

A RESOLUTION AMENDING ARTICLE II, SECTION B, ITEMS 4.L, 4.M, 9.B, AND 13.C, AND ARTICLE III, SECTION D, ITEM 6.W, AND REPEALING THE ORIGINAL SECTIONS THEREOF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (JULY 9, 2009, EDITION), AS ADOPTED BY REFERENCE IN RESOLUTION 137-09.

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 November 30, 2023, 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, is hereby amended as follows:

Case no. DER2023-00018

1. Article II, Section B, items 4.1, 9.b and 13.c of the Wichita-Sedgwick County Unified Zoning Code, are hereby amended to read as follows:

4.l. Entertainment Establishment(s) in the City means any person or entity that provides entertainment as defined by Chapter 3.30 of the Code of the City of Wichita, any person or entity that provides a venue for any such entertainment, or any establishment located in the City that provides entertainment, which may include the provision of dancing by employees or patrons, and where cereal malt beverage or alcoholic liquor are offered, consumed or served to the public or its members, and which may or may not serve food. When the Entertainment Establishment(s) in the City qualifies as an "Adult Entertainment Establishment" under Chapter 3.05 of the Code of the City of Wichita, its Uses shall be governed in this Code by the requirements for "Sexually Oriented Business in the City." The term Entertainment Establishment(s) in the City does not include Nightclub in the City.

4.m. Event Center in the City means premises that are frequently rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled. The term Event Center in the City does not include Nightclub in the City.

9.b. Nightclub in the City means an establishment located in the City that provides entertainment, which may include the provision of dancing by employees or patrons, and where cereal malt beverage or alcoholic liquor are offered, consumed or served to the public or its members, which may or may not serve food, and which has a capacity of 300 or more persons. When the Nightclub in the City qualifies as an "Adult Entertainment Establishment" under Chapter 3.05 of the Code of the City of Wichita, its Uses shall be governed in this Code by the requirements for "Sexually Oriented Business in the City."

13.c. Teen Club in the City means any building or part of other enclosed place where a teen dance is held or teen dancing is permitted as defined in Sec. 3.30.020 of the Code of the City of Wichita.

2. Article III, Section D, Item 6.w. of the Wichita-Sedgwick County Unified Zoning Code, is hereby amended to read as follows:

6.w. Tavern and Drinking Establishments, clubs, Nightclub in the City, Teen Club in the City, Event Center in the City and Entertainment Establishment(s) in the City.

Although listed as permitted Uses in some Districts, Tavern and Drinking Establishments, clubs, Nightclub in the City, Teen Club in the City, Event Center in the City and Entertainment Establishment(s) in the City shall be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. These distances shall be measured from the nearest Lot Line of the Church or Place of Worship, public Park, School or residential zoning District to the nearest Lot Line of the premises on-which the Tavern and Drinking Establishment, club, Nightclub in the City, Entertainment Establishment(s) in the City, Event Center in the City or Teen Club in the City is located or of any Parking Area designated to be used by the patrons of such businesses, whichever is closest. For purposes of this measurement, the required Parking Spaces for such a business located within a multi-tenant Structure or shopping center are those located nearest the public entrance to the business. "Establishment" of any Tavern and Drinking Establishment, club, Nightclub in the City, Entertainment Establishment(s) in the City, Event Center in the City or Teen Club in the City shall be deemed to include the opening of such a business as a new business, the relocation of such business or the conversion of an existing business location to any such business use, or any expansion of such a business beyond the existing square footage of the premises. Nightclub in the City or Entertainment Establishment(s) in the City that qualify as Sexually Oriented Business in the City shall be permitted Uses in those districts that allow Sexually Oriented Business in the City, if the location of the operation is no less than 500 feet from a Church or Place of Worship, School, public Park, licensed Day Care center, the boundary of any residential District, the boundary of the OT-O District, or any other Sexually Oriented Business.

Outdoor service of food and drink as an accessory part of the operation of a Tavern and Drinking Establishment, club, Nightclub in the City, Event Center in the City or Entertainment Establishment(s) in the City, shall always be subject to the following requirements and, if located within 200 feet of a Church or Place of Worship, public Park, School or residential zoning District, shall be considered a Conditional Use and subject to Sec. V-D of these regulations

(1) No additional Parking Spaces or restroom facilities need be provided for the initial sixteen occupants to be served in the outdoor area, but Parking and restroom facilities shall be provided to full Code requirements for the portions of the permitted occupant load exceeding sixteen persons.

(2) No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the 'A' scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings in any ten minute period.

(3) The outdoor area shall be Screened from ground level view from any residential-zoned property within 150 feet of the outdoor area, by Screening in accordance with the requirements of Sec. IV-B.

(4) If lighting facilities are provided, the intensity of light and arrangements of reflectors shall be such as not to interfere with residential Uses. The lighting shall be in compliance with the lighting requirements of Sec. IV-B 4.

(5) The outdoor Use shall be designed and maintained in compliance with all other licenses, regulations and requirements of the fire, health, and building codes, including requirements for emergency access to or from any barriers that limit ingress or egress.

Section 2. The originals of Article II, Section B, Items 4.l, 4.m, 9.b and 13.c and Article III, Section D, Item 6.w of the Wichita-Sedgwick County Unified Zoning Code are hereby repealed.

Section 3. 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 5. 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
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

aye
aye
aye
aye
aye

Dated this 21 day of February, 2024.


BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:





KELLY B. ARNOLD, County Clerk



PETER F. MEITZNER, *Chairman* KMS 2/24/24
Commissioner, First District


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

APPROVED AS TO FORM:


KIRK W. SPONSEL
Deputy County Counselor


SARAH LOPEZ, *Chair Pro Tem*
Commissioner, Second District


DAVID T. DENNIS
Commissioner, Third District


RYAN K. BATY, *Chairman*
Commissioner, Fourth District