

RESOLUTION NO. \_\_\_\_\_

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 \_\_\_\_\_  
TIM R. NORTON \_\_\_\_\_  
KARL PETERJOHN \_\_\_\_\_  
RICHARD RANZAU \_\_\_\_\_  
JAMES M. HOWELL \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

\_\_\_\_\_  
KELLY B. ARNOLD, County Clerk

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JAMES M. HOWELL, Chairman  
Commissioner, Fifth District

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RICHARD RANZAU, Chair Pro Tem  
Commissioner, Fourth District

APPROVED AS TO FORM:

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JUSTIN M. WAGGONER,  
Assistant County Counselor

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DAVID M. UNRUH  
Commissioner, First District

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TIM R. NORTON  
Commissioner, Second District

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KARL PETERJOHN  
Commissioner, Third District