

ORDINANCE NO. 51-749

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. ZON2022-00013

Amendment to Protective Overlay #230 on property zoned GC General Commercial, described as:

All of Lots 4 and 5, and that part of Lot 6, Edminster Gardens, Sedgwick County, Kansas, described as beginning at the Northwest corner of said Lot 6, thence South along the West line of said Lot 6, 90.30 feet; thence East with a deflection angle to the left of 90 degrees 18'56", a distance of 1.13 feet; thence Northerly 90.30 feet more or less to the place of beginning.

Protective Overlay #230 shall hereby read as follows:

1. Permitted uses are those permitted by-right in the LC Limited Commercial ("LC") zone district plus "vehicle repair, general" and "vehicle and equipment sales" as allowed in the GC General Commercial ("GC") zone district.
2. No off-site or portable signs shall be permitted.
3. All vehicles parked or outside of a building in need of "vehicle repair, general" must be located behind the buildings on the west side of the property and screened from ground view from 31st Street South, and from adjoining and adjacent properties. "Vehicle repair, general" work is only permitted inside an enclosed building. The outside storage of parts is prohibited. Activities deemed by the Unified Zoning Code to be "wrecking or salvage" are not permitted.
4. "Vehicle and Equipment Sales" use shall conform to the following Supplementary Use Regulations of the Unified Zoning Code Section III-D.6.x:
 - a. Location shall be contiguous to a major Street as designated in the *Transportation Plan* adopted by the Governing Bodies, and as amended from time to time.
 - b. Visual Screening of areas Adjacent to residential zoning districts shall be provided to protect adjacent properties from light, debris and noise and to preserve adjacent property values even when the change in use to Vehicle and Equipment Sales replaces a previous use that is of equal or greater intensity. In no case shall the screening be less than that required by Sec. IV- B.1-3.
 - c. All Parking, Outdoor Storage and display areas shall be paved with concrete, asphalt or asphaltic concrete or any comparable hard surfacing material. Parking barriers shall be installed along all perimeter boundaries abutting streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public street right-of-way.

- d. The lighting shall be in compliance with the lighting requirements of Sec.IV-B.4. No string-type or search lighting shall be permitted.
 - e. The noise levels shall be in compliance with the compatibility noise standards of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted.
 - f. No repair work shall be conducted on site, except in an enclosed building, and further provided that no body or fender work is done.
 - g. Only those signs permitted in the LC District shall be permitted on this site, except that no portable, flashing, moving or off-site signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be permitted.
 - h. There shall be no use of elevated platforms for the display of vehicles.
5. For Vehicle and Equipment Sale, the applicant shall submit a scaled site plan for review and approval by the Planning Department and all improvements to the property shall be finished prior to the selling of any vehicles or equipment. The site plan will include, but not be limited to, internal circulation that will remain open during hours of operation to allow access, area designated for display of cars, customer and employee parking, any existing or proposed signs, existing or proposed lighting, and the location of parking barriers. The site will be developed according to the revised site plan.
6. The site shall be developed in conformance with all applicable regulations.

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.

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