

# **PROTECTIVE OVERLAY DISTRICT**

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT

## **INSTRUCTIONS FOR FILING AN APPLICATION**

The Protective Overlay (P-O) district may be applied in combination with any base zoning district. By tailoring use or property development standards to individual projects or specific properties, the P-O district is intended to:

- a. ensure compatibility among incompatible or potentially incompatible land uses;
- b. ease the transition from one zoning district to another;
- c. address sites or land uses with special requirements; and
- d. guide development in unusual situations or unique circumstances.

The P-O district can be used to modify and restrict the use and property development standards of an underlying base zoning district. All requirements of a P-O district are in addition to and supplement all other applicable standards and requirements of the Unified Zoning Code. Restrictions and conditions imposed by a P-O district shall be limited to the following:

- a. prohibiting otherwise permitted or Conditional Uses and accessory uses, or making an otherwise permitted use a Conditional Use;
- b. decreasing the number or average density of dwelling units that may be constructed on the site;
- c. increasing minimum lot size or width;
- d. increasing the minimum setback requirements;
- e. restrictions on access to abutting properties and nearby roads, including specific design features; and
- f. any other specific development standards required or authorized by the Unified Zoning Code.

The development proposed by a P-O district should be consistent with the purposes of the Unified Zoning Code and the Comprehensive Plan. The development also should be appropriate to the neighborhood and conditions and safeguards should be provided to ensure that the development will minimize any diminution in value of surrounding property and to ensure the proposed development can be adequately served by public facilities. To provide information on the capacity of streets and other facilities serving the proposed development, the Planning Director may require the applicant to conduct a traffic impact study or other infrastructure capacity analyses to provide information on the development's expected impacts on existing and planned facilities. Other plans, drawings or information that are deemed necessary to enable proper consideration of the request also may be required. Failure to provide required information in a timely manner may result in deferral of the case and a deferral fee as outlined in Section 11 below.

1. All applicants desiring to submit a P-O under the provisions of the Unified Zoning Code should consult with the Metropolitan Area Planning Department (MAPD) prior to submitting a formal application. The purpose of the consultation is to advise the applicant of the rights and responsibilities in submitting such an application.
2. A P-O application is referred to the Metropolitan Area Planning Commission (MAPC) for a public hearing. The MAPC may recommend approval, approval with conditions or modifications, or denial of the request. The MAPC typically meets twice a month on Thursdays in the 2<sup>nd</sup> Floor Conference Room at The Ronald Reagan Building, 271 W. 3rd Street. Refer to the MAPC calendar of public hearing dates to determine the application deadline by which a P-O application must be submitted to be heard on a specific date. It is the policy of the MAPC to consider no more than nine (9) new applications at any regular meeting; therefore, processing of an application may be delayed if too many new applications are received for a specific public hearing date.

3. If the subject property is within the “Area of Influence” of a small city, the application may be scheduled for consideration by the small city Planning Commission. Applicants may contact a small city for a schedule of that city’s Planning Commission hearing dates.
4. The application may be scheduled for consideration by the District Advisory Board (DAB) for the City Council district in which the property is located or the Citizen Advisory Board for the County Commission district in which the property is located. The applicant will be notified approximately three weeks after submitting the application of the date and time of the DAB/CAB meeting, if the request is to be considered by the DAB/CAB.
5. The MAPC, small city, and DAB/CAB action on a P-O request is a recommendation that is forwarded to the Governing Body for final action. The Governing Body typically considers P-O requests one month after the MAPC public hearing.
6. The applicant shall submit a completed application form for a P-O request. An application to establish a P-O must be signed by all property owners and by the authorized agent(s) of such owner(s). An application to amend a P-O shall be signed by the owner(s) and authorized agent(s) of all land that will be directly affected by the amendment (i.e., the parcel(s) being amended). An application to adjust a P-O shall be submitted according to the instruction sheet for an Administrative Adjustment, which is available separately from the MAPD.
7. The applicant shall submit a narrative description of the requested P-O. At a minimum, the narrative description shall include the following information:
  - a. A detailed explanation of how the proposed P-O differs from what could be accomplished through strict compliance with the standards of the Unified Zoning Code.
  - b. An explanation of how the proposed P-O represents an improvement over what could have been accomplished through application of traditional zoning standards.
8. An application for a P-O shall be accompanied by a current ownership list certified by a title company containing a legal description of the area in the application as well as the name of the owner, and shall include the names and mailing address (with zip codes) of all property owners within the following prescribed distance measured from the perimeter of the application area:

For applications within unincorporated Sedgwick County: 1,000 feet

For applications within the City of Wichita, the notification distance is based on the size of the property as follows:

Up to and including 1 acre	200 feet
Over 1 acre to 6 acres	350 feet
Over 6 acres to 15 acres	500 feet
Over 15 acres to 25 acres	750 feet
Over 25 acres	1,000 feet

The certified ownership list shall also be provided in an electronic format that is compatible with Microsoft Word. The electronic file shall be provided via E-mail ([ALopez@wichita.gov](mailto:ALopez@wichita.gov)). An application shall not be considered complete until the ownership list has been provided in the required electronic format.

9. In accordance with local policy, the applicant shall post one or more development application signs on the application site for at least 13 days immediately prior to the scheduled public hearing of the application request. Signs shall be purchased from the MAPD when the application is filed. The fee for each sign is \$5, and one sign is required for each street frontage.

10. The applicant shall submit the required filing fee as follows:

P-O District	\$600 + sign fee
Amendment or Termination	\$600 + sign fee
In Lieu of CUP	\$1,200 + \$30/Acre + sign fee

All checks should be payable to the "City of Wichita", which acts as agent for the MAPD.

11. Request for a deferral of the hearing of any P-O shall be submitted to the MAPD at least 7 days prior to the scheduled hearing date. To cover the cost of preparing and mailing new notices, persons requesting a deferral will be charged a fee as follows:

Deferral	\$150
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12. All application materials and the filing fee are submitted at the MAPD, which is located on the 2<sup>nd</sup> floor of The Ronald Reagan Building, 271 W. 3<sup>rd</sup> Street and is open from 8 a.m. to 5 p.m. Monday thru Friday, excluding holidays. Applications should be submitted no later than 4 p.m. to allow time for application review and processing prior to the close of business. Incomplete applications will not be accepted. Refer to the MAPC calendar of public hearing dates to determine the application deadline by which a P-O application must be submitted to be heard on a specific date. Questions regarding the application process may be directed to the MAPD at (316) 268-4421.

## **PROTECTIVE OVERLAY DISTRICT CHECKLIST OF REQUIRED APPLICATION MATERIALS**

- Application form
- Narrative description of proposed P-O restrictions
- Other plans, drawings, or information required at pre-application consultation ( if not applicable)
- Certified ownership list (original document and electronic copy)
- Filing fee

Note: When applying, please have yourself or your representative present during the processing of the application in case planners have questions or to correct possible errors on the application.

# APPLICATION

This form MUST be completed and filed at the Planning Department located on the 2nd floor of The Ronald Reagan Building, 271 W. 3rd Street, Wichita, KS, 67202 in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box for type of application being submitted. A separate application form and filing fee is required for each application. A pre-application conference with the planning staff is recommended before filing this application.

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## SECTION I

This property is located within:      Wichita      Sedgwick County (unincorporated)

### Metropolitan Area Planning Commission:

- Zone Change: From zoning district: \_\_\_\_\_ to \_\_\_\_\_
- Planned Unit Development:    Approval    Amendment to PUD \_\_\_\_\_    Adjustment to PUD \_\_\_\_\_
- Community Unit Plan:            Approval    Amendment to CUP \_\_\_\_\_    Adjustment to CUP \_\_\_\_\_
- Protective Overlay:            Approval    Amendment to PO \_\_\_\_\_    Adjustment to PO \_\_\_\_\_
- Conditional Use: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_  
                           Adjustment to CU/CON#: \_\_\_\_\_
- Vacation of: \_\_\_\_\_ zone district: \_\_\_\_\_  
  *(Use a separate sheet for legal description, if necessary)*
- Administrative Permit: To allow: \_\_\_\_\_-foot high wireless communication facility. zone district: \_\_\_\_\_
- Off-Site Billboard Sign within \_\_\_\_\_ feet of a residential lot/structure. zone district: \_\_\_\_\_

### Board of Zoning Appeals:

- Variance: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_
- Appeal of: \_\_\_\_\_ zone district: \_\_\_\_\_
- Zoning Adjustment: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_
- Sign Code Adjustment: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_

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## SECTION II

1. The application area is legally described as Lot(s) \_\_\_\_\_; Block(s) \_\_\_\_\_, \_\_\_\_\_ Addition, (Wichita) Sedgwick County, KS. If appropriate, a metes and bounds description may be attached.
2. The application area contains \_\_\_\_\_ acres.
3. This property is located at (address) \_\_\_\_\_ which is generally located at (relation to nearest streets) \_\_\_\_\_
4. We are filing this request for the following reasons: \_\_\_\_\_
5. County control number: \_\_\_\_\_

6. The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or others directly associated with the property may also be listed if they desire to be advised of the proceedings. (Use a separate sheet for additional applicants if needed.)

A. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Email Address \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Email Address \_\_\_\_\_

B. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Email Address \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Email Address \_\_\_\_\_

C. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Email Address \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Email Address \_\_\_\_\_

7. We acknowledge receipt of the instruction sheet explaining the method of submitting this application. We realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. We further certify that the foregoing information is true and correct to the best of our knowledge. We authorize unannounced inspections of the subject property by City and/or County staff for the purpose of collecting information to review and analyze this request. We acknowledge that the MAPC, Governing Body, or Board of Zoning Appeals shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

\_\_\_\_\_ By \_\_\_\_\_  
 Applicant's signature Authorized Agent (if any)

\_\_\_\_\_ By \_\_\_\_\_  
 Applicant's signature Authorized Agent (if any)

\_\_\_\_\_ By \_\_\_\_\_  
 Applicant's signature Authorized Agent (if any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

**FOR OFFICE USE ONLY**

Map \_\_\_\_\_ Zoning (N) \_\_\_\_\_ (S) \_\_\_\_\_ (E) \_\_\_\_\_ (W) \_\_\_\_\_ MAPC/BZA \_\_\_\_\_ Township \_\_\_\_\_  
 Council/Commission District \_\_\_\_\_ DAB \_\_\_\_\_ Sm. City PC \_\_\_\_\_  
 NA/HOA \_\_\_\_\_  
 Date \_\_\_\_\_ Fee \_\_\_\_\_ Received By \_\_\_\_\_

Required Documents:

- Ownership List  BZA Justification  Legal Description  Vacation Petition  Site Plan  Signs

**WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
and BOARD OF ZONING APPEALS  
2019 CALENDAR**

**The Ronald Reagan Building, 271 West 3<sup>rd</sup> Street, Second Floor, Ste. 203, Wichita, Kansas**

<b>CLOSING DATE (Submit by 4:00 p.m.)</b>	<b>NOTICE TO OFFICAL NEWSPAPER (Due by 9:00 a.m.)</b>	<b>ADVERTISING DATE (No Later Than)</b>	<b>MAPC/BZA HEARING DATE (Thursday 1:30 p.m.)</b>
December 3, 2018	December 17, 2018	December 20, 2018	January 10, 2019
December 17, 2018	December 31, 2018	January 3, 2019	January 24, 2019
December 28, 2018 (Friday)	January 14, 2019	January 17, 2019	February 7, 2019
January 14, 2019	January 28, 2019	January 31, 2019	February 21, 2019
January 28, 2019	February 11, 2019	February 14, 2019	March 7, 2019
February 11, 2019	February 25, 2019	February 28, 2019	March 21, 2019
February 25, 2019	March 11, 2019	March 14, 2019	April 4, 2019
March 11, 2019	March 25, 2019	March 28, 2019	April 18, 2019
April 1, 2019	April 15, 2019	April 18, 2019	May 9, 2019
April 15, 2019	April 29, 2019	May 2, 2019	May 23, 2019
April 29, 2019	May 13, 2019	May 16, 2019	June 6, 2019
May 13, 2019	May 24, 2019 (Friday)	May 30, 2018	June 20, 2019
June 3, 2019	June 17, 2019	June 20, 2019	July 11, 2019
June 17, 2019	June 28, 2019 (Friday)	July 4, 2019	July 25, 2019
July 1, 2019	July 15, 2019	July 18, 2019	August 8, 2019
July 15, 2019	July 29, 2019	August 1, 2019	August 22, 2019
July 29, 2019	August 12, 2019	August 15, 2019	September 5, 2019
August 12, 2019	August 26, 2019	August 29, 2019	September 19, 2019
August 30, 2019 (Friday)	September 16, 2019	September 19, 2019	October 10, 2019
September 16, 2019	September 30, 2019	October 3, 2019	October 24, 2019
September 30, 2019	October 14, 2019	October 17, 2019	November 7, 2019
October 14, 2019	October 28, 2019	October 31, 2019	November 21, 2019
October 28, 2019	November 8, 2019 (Friday)	November 14, 2019	December 5, 2019
November 8, 2019 (Friday)	November 22, 2019 (Friday)	November 28, 2019	December 19, 2019
December 2, 2019	December 16, 2019	December 19, 2019	January 9, 2020
December 16, 2019	December 30, 2019	January 2, 2020	January 23, 2020

**The MAPC and the BZA meet at 1:30 p.m. on the dates indicated above. If you have questions contact the Metropolitan Area Planning Department at (316) 268-4421.**