the uses, which would be permitted on the subject property, be compatible with the uses permitted on other property in the neighborhood?
- 13) Would the change in zoning as requested be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?
- 14) Is the request for the zoning changes in conformance with the Comprehensive Plan and does it further enhancing the implementation of the Plan?
- 15) What are the main points of contention for the support or opposition of the requested change in zoning?