

RESOLUTION NO. 176-2016

A RESOLUTION AMENDING THE SECTIONS PERTAINING TO THE REGULATION OF WIRELESS COMMUNICATION FACILITIES IN THE D-O DELANO NEIGHBORHOOD OVERLAY DISTRICT LISTED BELOW OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (JULY 9, 2009 EDITION), AS ADOPTED BY REFERENCE BY SEDGWICK COUNTY RESOLUTION NO. 137-09.

WHEREAS, the Board of County Commissioners (“Board”) is authorized by K.S.A. 12-741 et seq. to adopt zoning regulations for the unincorporated area of Sedgwick County, Kansas, upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission (“MAPC”); and,

WHEREAS, upon the recommendation of the MAPC the Board has adopted by Resolution No. 137-09 a standard code entitled the “Wichita-Sedgwick County Unified Zoning Code, July 9, 2009 Edition” (the UZC); and,

WHEREAS, the MAPC has held public hearings as required by law and has made recommendations to the Board for the amendment of such regulations; and,

WHEREAS, the Board desires to adopt the recommendations of the MAPC and to enact and adopt the recommended amendments to the UZC; and,

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS;

SECTION 1. The Board hereby adopts and enacts the amendments to the UZC set out in Section 3 of this Resolution and the new sections of the UZC as set out in Section 4 of this Resolution. Except as amended hereafter, the remainder of the UZC shall remain in effect.

SECTION 2. The Board finds that notice of public hearing of the amendments was published once in the official county paper as required by K.S.A. 12-757; and a public hearing was held by the Wichita-Sedgwick County Metropolitan Area Planning Commission on September 29, 2016.

SECTION 3. The following sections of the UZC, as identified, are amended as follows:

Article III, Section III-C.8.b.:

b. Use Regulations. The Use regulations of this Overlay District shall control over the Underlying zoning District.

(1) Prohibited Uses. Subject to Section III-C.8.c(1)(b), the following Uses are explicitly prohibited in the D-O District, regardless if said Uses are stated as permitted or Conditional Uses in the Underlying Districts:

- Asphalt or Concrete Plant, Limited and General
- Businesses of an adult entertainment nature requiring a license under the Code of the City of Wichita, Chapters 3.05, 3.07, 3.56 and 3.74
- Correctional Facility
- Correctional Placement Residence, Limited and General
- Gas and Fuel, Storage and Sales
- Manufactured Home Subdivision
- Manufactured Home Park

Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Sign (off-site)
Solid Waste Incinerator Vehicle
Storage Yard
Wrecking/Salvage Yard

(2) **Conditional Uses.** Subject to Section III-C.8.c(1)(b), the following Uses shall be allowed only as a Conditional Use in the D-O District, regardless if said Uses are stated as permitted Uses in the Underlying Districts:

Car Wash
Convenience Store
Freight Terminal
Manufacturing, General and Limited
Parking Area, Commercial
Restaurant (drive-in/drive-through)
Service Station
Storage, Outdoor
Utility, Major
Vehicle and Equipment Sales (indoor)
Vehicle and Equipment Sales, Outdoor
Vehicle Repair, General
Vehicle Repair, Limited
Warehouse, Self-service Storage
Warehousing
Wholesale or Business Services
Wireless Communication Facility, subject to Sec. III-D.6.g.

SECTION 4. This Resolution shall take effect and be in force from and after its adoption and publication in the official county newspaper.

Commissioners present and voting were:

DAVID M. UNRUH	<u>Aye</u>
TIM R. NORTON	<u>Aye</u>
KARL PETERJOHN	<u>Aye</u>
RICHARD RANZAU	<u>Aye</u>
JAMES M. HOWELL	<u>Aye</u>


Dated this 7th day of December, 2016.

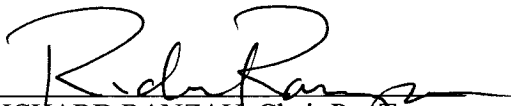
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

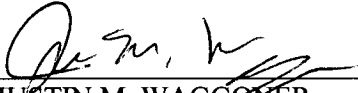

KELLY B. ARNOLD, County Clerk




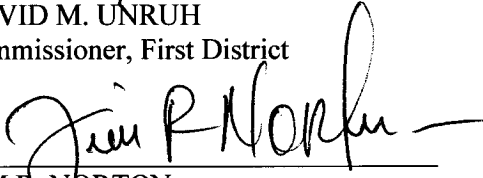

JAMES M. HOWELL, Chairman
Commissioner, Fifth District



RICHARD RANZAU, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:


JUSTIN M. WAGGONER,
Assistant County Counselor


DAVID M. UNRUH
Commissioner, First District


TIM R. NORTON
Commissioner, Second District


KARL PETERJOHN
Commissioner, Third District