

ORDINANCE NO. 50-541

AN ORDINANCE AMENDING SECTIONS II-B.8., III-B.14.c.(3), III-B.16.b.(3), III-B.19.b.(3), III-B.20.b.(3), III-B.21.b.(3), III-C.5.g.(2), III-C.5.g.(3), III-D.7.c., III-D.7.d., THE USE REGULATIONS SCHEDULE OF SECTION III-D., AND THE OFF-STREET PARKING SCHEDULE OF SECTION IV-A.4. OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (SEPTEMBER 25, 2009 EDITION), AS ADOPTED BY REFERENCE IN CITY OF WICHITA CODE SEC. 28.04.010 BY ORDINANCE NO. 48-451 AND CREATING SECTION III-D.6.nn. OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, PERTAINING TO THE REGULATION OF MOBILE FOOD UNITS.

WHEREAS, under the authority of K.S.A. 12-741, *et seq.*, the City of Wichita desires to adopt amendments to the Wichita-Sedgwick County Unified Zoning Code pertaining to the regulation of mobile food units; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission made a recommendation regarding the amendments on March 23, 2017, after notice and hearing as provided by law under the authority granted by K.S.A. 12-741, *et seq.*;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA:

SECTION 1. Section II-B.8. of the Wichita-Sedgwick County Unified Zoning Code (September 25, 2009 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 48-451, is hereby amended to add the following definition:

Mobile Food Unit in the City means any self-contained vehicle, trailer, cart, wagon, or other type of conveyance from which any food and/or beverage is offered for sale pursuant to Chapter 3.15 of the Code of the City of Wichita.

SECTION 2. Section III-B.14.c.(3) of the Wichita-Sedgwick County Unified Zoning Code (September 25, 2009 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 48-451, is hereby amended to add the following Use to the Commercial Uses permitted in the LC Limited Commercial District by approval of a Conditional Use:

Mobile Food Unit in the City, subject to Sec. III-D.6.nn

SECTION 3. Section III- B.16.b.(3) of the Wichita-Sedgwick County Unified Zoning Code (September 25, 2009 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 48-451, is hereby amended to add the following Use to the Commercial Uses permitted by-right in the GC General Commercial District:

Mobile Food Unit in the City, subject to Sec. III-D.6.nn

SECTION 4. Section III- B.19.b.(3) of the Wichita-Sedgwick County Unified Zoning Code (September 25, 2009 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 48-451, is hereby amended to add the following Use to the Commercial Uses permitted by-right in the CBD Central Business District:

Mobile Food Unit in the City, subject to Sec. III-D.6.nn

SECTION 5. Section III- B.20.b.(3) of the Wichita-Sedgwick County Unified Zoning Code (September 25, 2009 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 48-451, is hereby amended to add the following Use to the Commercial Uses permitted by-right in the LI Limited Industrial District:

Mobile Food Unit in the City, subject to Sec. III-D.6.nn

SECTION 6. Section III- B.21.b.(3) of the Wichita-Sedgwick County Unified Zoning Code (September 25, 2009 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 48-451, is hereby amended to add the following Use to the Commercial Uses permitted by-right in the GI General Industrial District:

Mobile Food Unit in the City, subject to Sec. III-D.6.nn

SECTION 7. Section III-C.5.g.(2) of the Wichita-Sedgwick County Unified Zoning Code (September 25, 2009 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 48-451, is hereby amended to add the following Use to the prohibited uses in the A-O II N Airport Overlay II North District and the A-O II S Airport Overlay II South District:

Mobile Food Unit in the City

SECTION 8. Section III-C.5.g.(3) of the Wichita-Sedgwick County Unified Zoning Code (September 25, 2009 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 48-451, is hereby amended to add the following Use to the prohibited uses in the A-O III N Airport Overlay III North District and the A-O III S Airport Overlay III South District:

Mobile Food Unit in the City

SECTION 9. The Use Regulations Schedule of Section III-D. of the Wichita-Sedgwick County Unified Zoning Code (September 25, 2009 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 48-451, is hereby amended to add the following Use to the Commercial Use Types:

USE TYPE	ZONING DISTRICTS																conditions										
	S R	S F	S F	S F	T F	M F	M F											I P		C B		L I		A G		F B	
Mobile Food Unit in the City																											D.6.nn

SECTION 10. The Off-Street Parking Schedule of Section IV-A.4. of the Wichita-Sedgwick County Unified Zoning Code (September 25, 2009 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 48-451, is hereby amended to add the following Land Use and Number of Spaces Required to the Commercial Use Types:

LAND USE	NUMBER OF SPACES REQUIRED
Mobile Food Unit in the City	Parking study

SECTION 11. Section III-D.7.c. of the Wichita-Sedgwick County Unified Zoning Code is hereby amended to add the following Residential Accessory Use:

Mobile Food Unit in the City, accessory to a construction site of two acres or larger

SECTION 12. Section III-D.7.c. of the Wichita-Sedgwick County Unified Zoning Code is hereby amended to add the following Commercial Accessory Use:

Mobile Food Unit in the City, subject to Sec. III-D.6.nn

SECTION 13. Section III-D.7.d. of the Wichita-Sedgwick County Unified Zoning Code is hereby amended to add the following Public and Civic Accessory Use:

Mobile Food Unit in the City, subject to Sec. III-D.6.nn

SECTION 14. Section III-D.6.nn. of the Wichita-Sedgwick County Unified Zoning Code is hereby created to add the following Supplementary Use Regulation:

nn. Mobile Food Unit in the City. Mobile Food Unit in the City, as defined by the Code, shall be allowed as an Accessory Use to a Public and Civic Use, as defined by the Code, in any zoning District; as an Accessory Use within the LC, OW, and IP Districts; as a Principal Use in the LC District with Conditional Use approval; and as an Accessory Use or Principal Use within the GC, CBD, LI, and GI Districts. The Zoning Administrator may authorize a Mobile Food Unit in the City only in conformance with the license requirements of Sec. 3.15 of the Code of the City of Wichita.

SECTION 15. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its adoption and publication once in the official City newspaper.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date June 13, 2017.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and Director of Law