

ORDINANCE NO. 51-735

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2022-00006

Amendment to Protective Overlay #167 on property zoned GC General Commercial, described as:

Lots 1, 2, and 3, Block A, Westport 3rd Addition, Sedgwick County, Kansas

Protective Overlay #167 shall hereby read as follows:

1. The development parcel contains 5.22 net acres, more or less.
2. Restricted uses: group residence, correctional placement residence (limited and general), group home (limited, general, and commercial), communication tower (commercial), kennel (boarding/breeding/training, and hobby), night club, riding academy or stable, tattooing and body piercing facility, tavern and drinking establishment, outdoor vehicle repair, asphalt and concrete plant, gas and fuel storage, rock crushing, and solid waste incinerator.
3. The transfer of title on all or any portion of the land included in the development does not constitute a termination of the overlay or any portion thereof; but said overlay shall run with the land for development and be binding upon the present land owners, their successors and assigns, and their lessees unless amended. However, the Planning Director, with concurrence of the Zoning Administrator, may approve minor adjustments to the conditions of the overlay, consistent with the approved development plan, without filing a formal ordinance amendment.
4. Landscape and Parking Lot Screening: Shall be in accordance with the City of Wichita Landscape Ordinance, including but not limited to a landscaped street yard and parking lot landscaping and screening along Kellogg Dive, Seville Avenue and Dubon Avenue. Additionally, the rate of plant materials on Dubon Avenue shall be calculated at a rate of one shade tree required per 40 feet of linear frontage along Dubon, with this requirement being met by a minimum of at least one-third evergreen plant material; two ornamental trees or ten shrubs shall be equivalent to one shade tree and may be substituted for shade trees except that not more than one-third of the total requirement may be met by shrubbery plant material. A landscape plan, prepared by a Landscape Architect licensed in the State of Kansas, indicating the location, type, and specification of plant material shall be submitted to the Planning Department for its review and approval prior to the issuance of any building permit(s). The site shall be screened along Dubon Avenue by way of building walls and solid screening walls. Building walls seen from ground level along Dubon Avenue shall not have visible windows, doors, or utility meters or boxes. Building walls shall be the same or similar color to screening walls. Screening walls shall be connected to building walls and shall give the appearance of solid masonry. The screening walls shall be a minimum of 8 feet in height. Landscaping will be required along Dubon Avenue and shall be in accordance with the City of Wichita Landscape Ordinance, except that Dubon Avenue right-of-way may be used for meeting the landscaping requirements; any improvements in the right-of-way shall require review by Public Works and may require a Use of Right-of-Way Permit. The right-of-way shall only be used for a landscape buffer along a building wall that is built

on the property line. The owner is responsible to replace any landscaping that is removed to make any infrastructure improvements along West Dubon Avenue.

5. Minimum Setback Requirements:
 - a. Front setback: 20 feet
 - b. Side setback: 0 feet
 - c. Rear setback: 0 feet for buildings
6. All signs shall be per Wichita Sign Code for property zoned "LC." No portable or off-site signs allowed. No signs shall be allowed on the north side of the buildings, facing Dubon Avenue, nor on the west façade facing Seville Avenue except within the southernmost 20 feet of the façade.
7. Parking: Shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code (UZC).
8. Architectural Control: All buildings shall have the same predominate exterior building materials with consistent architectural character, color and texture, and consistent lighting design (fixtures, poles, lamps, etc.) as approved by the Planning Department. Light standards shall be a maximum height of 25 feet and consistent in pole and fixture throughout the development. No freestanding light standards shall be allowed on Dubon Avenue; building wall lighting shall be limited to 15 feet in height and shall have directional shielding to prevent light spillage onto residential zoning districts.
9. An owners association agreement providing for the maintenance of reserves, open spaces, internal devices, parking areas, drainage areas, etc. shall be filed by the time the plat is filed of record.
10. All drainage ways and easements shall be determined at the time of platting.
11. Loading areas, trash receptacles, outdoor storage and docks shall be screened from ground level view. Mechanical equipment on top of buildings shall be screened to the height of the unit. Screening of all trash dumpsters and mechanical equipment will be constructed to match the buildings they support and no trash dumpster shall be along Dubon. Outdoor storage shall be screened such that no stored material protrudes above the top of the screening. In those cases where these requirements are more stringent than the UZC, it shall be deemed that these requirements shall govern.
12. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Metropolitan Area Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Planning Director, shall constitute a violation of the building permit authorizing construction of the proposed development.
13. Outdoor speakers and sound amplification systems shall not be permitted on the site.
14. Development Standards:
 - a. Maximum height: 35 feet
 - b. Maximum building coverage: 30 percent
 - c. Maximum gross floor area: 35 percent

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

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ATTEST:

Brandon J. Whipple, Mayor, City of Wichita

Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Jennifer Magaña, City Attorney and Director of Law