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RESOLUTION NO. 068-2023

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

**SECTION I.** That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law on February 23, 2023, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

**Case No. ZON2023-00002**

Zone change request from RR Rural Residential District to GC General Commercial District with Protective Overlay #405.

Legally described as:

That part of the Southeast Quarter of Section 26, Township 28 South, Range 1 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, lying South of the South line of right-of-way as established in Film 265, Page 1276.

Protective Overlay #405 shall hereby read as follows:

1. The subject property shall be limited to the following uses as permitted in the GC General Commercial zoning district:
  - a. Agriculture; Single-Family, Duplex, Multi-Family, Accessory Apartment, Assisted Living, Group Home, Group Residence, Limited; Church or Place of Worship; Day Care, Limited and General; Nursing Facility; Animal Care, Limited; Automated Teller Machine; Bank or Financial Institution; bed and Breakfast Inn; Broadcast/Recording Studio; Construction Sales and Service; Farmer's Market in the County; Funeral Home; Hotel or Motel; Medical Service; Nurseries and Garden Centers; Office, General; Personal Care Services; Personal Improvement Service; Post Office Substation; Printing and Copying, Limited and General; Retail, General; Vehicle Repair Limited; Warehouse, Self-Service Storage; Manufacturing, Limited; Research Services; Storage, Outdoor as a Principal Use; Vehicle Storage Yard; Agricultural Research; Agricultural Sales and Service.
  - b. The uses permitted by the P.O. are only those uses permitted by-right and not Conditional Use unless specifically identified.
  - c. The Compatibility Standards as per Art. IV, Site Development Standards, Sec. C,

Compatibility Standards shall apply.

- d. The portion of property located within the Accident Potential Zone as defined by the Derby Vision 2040 Comprehensive Plan and identified by the attached Exhibit A shall be subject to the additional restrictions of the Airport Overlay District A-O III-S of the Wichita-Sedgwick County Zoning Code.
2. The maximum height of all structures shall be limited to 35 feet or 45 feet if located at least 25 feet from all lot lines.
  3. The maximum building coverage shall be limited to thirty-five percent and the maximum gross floor areas shall be limited to fifty percent.
  4. The maximum dwelling units per acre shall be limited to eighteen.
  5. A thirty-five foot building setback shall be provided from the north and south property lines and a twenty-five foot building setback shall be provided from the west property line if the abutting property is zoned MF-18 Multi-Family Residential or more restrictive.
  6. Signs shall be permitted in accordance with the Sign Code of Sedgwick County, and amendments thereto. All parcels shall be permitted signage in conformance with the signs permitted in the LC Limited Commercial District. Additionally, the following conditions shall apply: Off-site, portable, and billboard signs are prohibited.
    - a. No building signs are permitted to face residential land uses on the south or west.
    - b. Flashing signs, rotating or moving signs, signs with moving lights, and signs which create an illusion of movement are not permitted; provided, however, electronic message signs are allowed. No electronic message signs are permitted along the south boundary line of the P.O.
    - c. Freestanding signs along the south boundary line of the P.O. shall not exceed 10 feet in height and 40 square feet in area shall be limited to monument type and shall not be permitted to be internally illuminated.
  7. Lighting shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV; and the amendments thereto, and as provided herein.
    - a. All exterior pole lighting shall be shielded to direct light disbursement in a downward direction to prevent light trespass onto adjacent properties.
    - b. The height of all light poles, including the pole base, is limited to 15 feet within 200 feet of residential zoning districts. This does not apply to building/building-mounted lights.
  8. Screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV, Sec. B. unless otherwise noted.
  9. Parking shall be provided in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV.

10. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between parcels within the P.O.
11. Access controls shall be as shown on the Final Plat and revised upon the P.O.
12. An overall site circulation plan shall be submitted for review and approval by the Planning Department, in concurrence with the Zoning Administrator, Fire Chief/Marshal, and Traffic Engineer. The circulation plan shall assure smooth internal vehicular and pedestrian movements, and pedestrian connectivity, when appropriate, to the arterial street and within buildings on the P.O.
13. The Transfer of title of all or any portion of land included within the Protective Overlay (PO) (or any amendments thereto) does not constitute a termination of the PO or any portion thereof, but said PO shall run with the land and be binding upon present owners, their successors and assigns.
14. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
15. Any major changes within this Protective Overlay shall be submitted to the Planning Commission and the Governing Body for their consideration. Amendments, adjustments, or interpretations to this Protective Overlay shall be done in accordance with the Unified Zoning Code.
16. A certificate or Notice of P.O. is required to be recorded with the Sedgwick County Register of Deeds Office upon approval of the P.O.

**SECTION II.** That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION III.** That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

*[remainder of page intentionally left blank]*

Commissioners present and voting were:

PETER F. MEITZNER  
SARAH LOPEZ  
DAVID T. DENNIS  
RYAN K. BATY  
JAMES M. HOWELL

*aye*  
*aye*  
*aye*  
*aye*  
*aye*

Dated this 5 day of April, 2023.



ATTEST:

*[Signature]*  
KELLY B. ARNOLD, County Clerk

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

*[Signature]*  
PETER F. MEITZNER, Chairman  
Commissioner, First District

*[Signature]*  
JAMES M. HOWELL, Chair Pro Tem  
Commissioner, Fifth District

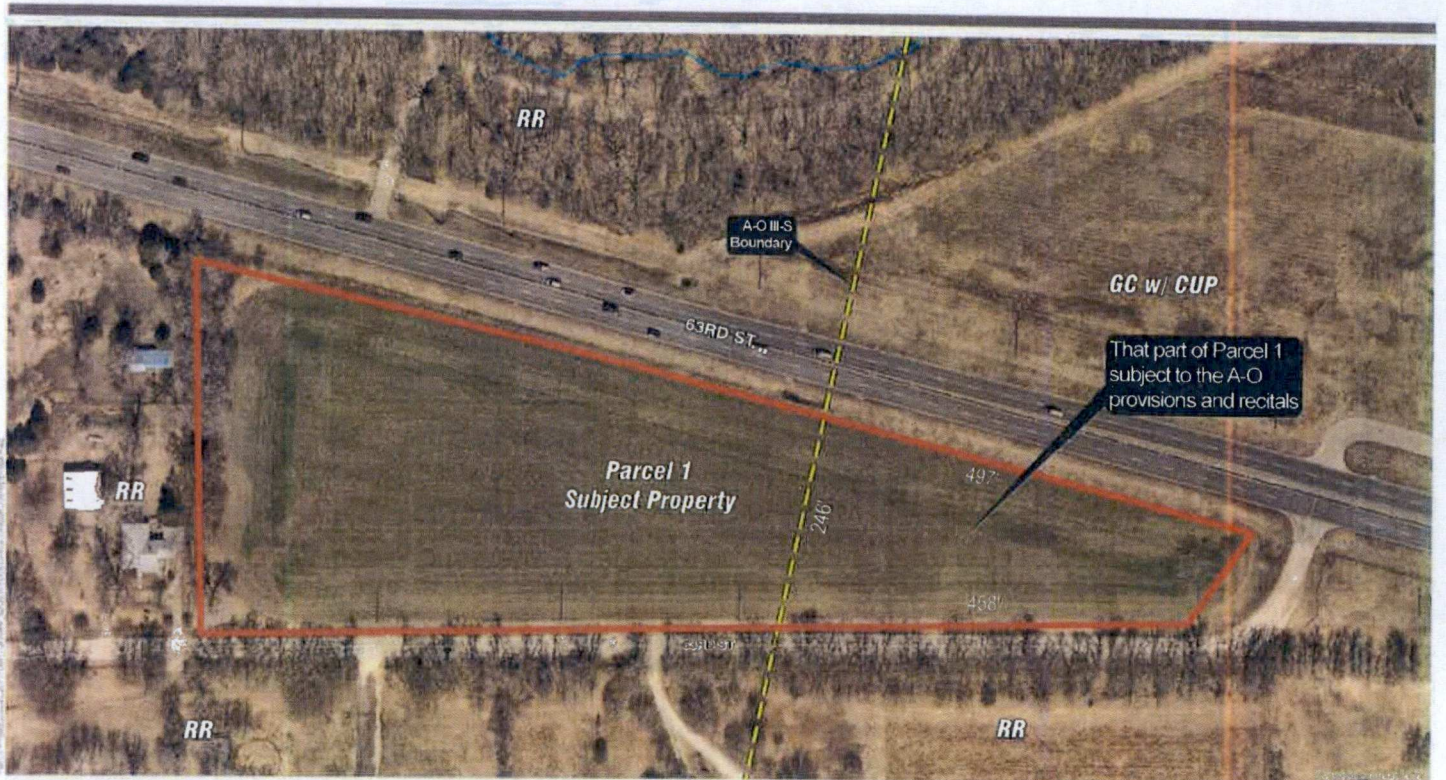
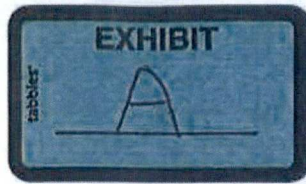
APPROVED AS TO FORM:

*[Signature]*  
KIRK W. SPONSEL  
Assistant County Counselor

*[Signature]*  
SARAH LOPEZ  
Commissioner, Second District

*[Signature]*  
DAVID T. DENNIS  
Commissioner, Third District

*[Signature]*  
RYAN K. BATY  
Commissioner, Fourth District



**ZON2023-00002 - PROTECTIVE OVERLAY NO. 405**  
AIRPORT OVERLAY EXHIBIT (A-O III-S)



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