

First Published in the WICHITA EAGLE on _____

RESOLUTION NO. 137-09

A RESOLUTION ADOPTING BY REFERENCE THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, JULY 9, 2009 EDITION, PREPARED BY THE METROPOLITAN AREA PLANNING COMMISSION; PROVIDING FOR PENALTIES AND PROSECUTION OF VIOLATIONS THEREOF; AMENDING APPENDIX D OF THE SEDGWICK COUNTY CODE; AND REPEALING RESOLUTION NO. 84-01 WHICH ADOPTED THE April 19, 2001 EDITION OF THE UNIFIED ZONING CODE; AND REPEALING RESOLUTION NO. 135-01, PARKING AND STORAGE OF VEHICLES AND REGISTRATION OF NONCONFORMITIES; RESOLUTION NO. 51-02, PARKING AND PHYSICAL DESIGN WITHIN THE OLD TOWN OVERLAY DISTRICT; RESOLUTION NO. 86-03, DELANO NEIGHBORHOOD OVERLAY DISTRICT; RESOLUTION NO. 276-03, TYPES OF USES PERMITTED AS A HOME OCCUPATION; RESOLUTION NO. 32-04, PORTABLE STORAGE CONTAINERS; RESOLUTION NO. 86-04, SEXUALLY ORIENTED BUSINESSES; RESOLUTION NO. 01-06, SEXUALLY ORIENTED BUSINESSES IN THE CITY, RESOLUTION NO. 32-07, PERTAINING TO THE RECOMMENDATIONS FROM THE MCCONNELL AIR FORCE BASE JOINT LAND USE STUDY; RESOLUTION 210-07, PERTAINING TO THE RECOMMENDATIONS FROM THE MCCONNELL AIR FORCE BASE JOINT LAND USE STUDY; RESOLUTION NO. 20-08, PERMITTING OFF-SITE SIGNAGE WITHIN THE COMMUNITY UNIT PLAN DISTRICT; RESOLUTION NO. 49-08 PERTAINING TO WIRELESS COMMUNICATION FACILITIES; AND RESOLUTION NO. 89-08, PERTAINING TO VEHICLE STORAGE YARDS.

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 ("MAPD"); and,

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

WHEREAS, the Board desires to adopt the recommendations of the MAPC and to enact and adopt the resulting zoning regulations in the form of a standard code; and,

WHEREAS, the MAPC has prepared a standard code entitled the "Wichita-Sedgwick County Unified Zoning Code, July 9, 2009 Edition," which code incorporates all of the foregoing recommendations, including the wireless communication facilities amendments as adopted by Resolution No. 153-00; and

WHEREAS, the Board is authorized by K.S.A. 12-3301 et seq. to adopt by reference certain standard codes after notice and hearing.

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 in its entirety a standard code of zoning regulations for the unincorporated area of Sedgwick County, Kansas, entitled: "Wichita-Sedgwick County Unified Zoning Code, July 9, 2009 Edition," containing Articles I to VIII. Said Code is hereby referred to as the "UZC".

SECTION 2. The Board finds that notice of hearing on the adoption of the UZC was published once in the official county paper as required by K.S.A. 12-3303.

SECTION 3. The UZC is hereby made applicable to the entire unincorporated area of Sedgwick County, Kansas, including all of those areas within three miles of every incorporated city in Sedgwick County, Kansas.

SECTION 4.

- (A) Except as otherwise provided, violations of the UZC are punishable by a fine not exceeding five hundred dollars (\$500.00). With respect to violations of the UZC that are continuous as to time, each day's violation constitutes a separate offense.
- (B) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.
- (C) Violations of the UZC that are continuous as to time may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.
- (D) The UZC shall be enforced pursuant to the code for enforcement of county codes and resolutions (K.S.A. 19-4701 et seq.); applicable provisions of the Sedgwick County Code; and such other methods of enforcement available at law.
- (E) In this section, "violation(s) of the UZC" shall mean: (i) doing an act that is prohibited or made or declared unlawful, an offense or a violation by resolution; (ii) failure to perform an act that is required by resolution or by rule or regulation authorized by resolution; (iii) failure to perform an act if the failure is declared a violation or an offense or unlawful by resolution or by rule or regulation authorized by resolution, including failure to abide by the plans, specifications, conditions and/or requirements of any permit issued pursuant to the UZC.

(F) In this section, "violation(s) of the UZC" does not include the failure of a county officer or county employee to perform an official duty unless it is provided within the UZC that failure to perform the duty is to be punished as provided in this section.

SECTION 5. Appendix D of the Sedgwick County Code is hereby repealed, and the UZC, July 9, 2009 Edition, is hereby adopted in its place as new Appendix D; provided however, Res. No. 165-07, adopting a Zoning Area of Influence Map, remains in effect.

SECTION 6. One copy of the UZC shall be marked in accordance with K.S.A. 12-3304 and deposited in the office of the County Clerk. A copy of this Resolution shall be attached to each UZC copy.

SECTION 7. This Resolution shall be effective upon its adoption and publication once in the official County paper.

Commissioners present and voting were:

DAVID M. UNRUH	<u>Aye</u>
TIM R. NORTON	<u>Aye</u>
KARL PETERJOHN	<u>Aye</u>
KELLY PARKS	<u>Aye</u>
GWEN WELSHIMER	<u>Aye</u>

DATED this 19 day of August, 2009



**BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS**

Kelly Parks
KELLY PARKS, CHAIRMAN, FOURTH DISTRICT

ATTEST:
[Signature]
KELLY B. ARNOLD COUNTY CLERK

APPROVED AS TO FORM ONLY:
[Signature]
Robert W. Parnacott
Assistant County Counselor