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RESOLUTION NO. 234-2023

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A RESOLUTION AMENDING ARTICLE III, SECTIONS C AND D OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (JULY 9, 2009, EDITION), AS ADOPTED BY REFERENCE IN RESOLUTION NO. 137-09.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 27, 2023 and September 14, 2023, and after said Planning Commission had given proper notice and held a public hearing as provided by law, and under the authority granted by K.S.A. 12-741 *et. seq.*, the Wichita-Sedgwick County Unified Zoning Code, as adopted by reference in Resolution No. 137-09, is hereby amended as follows:

Case No. DER2023-00004

1. Article III, Section C, Item 4.b. of the Unified Zoning Code (the "UZC"), is hereby amended to read as follows:

b. Use regulations. The Use regulations of the underlying zoning district shall control within the OT-O District, provided however, that all Uses allowed as Permitted and Conditional Uses within the residential zoning Districts shall also be allowed as Permitted or Conditional Uses, respectively, in the OT-O district; except that ~~Tattooing and Body Piercing facilities~~ and any Sexually Oriented Business in the City shall not be allowed as a Permitted or a Conditional Use.

2. Article III, Section D, Item 6. ee. of the Unified Zoning Code (the "UZC"), is hereby amended to read as follows:

ee. Tattooing and Body Piercing Facilities. All Tattooing and Body Piercing Facilities (Facility or Facilities) within the City shall be located in the GC, OW, IP, LI_GI or AFB zoning District and shall be subject to the following standards:

(1) All Facilities shall be located a minimum of 200 feet from a School, Park or Residential zoning district. This distance shall be measured from the nearest lot line of the School, Park or Residential zoning District to the nearest lot line of the premises on which the Facility is located or any Parking Area designated to be used by the patrons of such business, whichever is closest. For purposes of this measurement, the required Parking Spaces for such a business located within a multi-tenant Structure or shopping center are those located nearest the public entrance to the business.

(2) All Tattooing and Body Piercing shall be conducted within an enclosed building.

(3) In the OT-O District, all Facilities shall be open by appointment only, shall not open for business prior to 10:00 a.m. and shall cease operation and close by 10:00 p.m.

- 3 The originals of Article III, Section C, Item 4.b. and Article III, Section D, Item 6.ee. of the Unified Zoning Code are hereby repealed.
- 4 This Resolution shall take effect and be in force from and after its adoption and publication in the official county newspaper.

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Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

Aye
Aye
Aye
Aye
Aye

Dated this 25 day of October, 2023.


ATTEST:


KELLY B. ARNOLD, County Clerk





BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


PETER F. MEITZNER, Chairman
Commissioner, First District


JAMES M. HOWELL, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:


KIRK W. SPONSEL
Deputy County Counselor


SARAH LOPEZ
Commissioner, Second District


DAVID T. DENNIS
Commissioner, Third District


RYAN K. BATY
Commissioner, Fourth District