

DR 60-27 OUTDOOR CAR LOTS IN "LC"
AREAS. (DICK PRICE)

Rec. # 26-764

Pub. 10-5-62

B.C.C. 18544
10-2-62

ACTION

COMMITTEE	DATE
M.A.P.C. <u>approve</u>	⁹⁻⁶⁻⁶² 12-1-62
B.C.C. / B.C.C. <u>15th rd ordinance</u>	9-25-62 10-2-62

Res. # 26-764

Pub. 10-5-62

DR 60-27 Outdoor car lots in "LC" AREAS (Dick Price)

ORDINANCE NO. _____

AN ORDINANCE RELATING TO ZONING AND EXCEPTIONS AMENDING SECTION 9 OF ORDINANCE NO. 26-424 OF THE CITY OF WICHITA, KANSAS, AND REPEALING SAID ORIGINAL SECTION 9 OF ORDINANCE NO. 26-424 OF THE CITY OF WICHITA, KANSAS.

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

SECTION 1. THAT SECTION 9 OF ORDINANCE NO. 26-424 OF THE CITY OF WICHITA, KANSAS, BE AMENDED TO READ AS FOLLOWS:

28.04.180 EXCEPTIONS. A. USE REGULATIONS.

THIS CHAPTER SHALL NOT APPLY TO EXISTING STRUCTURES NOR TO THE EXISTING USE OF ANY BUILDING WHICH SHALL HAVE COMPLIED WITH ALL THE LAWS AND ORDINANCES IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER, EXCEPTING FOR THE FUTURE CHANGE TO CONFORMING USE AS PROVIDED IN PARAGRAPH A OF THE PRECEDING SECTION. ALL ZONING DISTRICT REGULATIONS SHALL APPLY TO ANY ENLARGING OF A BUILDING FOR A NONCONFORMING USE IN THE DISTRICT IN WHICH IT IS LOCATED, AND TO ANY ALTERATION OF A BUILDING WHICH IS INTENDED TO CHANGE ITS USE TO A LESS RESTRICTED CLASSIFICATION.

1. WHENEVER THE BOUNDARY LINE OF ANY DISTRICT DIVIDES A LOT HELD UNDER A SEPARATE OWNERSHIP FROM ADJOINING LOTS AT THE TIME OF THE ADOPTION OF ORDINANCE NO. 10-107 (OCTOBER 1, 1928), NOTHING HEREIN SHALL BE CONSTRUED TO PREVENT THE EXTENSION OF THE USE PERMITTED ON EITHER PORTION OF SUCH LOT OR PARCEL OF LAND FOR A DISTANCE NOT GREATER THAN TWENTY-FIVE FEET BEYOND THE BOUNDARY LINE OF THE DISTRICT.
2. IN ANY LOCATION WHERE TWO-FAMILY DWELLINGS ARE LOCATED IN ANY DISTRICT WITH NOT MORE THAN ONE HUNDRED FOOT FRONTAGE BETWEEN THE LOTS WHICH THEY OCCUPY, TWO-FAMILY DWELLINGS MAY BE CONSTRUCTED BETWEEN THEM. IF SIXTY PER CENT OR MORE OF THE FRONTAGE ON ONE SIDE OF THE STREET BETWEEN TWO INTERSECTING STREETS IS OCCUPIED BY TWO-FAMILY DWELLINGS ON THE EFFECTIVE DATE OF THIS CHAPTER, ADDITIONAL TWO-FAMILY DWELLINGS MAY BE CONSTRUCTED OR EXISTING BUILDINGS MAY BE CONVERTED TO TWO-FAMILY DWELLINGS ON BOTH SIDES OF THE STREET IN ANY DISTRICT.
3. IN ANY DISTRICT WHERE THERE ARE FOUR-FAMILY DWELLINGS WITH NOT MORE THAN ONE HUNDRED FEET FRONTAGE BETWEEN THE LOTS WHICH THEY OCCUPY, ADDITIONAL DWELLINGS NOT EXCEEDING FOUR FAMILIES MAY BE CONSTRUCTED BETWEEN THEM. IF SIXTY PER CENT OR MORE OF THE FRONTAGE ON ONE SIDE OF THE STREET BETWEEN TWO INTERSECTING STREETS IS OCCUPIED BY FOUR-FAMILY DWELLINGS ON THE EFFECTIVE DATE OF THIS CHAPTER, ADDITIONAL DWELLINGS NOT EXCEEDING FOUR FAMILIES MAY BE CONSTRUCTED OR EXISTING BUILDINGS MAY BE CONVERTED TO SIMILAR DWELLINGS ON BOTH SIDES OF THE STREET IN ANY DISTRICT.
4. OUTDOOR AMUSEMENT PARKS:
 - 4.1 ANY LAWFUL USES OF LAND OR STRUCTURES PROVIDING FACILITIES FOR MINIATURE GOLF COURSES, AMUSEMENT PARKS OR OTHER OUTDOOR PLACES OF ENTERTAINMENT EXISTING AT LEAST SIX MONTHS PRIOR TO ANNEXATION TO THE CITY AND COVERING AN AREA OF FIFTEEN ACRES OR MORE, MAY CONTINUE SUCH OPERATIONS ALTHOUGH SUCH USE DOES NOT CONFORM TO THE PROVISIONS HEREOF.

- 4.2 SUCH USES OF SUCH LAND OR STRUCTURES MAY BE MAINTAINED, EXPANDED OR ENLARGED WITHIN THE AREA OWNED, LEASED OR RENTED BY THE OWNER OR OPERATOR OF SUCH USES AT LEAST SIX MONTHS PRIOR TO ANNEXATION TO THE CITY; PROVIDED, HOWEVER, SUCH EXPANSION OR ENLARGEMENT DOES NOT EXCEED FIFTY PER CENT OF THE EXISTING FLOOR AND GAME AREA AT THE TIME OF SUCH ANNEXATION.
- 4.3 SUCH EXPANSION, ENLARGEMENT OR MAINTENANCE, SHALL BE IN ACCORDANCE WITH THE HEIGHT AND AREA REGULATIONS OF THE "B" MULTIPLE-FAMILY DWELLING DISTRICT.
- 4.4 ANY SUCH STRUCTURE DESTROYED OR PARTIALLY DESTROYED BY FIRE, FLOOD, WIND, EARTHQUAKE OR OTHER CALAMITY OR BY THE PUBLIC ENEMY, MAY BE REBUILT AND USED FOR ITS ORIGINAL PURPOSE.
- 4.5 IN THE EVENT OF DISCONTINUANCE FOR A PERIOD OF TWO YEARS, PARAGRAPH B, OF THE PRECEDING SECTION, SHALL THEN APPLY TO SUCH USE.
- 4.6 THIS SUBSECTION SHALL BE EFFECTIVE AND APPLY TO ALL SUCH USES AND STRUCTURES ANNEXED TO THE CITY AFTER JUNE 1, 1951.

5. TRAILER CAMPS:

THE BOARD OF ZONING APPEALS MAY BY SPECIAL PERMIT AFTER A PUBLIC HEARING ALLOW TRAILER CAMPS, SUBJECT TO CONDITIONS OUTLINED BELOW, IN LIGHT COMMERCIAL DISTRICTS ADJACENT TO ROADS DESIGNATED AS FEDERAL OR STATE ROUTES. SUCH LOCATION SHALL FIRST BE APPROVED BY THE PLANNING COMMISSION WHEN SUCH USE IS DEEMED ESSENTIAL OR DESIRABLE TO THE PUBLIC CONVENIENCE OR WELFARE AND IS IN HARMONY WITH THE VARIOUS ELEMENTS OR OBJECTIVES OF THE MASTER OR COMPREHENSIVE PLAN.

- 5.1 MINIMUM AREA PER TRAILER, EXCLUSIVE OF CAR OR TRUCK PARKING SPACE, DRIVES AND FRONT, REAR, SIDE OR PLAY YARD--40' X 25'.
- 5.2 ONE CAR OR TRUCK PARKING SPACE SHALL BE PROVIDED FOR EACH TRAILER, AND NOT COUNTED AS PART OF THE REQUIRED DRIVE.
- 5.3 A PLAY AREA IN ONE PLOT SHALL PROVIDE AT LEAST SIX THOUSAND SQUARE FEET FOR THE FIRST TWENTY TRAILERS AND AN ADDITIONAL TWO HUNDRED SQUARE FEET FOR EACH TRAILER MORE THAN TWENTY.
- 5.4 DRIVES WITHIN THE TRAILER AREA SHALL BE AT LEAST TWENTY-TWO FEET WIDE, AND SHALL BE PAVED, GRAVELED OR SIMILARLY SURFACED, ANY OF WHICH SHALL BE TREATED TO PREVENT DUST.
- 5.5 ACCESS AND EXIT ROADS SHALL BE ARRANGED AND LOCATED SO AS TO AVOID TRAFFIC CONGESTION.
- 5.6 A PERMANENT SCREEN AT LEAST FIVE FEET HIGH SHALL ENCLOSE THE AREA, EXCEPT IN PROVIDING VISIBILITY FOR ENTRANCE AND EXIT DRIVES, AND SHALL BE PROVIDED BY THE ERECTION AND MAINTENANCE OF A SOLID WALL, UNIFORMLY PAINTED BOARD FENCE, OR COMPACT EVERGREEN PLANTING.

- 5.7 PROPERLY LIGHTED, BUT ANY LIGHTS USED TO ILLUMINATE SUCH AREAS SHALL BE SO ARRANGED SO AS TO REFLECT THE LIGHT AWAY FROM ADJOINING PREMISES.
- 5.8 COMPLIANCE WITH SUCH OTHER REQUIREMENTS AS MAY BE DEEMED NECESSARY BY THE WICHITA-SEDDGWICK COUNTY HEALTH DEPARTMENT.
- 5.9 IF USE AS A TRAILER CAMP IS DISCONTINUED FOR A PERIOD LONGER THAN SIX MONTHS, THE PERMIT IS REVOKED AND THE OWNER OF THE LAND SHALL RESTORE IT TO ITS UNIMPROVED CONDITION.
- 5.10 THESE CONDITIONS SHALL BE ATTACHED TO THE RECORDED DEED OF THE LAND AND SHALL BE COMPLIED WITH BY THE PRESENT AND FUTURE OWNERS UNTIL SUCH TIME AS THIS USE IS DISCONTINUED.
6. CONDITIONAL USES IN "LCO" DISTRICTS: THE BOARD OF ZONING APPEALS MAY BY SPECIAL PERMIT AUTHORIZE THE USES SPECIFIED BELOW IN "LCO" LIGHT COMMERCIAL DISTRICTS SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:
- 6.1 SUCH LOCATION SHALL FIRST BE APPROVED IN WRITING BY THE PLANNING COMMISSION WHO SHALL FIND SUCH USE IS DESIRABLE AND ESSENTIAL AND IS IN HARMONY WITH THE VARIOUS ELEMENTS OR OBJECTIVES OF THE MASTER OR COMPREHENSIVE PLAN.
- 6.2 THE MINIMUM LAND AREA--TWO ACRES.
- 6.3 THE MAXIMUM BUILDING COVERAGE OF LAND AREA SHALL BE ONE SQUARE FOOT OF GROUND AREA OF THE BUILDING TO THREE SQUARE FEET OF LAND AREA.
- 6.4 THE MINIMUM SETBACK OF ANY BUILDING FROM THE PROPERTY LINES SHALL BE THIRTY FEET; HOWEVER, THE BOARD OF ZONING APPEALS MAY GRANT A VARIANCE TO THIS REQUIREMENT IN UNUSUAL CONDITIONS.
- 6.5 ALL MATERIALS SHALL BE WITHIN A COMPLETELY ENCLOSED BUILDING (NO OUTSIDE STORAGE).
- 6.6 ALL PARKING AND LOADING AREAS SHALL BE PAVED WITH CONCRETE OR ASPHALT AND MUST NOT COVER MORE THAN ONE-HALF OF REQUIRED OPEN SPACE.
- 6.7 THE MAXIMUM NUMBER OF EMPLOYEES SHALL BE FIFTEEN PER ACRE OF NET LAND AREA IN ANY ONE SHIFT.
- 6.8 NO NOXIOUS ODORS OR UNDUE NOISE SHALL BE DETECTABLE FROM THE PROPERTY LINE.
- 6.9 THE BOARD OF ZONING APPEALS MUST FIND THAT THE PLANS ASSURE THE PROPER TREATMENT OF SCREENING AND COMPATIBILITY OF SUCH CONSTRUCTION TO THE ADJOINING PROPERTY AND SURROUNDING NEIGHBORHOOD.
- 6.10 USES THAT MAY BE SO AUTHORIZED ARE: (A) BAKERY, AND (B) BOTTLING WORKS.

7. AUTO WRECKING, SALVAGE YARDS, USED MATERIAL YARDS, STORAGE OR BAILING OF WASTE OR SCRAP PAPER, RAGS, SCRAP METALS, BOTTLES OR JUNK MAY BE AUTHORIZED IN THE "H" LIGHT INDUSTRIAL DISTRICT BY THE GOVERNING BODY UNDER A SPECIAL PERMIT, PROVIDED THAT SUCH OPERATION IS NOT ON A MAIN THOROUGHFARE OR BUSINESS STREET, AND IN THE OPINION OF THE GOVERNING BODY WILL NOT ADVERSELY AFFECT THE CHARACTER OF THE NEIGHBORHOOD, IS ENCLOSED BY A METAL OR WOOD FENCE NOT LESS THAN EIGHT FEET IN HEIGHT AND HAVING CRACKS AND OPENINGS NOT IN EXCESS OF FIVE PERCENT OF THE AREA OF SUCH FENCE, SUBJECT TO ANY OTHER REQUIREMENTS WHICH MAY BE SPECIFIED BY THE GOVERNING BODY, AND THAT ALL WASTE PAPER, RAGS OR MATERIALS THAT CAN BE SCATTERED BY THE WIND SHALL BE KEPT IN A BUILDING SUITABLE FOR THAT PURPOSE, AND PROVIDED FURTHER, THAT THE BOARD OF COMMISSIONERS MAY IMPOSE SUCH ADDITIONAL SPECIAL CONDITIONS TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE NEIGHBORHOOD AS THE BOARD OF COMMISSIONERS MAY DEEM PROPER, INCLUDING (BUT NOT LIMITED TO), THE POSTING OF A PERFORMANCE BOND.

8. THE BOARD OF COMMISSIONERS MAY, BY SPECIAL PERMIT AND SUBJECT TO SUCH PROTECTIVE RESTRICTIONS AS IT DEEMS NECESSARY, AUTHORIZE THE LOCATION IN ANY DISTRICT WITHIN THE CITY, OF ANY PUBLIC BUILDING ERECTED AND USED BY ANY DEPARTMENT OF THE CITY, COUNTY, STATE OR FEDERAL GOVERNMENT, OR ANY BUILDING OR OTHER STRUCTURE ERECTED AND USED BY ANY PUBLIC UTILITY OPERATED UNDER A FRANCHISE GRANTED BY THE CITY.

9. THE BOARD OF COMMISSIONERS MAY, BY SPECIAL PERMIT AND SUBJECT TO SUCH PROTECTIVE RESTRICTIONS AS IT DEEMS NECESSARY, AUTHORIZE THE EXTRACTION OF GRAVEL, OR SAND FROM EITHER OF THE RIVERS WITHIN THE CITY.

10. OIL WELL DRILLING AND OPERATION BY SPECIAL PERMIT:

THE BOARD OF CITY COMMISSIONERS MAY BY SPECIAL PERMIT AUTHORIZE THE DRILLING AND OPERATION OF OIL WELLS IN ANY DISTRICT; PROVIDED THAT IN ANY DISTRICT EXCEPT E AND F THE PROPOSED WELL LOCATION SHALL FIRST BE SUBMITTED BY PROPER APPLICATION TO THE PLANNING COMMISSION, WHO SHALL HOLD A HEARING AND MAKE ITS RECOMMENDATION WITHIN TWENTY-ONE DAYS WITH RESPECT TO WHETHER SUCH USE IS REASONABLE AND IS IN HARMONY WITH THE SURROUNDING AREA AND THE OBJECTIVES OF THE COMPREHENSIVE PLAN, AND WILL PRESERVE PROPERTY VALUES, PERSONAL AND PROPERTY RIGHTS, AS WELL AS PROMOTE THE GENERAL WELFARE OF THE COMMUNITY; AND PROVIDED FURTHER THAT IN ANY DISTRICT EXCEPT E AND F THE FOLLOWING CONDITIONS ARE MET:

10.1 ALL STORAGE OF OIL AND WASTE AND ALL PUMPING EQUIPMENT AND APPURTENANCES SHALL BE ENCLOSED. SUCH ENCLOSURE SHALL BE COMPATIBLE IN CONSTRUCTION AND DESIGN WITH THE SURROUNDING AREA, AND MAY OR MAY NOT REQUIRE A ROOF, DEPENDING ON THE LOCATION AND RECOMMENDATION OF THE PLANNING COMMISSION IN EACH INDIVIDUAL CASE.

10.2 THE HAULING OF OIL AND WATER, EXCEPT IN CASE OF EMERGENCY, SHALL BE DURING DAYLIGHT HOURS ONLY.

- 10.3 THE OWNERS OF ALL SURFACE RIGHTS OF ALL PROPERTY WITHIN TWO HUNDRED FEET OF THE WELL AND ALL EQUIPMENT APPURTENANT THERETO MUST GIVE CONSENT IN WRITING, BY LEASE OR OTHERWISE, TO DRILLING OF AN OIL WELL ON OR WITHIN TWO HUNDRED FEET OF THEIR PROPERTY.
- 10.4 THE OWNERS OF THE SURFACE RIGHTS OF SEVENTY-FIVE PER CENT OF THE LAND WITHIN THE DRILLING UNIT MUST GIVE CONSENT IN WRITING, BY LEASE OR OTHERWISE, TO DRILLING OF AN OIL WELL WITHIN SAID UNIT.
- 10.5 ALL PROVISIONS OF THIS SECTION ARE IN ADDITION TO THE RESTRICTIONS IN CHAPTER 25.04 OF THIS CODE.

11. SWIMMING CLUBS--PRIVATE, NON-PROFIT BY SPECIAL PERMIT:

THE BOARD OF CITY COMMISSIONERS MAY BY SPECIAL PERMIT AUTHORIZE THE LOCATION OF SUCH USE IN THE "AA", "A", AND "RB" DISTRICTS, PROVIDING THE FOLLOWING CONDITIONS HAVE BEEN MET AND FURTHER PROVIDED THAT SUCH LOCATION AND PRELIMINARY PLANS SHALL FIRST BE APPROVED IN WRITING, BY THE CITY PLANNING COMMISSION, WHO SHALL FIRST FIND THAT SUCH USE IS REASONABLE AND IS IN HARMONY WITH THE SURROUNDING AREA AND THE OBJECTIVES OF THE COMPREHENSIVE PLAN AND WILL PRESERVE PROPERTY VALUES, PERSONAL AND PROPERTY RIGHTS, AS WELL AS PROMOTE THE GENERAL WELFARE OF THE COMMUNITY.

- 11.1 ONLY FACILITIES FOR GAMES AND OUTDOOR USES SUCH AS SWIMMING POOL, SHUFFLE BOARD, CROQUET OR TENNIS COURTS, SHALL BE PERMITTED. INDOOR FACILITIES SHALL INCLUDE ONLY MEETING ROOMS AND LOCKER ROOMS. THESE GAMES AND BUILDINGS SHALL NOT BE LOCATED WITHIN FIFTY FEET OF THE SIDE PROPERTY LINES, TWENTY FEET OF THE REAR PROPERTY LINE, AND AS REQUIRED ELSEWHERE IN THE ZONING ORDINANCE FOR FRONT PROPERTY LINES. NO PERMIT UNDER THIS PARAGRAPH SHALL BE GRANTED UNLESS AND UNTIL THE PETITIONER FILES THE CONSENT, DULY ACKNOWLEDGED, OF ONE HUNDRED PER CENT OF THE OWNERS WITHIN ONE HUNDRED FEET OF THE PROPERTY ON WHICH SUCH USE IS TO BE LOCATED.
- 11.2 SOLID FENCING AND SCREENING FROM ABUTTING PROPERTY OF ALL OUTDOOR ACTIVITY AREAS SHALL BE AT LEAST SIX FEET IN HEIGHT. IF PARKING AREAS ARE OUTSIDE THIS SIX-FOOT FENCE, THEN A WALL AT LEAST THREE AND ONE HALF FEET IN HEIGHT SHALL BE CONSTRUCTED AROUND PARKING AREA TO PROTECT ADJOINING PROPERTY FROM HEADLIGHTS.
- 11.3 ANY PUMPS AND FILTERS WHICH ARE LOCATED ABOVEGROUND SHALL BE AT LEAST FIFTY FEET FROM ABUTTING PROPERTIES.
- 11.4 ONLY THE DISPENSING OF BEVERAGES, CANDY AND TOBACCO SHALL BE PERMITTED, AND THESE SHALL BE FROM COIN-OPERATED MACHINES.

- 11.5 ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY.
- 11.6 NO LOUD SPEAKERS OR AMPLIFICATION SYSTEM SHALL BE USED SO AS TO BE HEARD OUTSIDE OF THE BUILDING.
- 11.7 THE REQUIRED PARKING SPACE SHALL BE COMPUTED ON THE BASIS OF ONE SPACE, TWO HUNDRED FIFTY SQUARE FEET, FOR EACH SEVENTY SQUARE FEET OF POOL AREA.
- 11.8 PARKING AREAS SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, ASPHALT OR OTHER COMPARABLE SURFACE AND SHALL BE MAINTAINED IN GOOD CONDITION FREE OF ALL WEEDS, DUST, TRASH AND OTHER DEBRIS.

12. SMALL ANIMAL CLINIC IN "BB" OFFICE DISTRICT.

THE BOARD OF ZONING APPEALS MAY, BY SPECIAL PERMIT AFTER A PUBLIC HEARING AND SUBJECT TO CONDITIONS, ALLOW SMALL ANIMAL CLINICS IN THE "BB" OFFICE DISTRICT.

12.1 PRIOR TO GRANTING OF SUCH PERMIT, THE BOARD SHALL FIND FROM PLANS AND SPECIFICATIONS SUBMITTED THAT NO NOISE OR ODORS SHALL BE DISCERNIBLE AT ANY EXTERIOR BUILDING LINE.

12.2 TREATMENT SHALL BE LIMITED TO DOGS, CATS AND OTHER SMALL ANIMALS, ALL ANIMALS SHALL BE HARBOURED INDOORS.

13. FALLOUT SHELTERS. FALLOUT SHELTERS ARE PERMITTED AS ACCESSORY USES AND STRUCTURES IN ANY DISTRICT, SUBJECT TO THE YARD AND LOT COVERAGE REGULATIONS OF THE DISTRICT. SUCH SHELTERS MAY CONTAIN OR BE CONTAINED IN OTHER STRUCTURES OR MAY BE CONSTRUCTED SEPARATELY. SUCH SHELTERS SHALL NOT BE USED FOR PRINCIPAL OR ACCESSORY USES PROHIBITED EXPRESSLY OR BY IMPLICATION IN THE DISTRICT.

THE BOARD OF ZONING APPEALS MAY PERMIT, AS AN EXCEPTION, CONSTRUCTION OF JOINT SHELTERS BY TWO OR MORE PROPERTY OWNERS. WHERE SUCH JOINT SHELTERS ARE PERMITTED, THE BOARD MAY WAIVE THE SIDE AND REAR YARD REQUIREMENTS ON THE PROPERTY OR PROPERTIES DIRECTLY INVOLVED IN THE CONSTRUCTION OF THE JOINT SHELTER TO THE EXTENT NECESSARY TO PERMIT PRACTICAL AND EFFICIENT LOCATION AND CONSTRUCTION, PROVIDED, HOWEVER, THAT SIDE AND REAR YARD REQUIREMENTS SHALL BE MET WHERE PROPERTY INVOLVED IN THE JOINT PROPOSAL ADJUTS OR ADJOINS PROPERTY NOT INCLUDED IN THE PROPOSAL.

14. THE BOARD OF ZONING APPEALS MAY BY SPECIAL PERMIT GRANT EXCEPTIONS AND AUTHORIZE THESE USES

NEW AND USED CAR SALES
TRAILER SALES
TRAILER, VEHICLE AND EQUIPMENT RENTAL

IN THE "LCP" LIGHT COMMERCIAL DISTRICTS SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:

- A. LOCATION CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN THE PATTERN FOR THOROFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERETO.
- B. SUCH SCREENING FOR AREAS CONTIGUOUS TO RESIDENTIAL ZONING DISTRICTS AS MAY BE DETERMINED APPROPRIATE AND NECESSARY TO PROTECT ADJACENT PROPERTIES FROM LIGHT, DEBRIS AND NOISE AND TO PRESERVE ADJACENT PROPERTY VALUES.
- C. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
- D. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING TYPE LIGHTING SHALL BE PERMITTED.
- E. NO PROJECTING SIGNS SHALL BE PERMITTED.
- F. NO SOUND PROJECTING DEVICES OR LOUD SPEAKER SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
- G. SUCH OTHER CONDITIONS AS THE BOARD OF ZONING APPEALS SHALL DEEM NECESSARY TO INCLUDE, BUT NOT BE RESTRICTED TO, PROPER SETBACKS, LANDSCAPING, AND MAINTENANCE PROVISIONS.
- H. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.

B. HEIGHT REGULATIONS

- 1. PUBLIC, SEMIPUBLIC OR PUBLIC SERVICE BUILDINGS, HOSPITALS, INSTITUTIONS, SCHOOLS AND CHURCHES OR TEMPLES, WHEN PERMITTED IN THE "AA", "A", AND "RB" DISTRICTS, MAY BE ERRECTED TO A HEIGHT NOT EXCEEDING SEVENTY-FIVE FEET, IF THE BUILDING IS SET BACK FROM EACH YARD LINE AT LEAST ONE FOOT FOR EACH FOOT OF ADDITIONAL BUILDING HEIGHT ABOVE THE HEIGHT LIMIT OTHERWISE PROVIDED IN THE DISTRICT IN WHICH THE BUILDING IS BUILT.
- 2. CHIMNEYS, COOLING TOWERS, ELEVATOR BULKHEADS, FIRE TOWERS, GRAIN ELEVATORS, FLOUR MILLS, MONUMENTS, STACKS, SCENERY LOFTS, TANKS, WATER TOWERS, ORNAMENTAL TOWERS, SPIRES, CHURCH STEEPLES, RADIO TOWERS OR NECESSARY MECHANICAL APPURTENANCES, MAY BE ERRECTED TO A HEIGHT IN ACCORDANCE WITH EXISTING OR HEREAFTER ADOPTED ORDINANCES IN THE CITY; PROVIDED THAT IN THE ABSENCE OF ANY SUCH ORDINANCE THERE SHALL BE NO HEIGHT LIMITATION ON THESE STRUCTURES.
- 3. ON THROUGH LOTS ONE HUNDRED TWENTY FEET OR LESS IN DEPTH, THE HEIGHT OF A BUILDING MAY BE MEASURED FROM THE GRADE ON EITHER STREET. ON THROUGH LOTS OF MORE THAN ONE HUNDRED TWENTY FEET IN DEPTH, THE HEIGHT REGULATIONS AND BASIS OF HEIGHT MEASUREMENTS FOR THE STREET PERMITTED THE GREATER HEIGHT SHALL APPLY TO A DEPTH OF NOT MORE THAN ONE HUNDRED TWENTY FEET FROM THAT STREET.

C. AREA REGULATIONS.

THE FOLLOWING EXCEPTIONS UNDER SPECIAL CONDITIONS FURTHER MODIFY AREA REGULATIONS IN WHICH THOSE SPECIAL CONDITIONS EXIST:

1. MIXED COMMERCIAL, INDUSTRIAL AND RESIDENTIAL BUILDINGS:

1.1 IN THOSE DISTRICTS IN WHICH COMMERCIAL AND INDUSTRIAL BUILDINGS ARE BUILT ONE OR MORE STORIES HIGH WITH THE UPPER ONE OR MORE STORIES BUILT ABOVE THE COMMERCIAL OR INDUSTRIAL BUILDINGS FOR RESIDENTIAL PURPOSES, NO SIDE YARD WILL BE REQUIRED FOR THE RESIDENTIAL PORTION OF THE BUILDING ADJOINING ANOTHER PROPERTY; PROVIDED THAT THE PART OF THE BUILDING INTENDED FOR RESIDENTIAL USE IS NOT MORE THAN TWO ROOMS DEEP FROM FRONT TO REAR. SUCH BUILDINGS NEED NOT PROVIDE SIDE YARDS ON THE SIDE OF THE STRUCTURE ADJOINING A STREET.

1.2 IF THE UPPER FLOORS OF COMMERCIAL AND INDUSTRIAL BUILDINGS ARE USED FOR RESIDENTIAL PURPOSES, SUCH UPPER FLOORS SHALL BE PROVIDED WITH A REAR YARD OR COURT AREA OF NOT LESS THAN TEN FEET TIMES THE WIDTH OF THE LOT.

2. ANY MULTIPLE-FAMILY DWELLING BUILT IN THE "B", "LC", "C", "D", "E", OR "F" DISTRICTS MAY SUBSTITUTE A COURT FOR THE REAR YARD REQUIREMENT IN THAT DISTRICT; PROVIDED, THAT THE AREA OF THE COURT IS NOT LESS THAN THE AREA OF THE REQUIRED REAR YARD, AND PROVIDED FURTHER, THAT THE COURT SHALL BE OPEN THROUGHOUT THE ENTIRE HEIGHT OF THE BUILDING.

3. NO YARD OR OTHER OPEN SPACE PROVIDED ABOUT ANY BUILDING FOR THE PURPOSE OF COMPLYING WITH THE PROVISIONS OF THESE REGULATIONS SHALL AGAIN BE USED AS A YARD OR AN OPEN SPACE FOR ANOTHER BUILDING.

CHIMNEYS OR BAY WINDOWS MAY EXTEND NOT MORE THAN TWELVE INCHES FROM THE MAIN BODY OF THE BUILDING WITHOUT BEING CONSIDERED AS AN ENCROACHMENT IN THE YARD AREA; EAVES MAY OVERHANG NOT MORE THAN TWO FEET WITHOUT ENCROACHMENT IN THE YARD AREA.

OPEN OUTSIDE STAIRWAYS, ENTRANCE HOODS, TERRACES, CANOPIES AND BALCONIES MAY PROJECT INTO A REQUIRED FRONT OR REAR YARD NOT MORE THAN FIVE FEET AND MAY PROJECT INTO A REQUIRED SIDE YARD NOT MORE THAN TWO FEET, AND THE ORDINARY PROJECTIONS OF CHIMNEYS, FLUES AND VENTILATING DUCTS MAY BE PERMITTED BY THE BUILDING INSPECTION SUPERINTENDENT WHEN PLACED SO AS NOT TO OBSTRUCT LIGHT AND VENTILATION.

AN OPEN UNENCLOSED PORCH MAY PROJECT INTO A REQUIRED FRONT YARD FOR A DISTANCE NOT EXCEEDING EIGHT FEET, AND MAY PROJECT INTO A REQUIRED REAR YARD FOR A DISTANCE NOT EXCEEDING FIVE FEET.

A MODIFIED FRONT YARD LINE SHALL BE ESTABLISHED IN ALL DISTRICTS REQUIRING A SETBACK FOR RESIDENTIAL OR COMMERCIAL PURPOSES IN ANY BLOCK HAVING LOTS PLATTED OF RECORD WITH A REVERSAL OF FRONTAGE. SUCH MODIFIED FRONT YARD LINE SHALL EXTEND FROM THE REAR CORNER OF THE PRINCIPAL BUILDING NEXT TO THE STREET ON THE

CORNER LOT, OR IF THE CORNER LOT IS VACANT, FROM A POINT AT THE INTERSECTION OF THE SIDE YARD AND REAR YARD RESTRICTIONS IN EFFECT ON SUCH PREMISES, TO A POINT ON THE ESTABLISHED FRONT YARD LINE OF SUCH STREET NOT MORE THAN ONE HUNDRED FIFTY FEET FROM THE REAR OF SUCH CORNER LOT MEASURED ALONG THE STREET LINE AWAY FROM THE INTERSECTING STREET. NO BUILDING OR ACCESSORY BUILDING OR ANY PART THEREOF, EXCEPTING OPEN PORCHES, SHALL BE BUILT IN FRONT OF SUCH MODIFIED FRONT YARD LINE.

SECTION 2. THAT SAID ORIGINAL SECTION 9 OF ORDINANCE NO. 26-424 OF THE CITY OF WICHITA, KANSAS, IS HEREBY REPEALED.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT ON ITS PASSAGE AND PUBLICATION ONCE IN THE OFFICIAL CITY PAPER.

PASSED AND APPROVED THIS _____ DAY OF _____,
1962.

MAYOR

ATTEST:

CITY CLERK

(SEAL)

UNIMASTER PANAMA-BEaver Surf Clean UNIMASTER. PANAMA-B

TO: METROPOLITAN AREA PLANNING COMMISSION
FROM: L. L. LITTLE, DIRECTOR OF PLANNING
SUBJECT: NEW AND USED CAR LOTS IN LIGHT COMMERCIAL DISTRICTS

DATE: DECEMBER 31, 1962

DR 60-27

AT ITS MEETING OF DECEMBER 18, 1962, THE BOARD OF ZONING APPEALS CONSIDERED SEVERAL CASES RELATING TO GRANTING OF EXCEPTIONS FOR NEW AND USED CAR LOTS IN THE LIGHT COMMERCIAL ZONING DISTRICT. IN ONE OF THESE CASES (BZA 10-62) THE SECRETARY OF THE BOARD OF ZONING APPEALS RECOMMENDED THAT THE BOARD NOT TAKE JURISDICTION IN THAT HE FELT THAT THE LOT AS PROPOSED WAS NOT CONTIGUOUS TO A MAJOR TRAFFIC STREET AND MERELY HAD ACCESS TO THE MAJOR TRAFFIC STREET. THE ATTORNEY FOR THE APPLICANT CITED CERTAIN CASES IN WHICH THE TERM "CONTIGUOUS" WAS DEFINED AS TOUCHING AT ANY POINT. A SKETCH OF THE GENERAL AREA IS ATTACHED FOR THE PLANNING COMMISSION'S GENERAL INFORMATION. THE BOARD OF ZONING APPEALS DEFERRED ACTION ON THIS CASE IN ORDER THAT THE PLANNING COMMISSION MIGHT ADVISE THE BOARD AS TO ITS INTENT IN THIS PARTICULAR REQUIREMENT.

THERE ARE A NUMBER OF APPLICATIONS EITHER PENDING OR PROPOSED TO BE SUBMITTED COVERING USED CAR LOTS IN LIGHT COMMERCIAL DISTRICTS. THE BOARD OF ZONING APPEALS HAS EXPRESSED ITS INTEREST AS TO THE PLANNING COMMISSION'S GENERAL FEELING AS TO WHERE THESE CAR LOTS SHOULD BE APPROVED. PARTICULARLY, WOULD IT BE IN KEEPING WITH THE PLANNING COMMISSION'S INTENT TO GRANT USED CAR LOTS ON 50 AND 75 FOOT TRACTS ADJOINING A SERVICE STATION WHEREIN THE LOT WOULD BE RUN IN CONJUNCTION WITH THE SERVICE STATION. FURTHER, ARE THERE ANY SPECIFIC STREETS SUCH AS BROADWAY, HARRY STREET, WEST STREET, ETC. WHICH MORE PARTICULARLY FIT THE PLANNING COMMISSION'S IDEA AS TO GENERAL LOCATIONS FOR THESE LOTS. THE SECRETARY OF THE BOARD, ROBERT A. LAKIN, AND THE CHAIRMAN OF THE BOARD OF ZONING APPEALS, ED LAW, WILL BE AVAILABLE TO DISCUSS THE BOARD OF ZONING APPEALS REQUEST.

L. L. LITTLE
DIRECTOR OF PLANNING

LLL/RAL:MM

ATTACHMENT

SEPTEMBER 13, 1962

BOARD OF CITY COMMISSIONERS
CITY BUILDING
WICHITA, KANSAS

GENTLEMEN:

RE: DR 60-27 - PUBLIC HEARING
FOR AMENDMENT OF ZONING
ORDINANCE RE: EXCEPTION
FOR NEW AND USED CAR LOTS
IN "LC"

AT ITS REGULAR MEETING OF SEPTEMBER 6, 1962, THE METROPOLITAN AREA PLANNING COMMISSION CONSIDERED A PROPOSAL TO AMEND THE ZONING ORDINANCE RELATIVE TO NEW AND USED CAR LOTS IN LIGHT COMMERCIAL ZONING DISTRICTS. THE AMENDMENT RECOMMENDED BY THE PLANNING COMMISSION WOULD GRANT AUTHORITY TO THE BOARD OF ZONING APPEALS TO ALLOW NEW AND USED CAR SALES, TRAILER SALES, TRAILER VEHICLE AND EQUIPMENT RENTAL LOTS IN THE LIGHT COMMERCIAL ZONING DISTRICT SUBJECT TO THE EIGHT CONDITIONS SPECIFIED BELOW. ALSO RECOMMENDED WAS AN AMENDMENT TO THE OFF-STREET PARKING DISTRICT REGULATIONS WHICH WOULD REQUIRE OFF-STREET PARKING SPACES FOR THE ABOVE USES.

IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT THE FOLLOWING AMENDMENT BE MADE TO THE CITY ZONING ORDINANCE:

SECTION 28.04.180 - EXCEPTIONS

ADD AS FOLLOWS:

A. USE REGULATIONS

14. CONDITIONAL USES IN "LC" DISTRICTS:

THE BOARD OF ZONING APPEALS MAY BY SPECIAL PERMIT GRANT EXCEPTIONS AND AUTHORIZE THESE USES

NEW AND USED CAR SALES
TRAILER SALES
TRAILER, VEHICLE AND EQUIPMENT RENTAL

IN THE "LC" LIGHT COMMERCIAL DISTRICTS SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:

- A. LOCATION CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN THE PATTERN FOR THOROFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERETO.
- B. SUCH SCREENING FOR AREAS CONTIGUOUS TO RESIDENTIAL ZONING DISTRICTS AS MAY BE DETERMINED APPROPRIATE AND NECESSARY TO PROTECT ADJACENT PROPERTIES FROM LIGHT, DEBRIS AND NOISE AND TO PRESERVE ADJACENT PROPERTY VALUES.
- C. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
- D. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING TYPE LIGHTING SHALL BE PERMITTED.
- E. NO PROJECTING SIGNS SHALL BE PERMITTED.
- F. NO SOUND PROJECTING DEVICES OR LOUD SPEAKER SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
- G. SUCH OTHER CONDITIONS AS THE BOARD OF ZONING APPEALS SHALL DEEM NECESSARY TO INCLUDE, BUT NOT BE RESTRICTED TO, PROPER SETBACKS, LANDSCAPING, AND MAINTENANCE PROVISIONS.
- H. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.

SECTION 28.04.140 - OFF-STREET PARKING DISTRICT REGULATIONS

ADD AS FOLLOWS:

- A.2.12 NEW AND USED CAR LOTS; TRAILER SALE LOTS; TRAILER, VEHICLE AND EQUIPMENT RENTAL LOTS. ONE SPACE FOR EACH 3,000 SQUARE FEET OF LOT AREA.

- 3 -

DICK PRICE OF DICK PRICE MOTORS, REPRESENTING THE WICHITA CAR DEALER'S ASSOCIATION, APPEARED BEFORE THE COMMISSION IN SUPPORT OF THIS PROPOSED CHANGE. SEVERAL MEMBERS OF THE ASSOCIATION WERE IN ATTENDANCE AT THE MEETING AND INDICATED THEIR APPROVAL OF THE PROPOSAL. R. D. RAY, REAL ESTATE AGENT, ALSO APPEARED IN SUPPORT OF THE CHANGE. NO ONE APPEARED IN OPPOSITION TO THE PROPOSED CHANGE.

ATTACHED IS AN ORDINANCE WHICH WOULD MAKE EFFECTIVE THE PROPOSED AMENDMENT. THAT PART OF THE AMENDMENT RELATIVE TO OFF-STREET PARKING AREAS HAS BEEN INCLUDED IN THE ORDINANCE SUBMITTED WITH DR 61-19 (AMENDMENTS TO THE ZONING ORDINANCE - OFF-STREET PARKING).

RESPECTFULLY SUBMITTED,

L. L. LITTLE
SECRETARY

LLL/RAL:MM

ATTACHMENT


WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

TO MEMBERS OF THE METROPOLITAN AREA PLANNING COMMISSION **DATE** August 31, 1962
FROM L. L. LITTLE
DIRECTOR OF PLANNING
SUBJECT DR 60-27 - AMENDMENT TO ZONING ORDINANCE
Re: USED CAR LOTS

AT THE METROPOLITAN AREA PLANNING COMMISSION MEETING OF JULY 5, 1962, THE STAFF WAS INSTRUCTED TO ADVERTISE A CHANGE TO THE ZONING ORDINANCE WHICH WOULD ALLOW THE BOARD OF ZONING APPEALS TO ALLOW NEW AND USED CAR LOTS IN LIGHT COMMERCIAL DISTRICTS SUBJECT TO CERTAIN CONDITIONS. IN PREPARING THE ADVERTISEMENT FOR PUBLIC HEARING, WE ADDED TWO ADDITIONAL USES SO THAT THE COMMISSION WOULD HAVE THE RIGHT TO ADOPT THEM AT THE SAME TIME IF IT CONSIDERED THEM APPROPRIATE. THESE USES ARE FOR "TRAILER SALES" AND FOR "TRAILER VEHICLE AND EQUIPMENT RENTALS". WE ALSO ADDED AN ADDITIONAL CONDITION TO THAT WHICH WAS ORIGINALLY PRESENTED TO THE COMMISSION AND IS FOUND AS SUB-ITEM H IN THE ADVERTISEMENT.

THE PROPOSED AMENDMENT IS SET OUT IN FULL AS AN ATTACHMENT TO THIS MEMORANDUM.


L. L. LITTLE
DIRECTOR OF PLANNING

LLL/RAL:MM
ATTACHMENT

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THE 6TH DAY OF SEPTEMBER, 1962, THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, AT 2 P.M. WILL CONSIDER THE FOLLOWING CHANGE TO TITLE 28, THE CODE OF THE CITY OF WICHITA, KANSAS:

SECTION 28.04.180 - EXCEPTIONS

ADD AS FOLLOWS:

A. USE REGULATIONS

14. CONDITIONAL USES IN "LC" DISTRICTS:

THE BOARD OF ZONING APPEALS MAY BY SPECIAL PERMIT GRANT EXCEPTIONS AND AUTHORIZE THESE USES

NEW AND USED CAR SALES
TRAILER SALES
TRAILER, VEHICLE AND EQUIPMENT RENTAL

IN THE "LC" LIGHT COMMERCIAL DISTRICTS SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:

- A. LOCATION CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN THE PATTERN FOR THOROFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERE-TO.
- B. SUCH SCREENING FOR AREAS CONTIGUOUS TO RESIDENTIAL ZONING DISTRICTS AS MAY BE DETERMINED APPROPRIATE AND NECESSARY TO PROTECT ADJACENT PROPERTIES FROM LIGHT, DEBRIS AND NOISE AND TO PRESERVE ADJACENT PROPERTY VALUES.
- C. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
- D. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING TYPE LIGHTING SHALL BE PERMITTED.
- E. NO PROJECTING SIGNS SHALL BE PERMITTED.

- F. NO SOUND PROJECTING DEVICES OR LOUD SPEAKER SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
- G. SUCH OTHER CONDITIONS AS THE BOARD OF ZONING APPEALS SHALL DEEM NECESSARY TO INCLUDE, BUT NOT BE RESTRICTED TO, PROPER SETBACKS, LANDSCAPING, AND MAINTENANCE PROVISIONS.
- H. NO REPAIR WORK SHALL BE CONDUCTED EXCEPT IN AN ENCLOSED BUILDING, AND FURTHER PROVIDED THAT NO BODY OR FENDER WORK IS DONE.

SECTION 28.04.140 - OFF-STREET PARKING DISTRICT REGULATIONS

ADD AS FOLLOWS:

- A.2.12 USED CAR LOTS. ONE SPACE FOR EACH 3,000 SQUARE FEET OF LOT AREA.

THE PROPOSED AMENDMENT WILL THERE BE DISCUSSED AND CONSIDERED BY THE SAID WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, AND ALL PERSONS INTERESTED IN SAID MATTER WILL BE HEARD AT THIS TIME CONCERNING THEIR VIEWS AND WISHES IN THE PREMISES, AND ANY PROTEST AGAINST ANY OF THE PROVISIONS OF THE PROPOSED CHANGE TO THE REVISED ZONING ORDINANCE WILL BE CONSIDERED BY THE COMMISSION AS BY LAW PROVIDED.

WITNESS MY HAND AND SEAL ON THIS 23RD DAY OF JULY, 1962.

L. L. LITTLE, SECRETARY
WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING
COMMISSION

(SEAL)

(I-T)



■ LINCOLN CONTINENTAL

■ MERCURY MONTEREY

■ MERCURY METEOR

■ MERCURY COMET

WATERMAN AND MARKET ■ WICHITA, KANSAS ■ AMherst 2-7442

R. H. (DICK) PRICE, PRESIDENT

July 31, 1962

Mr. Robert A. Lakin
Metropolitan Area Planning Dept.
104 S. Main St.
Wichita 2, Kansas

Dear Mr. Lakin:

Thanks for sending me a copy of the proposed city zoning ordinance regarding new and used car lots in Light Commercial Districts.

I am in favor of such an ordinance and plan to be present at the hearing September 6th.

Sincerely,

Dick Price
Dick Price

DP:rl





■ LINCOLN CONTINENTAL
■ MERCURY MONTEREY
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DP:rl



FRED ALEY, CITY ATTORNEY

JULY 26, 1962

ROBERT A. LAKIN, SENIOR PLANNER

CASE NO. Z-0389

JIM CLANCY HAS REQUESTED THAT I PREPARE FOR YOU THE VARIOUS ALTERNATIVES WHICH WE FEEL ARE AVAILABLE TO THE CITY COMMISSION TO ALLOW THE ESTABLISHMENT OF A NEW AND USED CAR LOT AT BROADWAY AND OSIE. WE PREPARED A MEMORANDUM FOR THE PLANNING COMMISSION WHICH OUTLINED THE FOUR ALTERNATIVES PRESENTED TO THEM AT THEIR MEETING OF JULY 5. THESE ALTERNATIVES WERE:

1. ESTABLISH "C" COMMERCIAL ZONING.
2. AMEND THE ZONING ORDINANCE TO PERMIT NEW AND USED CAR LOTS IN THE "LCO" DISTRICT AS A USE BY RIGHT WITHOUT LIMITATION.
3. AMEND THE ZONING ORDINANCE TO PERMIT NEW AND USED CAR LOTS IN THE "LCO" DISTRICT SUBJECT TO CERTAIN CONDITIONS TO BE SPECIFIED IN THE ORDINANCE.
4. AMEND THE ZONING ORDINANCE TO ALLOW THE BOARD OF ZONING APPEALS TO GRANT EXCEPTIONS TO THE USE PROVISIONS IN THE LIGHT COMMERCIAL DISTRICT, ALLOWING NEW AND USED CAR LOTS SUBJECT TO SUCH CONDITIONS AS MIGHT BE SPECIFIED IN THE ORDINANCE AND SUBJECT TO SUCH OTHER CONDITIONS AS THE BOARD OF ZONING APPEALS MIGHT DEEM APPROPRIATE.

THE PLANNING COMMISSION CHOSE THE FOURTH ALTERNATIVE AND INSTRUCTED THE STAFF TO ADVERTISE THE NECESSARY PUBLIC HEARING. IT IS THE STAFF'S GENERAL POSITION THAT NO. 3 WOULD BE MORE APPROPRIATE IN THAT IT WOULD PROVIDE FOR THE IMPARTIAL APPLICATION OF THE PRESCRIBED CONDITIONS RATHER THAN ALLOWING THE BOARD OF ZONING APPEALS TO HAVE DISCRETION IN EACH CASE AS PROVIDED UNDER ALTERNATIVE FOUR.

ALTERNATIVE THREE, IF FOLLOWED, WOULD ADHERE TO THE FOLLOWING TIMEDULE SCHEDULE:

- SEPTEMBER 5 - HEARING BEFORE THE METROPOLITAN AREA PLANNING COMMISSION. (THE METROPOLITAN AREA PLANNING COMMISSION WOULD HAVE TO AMEND THE MATERIAL ADVERTISED AS ALTERNATIVE FOUR TO CONFORM WITH THE PROVISIONS OF ALTERNATIVE 3.)

- SEPTEMBER 25 - PRESENTATION TO CITY COMMISSION OF PROPOSED AMENDMENT AND ORDINANCE PLACING AMENDMENT ON FIRST READING. (THIS ALLOWS FOR 14 DAY PROTEST PERIOD AS PROVIDED FOR BY STATUTE.)
- OCTOBER 2 - ORDINANCE PLACED ON SECOND READING FOR ADOPTION BEFORE BOARD OF CITY COMMISSIONERS.
- OCTOBER 3 - PUBLICATION OF ORDINANCE.
- OCTOBER 4 - ISSUANCE OF BUILDING PERMIT.

THE TIME SCHEDULE FOR ALTERNATIVE FOUR IS AS FOLLOWS:

- SEPTEMBER 6 - PUBLIC HEARING BEFORE THE METROPOLITAN AREA PLANNING COMMISSION ON MATERIAL WHICH HAS ALREADY BEEN ADVERTISED.
- SEPTEMBER 25 - ORDINANCE PLACED ON FIRST READING BEFORE THE CITY COMMISSION.
- OCTOBER 2 - ORDINANCE PLACED FOR SECOND READING AND ADOPTION BEFORE THE CITY COMMISSION.
- OCTOBER 3 - PUBLICATION OF ORDINANCE
- OCTOBER 3 - FILING OF BOARD OF ZONING APPEALS APPLICATION.
- OCTOBER 4 - PUBLICATION OF NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ZONING APPEALS.
- OCTOBER 19 - SPECIAL HEARING BEFORE THE BOARD OF ZONING APPEALS (REGULAR HEARING WOULD BE OCTOBER 23).
- OCTOBER 29 - 10 DAY APPEAL PERIOD FROM BOARD OF ZONING APPEALS DECISION EXPIRES.
- OCTOBER 30 - ISSUANCE OF BUILDING PERMIT.

IT IS OUR FEELING THAT ONLY THE FOUR METHODS AS OUTLINED IN OUR MEMORANDUM TO THE PLANNING COMMISSION AND AS SET FORTH ABOVE PROVIDE THE CORRECT MEANS OF ALLOWING THIS USE TO BE ESTABLISHED. HOWEVER, THE CITY COMMISSION, WITH THE KNOWLEDGE AND ENCOURAGEMENT OF THE PLANNING COMMISSION, HAVE IN THE PAST USED OTHER MEANS TO ACHIEVE ADHERANCE TO CERTAIN CONDITIONS THOUGHT DESIRABLE BY THOSE COMMISSIONS PRIOR TO GRANTING A CHANGE IN ZONING. THE CASE WHICH SET PRECEDENT IN THIS MATTER WAS Z-0252 WHICH WAS HANDLED BY ROBERT H. NELSON. IN THIS CASE, RESTRICTIVE

COVENANTS WERE "VOLUNTARILY" OFFERED AND FILED WITH THE REGISTER OF DEEDS STATING IN WHAT MANNER THE PROPERTY WOULD BE DEVELOPED. ALL PROPERTY OWNERS WITHIN 200 FEET, AS WELL AS THE CITY OF WICHITA, WERE GIVEN AUTHORIZATION TO BRING SUIT IN ORDER TO PROVIDE COMPLIANCE TO THE RESTRICTIVE COVENANTS. AT SUCH TIME AS THE COVENANTS WERE FILED WITH THE REGISTER OF DEEDS, THE CITY COMMISSION THEN APPROVED A CHANGE IN ZONING AS REQUESTED. OTHER CASES IN WHICH THIS TECHNIQUE HAS BEEN USED ARE AS FOLLOWS:

- REZONING TO "R3" MULTIPLE FAMILY FOR PARKLANE TOWERS AT BUCKLEY DRIVE AND LINCOLN
- REZONING TO "R3" MULTIPLE FAMILY FOR MRS. KIRBY AT FAULKNER AND RIVER DRIVE.
- REZONING TO "R1C" FOR THE OSTEOPATHIC HOSPITAL AT MCLEAN AND CENTRAL.

WE HAVE COPIES OF THESE RESTRICTIVE COVENANTS IN OUR FILES. THESE COVENANTS WERE ALL APPROVED BY THE LEGAL DEPARTMENT PRIOR TO THE CITY COMMISSION GRANTING THE REQUESTED CHANGES IN ZONING.

I HAVE CONFERRED WITH MR. BOGART AND HE SUGGESTS THAT POSSIBLY THE FOLLOWING COULD BE ACCOMPLISHED: A RESTRICTIVE COVENANT BETWEEN THE LESSOR AND THE LESSEE WOULD BE PREPARED INSTRUCTING THE USE OF THE PROPERTY IN ACCORDANCE WITH THE CONDITIONS SET FORTH IN ALTERNATES THREE OR FOUR AND SAID RESTRICTIVE COVENANTS BEING ASSIGNED TO THE CITY OF WICHITA WHO COULD THEN IMPOSE THE COVENANTS IN THE SAME MANNER AS COULD THE LESSOR. THE OTHER ALTERNATIVE SUGGESTED BY MR. BOGART IS TO CHANGE THE ZONING CLASSIFICATION AS REQUESTED TO "R3" COMMERCIAL ZONING AND PRIOR TO SUCH APPROVAL, MR. BOGART'S CLIENTS WOULD FILE WITH THE CITY FOR ITS USE AT ITS DISCRETION A REZONING APPLICATION FROM "R3" TO "R1C" AND AN APPLICATION TO THE BOARD OF ZONING APPEALS FOR AN EXCEPTION IN ACCORDANCE WITH THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE. THE IDEA BEING THAT THE CITY WOULD CONTINUE ON AND ADOPT AN AMENDMENT TO THE ZONING ORDINANCE WHICH WOULD ALLOW THE BOARD OF ZONING APPEALS TO GRANT SUCH AN EXCEPTION. AT SUCH TIME AS THESE AMENDMENTS BECAME EFFECTIVE, THE STAFF WOULD THEN PROCESS THE APPLICATIONS WHICH WOULD BE ON HAND.

IF ITS RECOMMENDED TO THE CITY COMMISSION THAT SOME OTHER TECHNIQUE BE USED TO ALLOW THE ESTABLISHMENT OF THE CAR LOT OTHER THAN UNDER ALTERNATIVES 1, 2, 3 OR 4, IT IS OUR SUGGESTION THAT THE RESTRICTIVE COVENANTS BE USED AS THEY HAVE IN THE PAST AND FURTHER THAT MR. BOGART'S SECOND SUGGESTION OF FILING THE REZONING APPLICATION AND BOARD OF ZONING APPEALS APPLICATION BE UTILIZED IN CONJUNCTION WITH THE RESTRICTIVE COVENANTS. ANY OF THE ALTERNATIVES SUGGESTED BY MR. BOGART OR BY USING RESTRICTIVE COVENANTS COULD BE ACCOMPLISHED ON THE FOLLOWING SCHEDULE:

- 4 -

- SUBMISSION OF RESTRICTIVE COVENANTS FOR REVIEW BY CITY STAFF - PRIOR TO JULY 31.
- APPROVAL OF ZONE CHANGE - JULY 31.
- FILING OF COVENANTS - AUGUST 1.
- FORMAL AMENDMENT OF ZONING BY RESOLUTION - AUGUST 1.
- PUBLICATION OF RESOLUTION - AUGUST 8.
- ISSUANCE OF BUILDING PERMIT - AUGUST 9.

I WILL BE AVAILABLE WITH FILES TO DISCUSS THIS MATTER WITH YOU AT YOUR CONVENIENCE.

ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

CC: RUSSELL E. McCLURE, CITY MANAGER
JAMES CLANCY, EXECUTIVE ASSISTANT
L. L. LITTLE, DIRECTOR OF PLANNING

LAWRENCE CURFMAN
ASSISTANT CITY ATTORNEY
ROBERT A. LAKIN
SENIOR PLANNER

JULY 23, 1962

AMENDMENT TO ZONING ORDINANCE AND
SUBDIVISION RULES AND REGULATIONS

ATTACHED ARE COPIES OF ADVERTISEMENTS FOR A PUBLIC HEARING
TO BE HELD IN CONJUNCTION WITH THE AMENDMENT OF THE ZONING
ORDINANCE TO:

1. ALLOW USED AND NEW CAR LOTS, ETC. IN THE "LC"
DISTRICT SUBJECT TO BZA APPROVAL
2. AMEND FEES AND ZONE CHANGE APPLICATIONS.

ALSO ATTACHED IS A PROPOSED AMENDMENT TO THE SUBDIVISION
RULES AND REGULATIONS WHICH WOULD ESTABLISH FEES FOR PLATTING
AND FOR THE PROCESSING OF VACATIONS. WOULD YOU PLEASE REVIEW
THESE AT YOUR EARLIEST CONVENIENCE AND ADVISE US IF THERE IS
ANYTHING WHICH SHOULD BE CHANGED PRIOR TO THE PLANNING COM-
MISSION MAKING ITS FORMAL RECOMMENDATIONS ON THESE MATTERS
AT ITS HEARING TO BE HELD ON SEPTEMBER 6, 1962.

ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

ATTACHMENTS

CC: FRED ALEY, CITY ATTORNEY
EUGENE PIRTLE, CHIEF ASSISTANT CITY ATTORNEY

DR 60-27

JULY 19, 1962

MR. DICK PRICE
DICK PRICE MOTORS, INC.
406 SOUTH MARKET
WICHITA, KANSAS

DEAR MR. PRICE:

ATTACHED IS A COPY OF THE ADVERTISEMENT FOR PUBLIC HEARING ON THE MATTER OF ALLOWING USED AND NEW CAR LOTS IN "LC" LIGHT COMMERCIAL DISTRICTS UNDER SPECIAL CONDITIONS. THIS IS THE SAME BASIC DOCUMENT THAT I SHOWED YOU IN OUR OFFICE SOME MONTHS AGO.

THIS MATTER WILL COME BEFORE THE METROPOLITAN AREA PLANNING COMMISSION FOR PUBLIC HEARING ON SEPTEMBER 6, 1962. IF YOU HAVE ANY QUESTIONS CONCERNING THIS, PLEASE CALL.

SINCERELY YOURS,

ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

ATTACHMENT

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

File

TO WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
FROM L. L. LITTLE, DIRECTOR OF PLANNING

DATE JULY 5, 1962

DR60-27

SUBJECT AMENDMENT TO ZONING ORDINANCE
RE: USED CAR LOTS

AT THE LAST MEETING OF THE PLANNING COMMISSION, THE STAFF WAS DIRECTED TO PREPARE AMENDMENTS TO THE ZONING ORDINANCE WHICH WOULD ALLOW USED CAR LOTS IN LIGHT COMMERCIAL DISTRICTS ON A LIMITED BASIS. IT WAS THE SENSE OF THE COMMISSION THAT USED CAR LOTS WOULD BE COMPATIBLE IN THE LIGHT COMMERCIAL DISTRICT IN CERTAIN AREAS AND UNDER CERTAIN CONDITIONS.

IT APPEARS THAT THERE ARE FOUR ALTERNATIVES IN CASE No. Z-0389 TO ALLOW THE ESTABLISHMENT OF A USED CAR LOT:

1. ESTABLISH "C" COMMERCIAL ZONING.
2. AMEND THE ZONING ORDINANCE TO PERMIT NEW AND USED CAR LOTS IN THE "LC" DISTRICT AS A USE BY RIGHT WITHOUT LIMITATION.
3. AMEND THE ZONING ORDINANCE TO PERMIT NEW AND USED CAR LOTS IN THE "LC" DISTRICT SUBJECT TO CERTAIN CONDITIONS TO BE SPECIFIED IN THE ORDINANCE.
4. AMEND THE ZONING ORDINANCE TO ALLOW THE BOARD OF ZONING APPEALS TO GRANT EXCEPTIONS TO THE USE PROVISIONS IN THE LIGHT COMMERCIAL DISTRICT, ALLOWING NEW AND USED CAR LOTS SUBJECT TO SUCH CONDITIONS AS MIGHT BE SPECIFIED IN THE ORDINANCE AND SUBJECT TO SUCH OTHER CONDITIONS AS THE BOARD OF ZONING APPEALS MIGHT DEEM APPROPRIATE.

AN EXAMPLE UNDER 3 ABOVE IS SUGGESTED AS FOLLOWS:

"LC" LIGHT COMMERCIAL DISTRICT--ADD AS FOLLOWS:

- 1.27 NEW AND USED CAR SALES CONDUCTED OUTSIDE OF PERMANENT STRUCTURES SUBJECT TO THE FOLLOWING CONDITIONS:
 - A. LOCATION CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN THE PATTERN FOR THOROFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERETO.

add new zoning of use in LC to permit commercial use subject to conditions

- B. WHEN CONTIGUOUS TO A RESIDENTIAL ZONING DISTRICT ("AA", "A", "RB", AND "B"), A SOLID MASONRY WALL SIX AND ONE-HALF (6½) FEET IN HEIGHT SHALL BE CONSTRUCTED AND MAINTAINED TO PROTECT ADJOINING PROPERTY FROM LIGHT, DEBRIS, AND NOISE GENERATED BY SUCH USE. SUCH FENCE SHALL BE LOCATED WITHIN 3 FEET OF THE SIDE AND/OR REAR PROPERTY LINE; PROVIDED THAT SUCH FENCE SHALL NOT BE PLACED ON THE FRONT PROPERTY LINE NOR SHALL ANY FENCE ALONG A SIDE LOT LINE BE PLACED CLOSER TO THE FRONT LOT LINE THAN THE FRONT YARD SETBACK LINE.

EXCEPTION: OTHER FORMS AND TYPES OF SCREENING MAY BE USED IF SUCH PROPOSAL FIRST SHALL HAVE BEEN APPROVED AS AN EXCEPTION BY THE BOARD OF ZONING APPEALS; PROVIDED, HOWEVER, THAT IN NO EVENT SHALL SAID BOARD WAIVE THE SCREENING REQUIREMENT NOR SHALL THEY PERMIT OPEN MESH OR CHAIN LINK TYPE WIRE FENCING, OR OTHER SCREENING WHICH SHALL PERMIT LIGHT OR DEBRIS TO PASS THROUGH SUCH SCREENING, NOR SHALL SUCH BOARD PERMIT ANY KIND OF PLANTINGS, HEDGE OR OTHER LIVING SCREEN AS AN ALTERNATE FOR THE REQUIRED SCREENING. SUCH PERMIT FOR SUCH EXCEPTION SHALL BE OBTAINED THROUGH THE BOARD OF ZONING APPEALS UNDER THE PROVISIONS OF CHAPTER 2.12.560 THROUGH 2.12.610 AND AMENDMENT THERETO, OF THIS CODE.

- C. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
- D. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING TYPE LIGHTING SHALL BE PERMITTED.
- E. NO PROJECTING SIGNS SHALL BE PERMITTED.
- F. NO SOUND PROJECTING DEVICES OR LOUD SPEAKER SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.

OTHER ITEMS WHICH MIGHT BE INCLUDED WOULD BE MINIMUM LOT AREA AND RESTRICTIONS AGAINST BANNERS, DISPLAY FLAGS.

OFF-STREET PARKING DISTRICT REGULATIONS--ADD TO READ AS FOLLOWS:

- A.2.12 USED CAR LOTS. ONE SPACE FOR EACH 3,000 SQUARE FEET OF LOT AREA.

AN EXAMPLE OF THE BOARD OF ZONING APPEALS METHOD AS OUTLINED UNDER 4 ABOVE WOULD BE AS FOLLOWS:

City Zoning Ordinance - 3 Code of the C.B.W

SECTION 28.04.180--EXCEPTIONS

A. USE REGULATIONS--ADD AS FOLLOWS:

14. CONDITIONAL USES IN "LC" DISTRICTS:

THE BOARD OF ZONING APPEALS MAY BY SPECIAL PERMIT AUTHORIZE THE USES SPECIFIED BELOW IN "LC" LIGHT COMMERCIAL DISTRICTS SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:

- A. LOCATION CONTIGUOUS TO A MAJOR STREET AS DESIGNATED IN THE PATTERN FOR THOROFARES, WICHITA, KANSAS, 1955, OR AMENDMENTS THERE-TO.
- B. SUCH SCREENING FOR AREAS CONTIGUOUS TO RESIDENTIAL ZONING DISTRICTS AS MAY BE DETERMINED APPROPRIATE AND NECESSARY TO PROTECT ADJACENT PROPERTIES FROM LIGHT, DEBRIS AND NOISE AND TO PRESERVE ADJACENT PROPERTY VALUES.
- C. ALL STORAGE AND DISPLAY AREAS SHALL BE PAVED WITH CONCRETE, ASPHALT OR OTHER COMPARABLE MATERIAL.
- D. ALL LIGHTS SHALL BE SHIELDED TO REFLECT OR DIRECT LIGHT AWAY FROM ADJOINING PROPERTY. NO STRING TYPE LIGHTING SHALL BE PERMITTED.
- E. NO PROJECTING SIGNS SHALL BE PERMITTED.
- F. NO SOUND PROJECTING DEVICES OR LOUD SPEAKER SHALL BE USED SO AS TO BE HEARD OUTSIDE OF ANY STRUCTURE.
- G. SUCH OTHER CONDITIONS AS THE BOARD OF ZONING APPEALS SHALL DEEM NECESSARY TO INCLUDE, BUT NOT BE RESTRICTED TO, PROPER SETBACKS, LANDSCAPING, AND MAINTENANCE PROVISIONS.

Section 28.04.140

OFF-STREET PARKING DISTRICT REGULATIONS--ADD TO READ AS FOLLOWS:

A.2.12 USED CAR LOTS. ONE SPACE FOR EACH 3,000 SQUARE FEET OF LOT AREA.

- h. ~~No~~ No repair work shall be conducted except inside an enclosed building + further ~~that no work is done~~ provided

OTHER CONDITIONS WHICH MIGHT BE INCLUDED WOULD BE A PROVISION THAT THE LOCATION SHALL FIRST BE APPROVED BY THE PLANNING COMMISSION, THAT SUCH USE IS DESIRABLE AND ESSENTIAL AND IN HARMONY WITH VARIOUS ELEMENTS AND OBJECTIVES OF THE MASTER AND COMPREHENSIVE PLAN (SIMILAR REQUIREMENTS FOUND FOR BAKERIES AND BOTTLE WORKS IN "LC" UNDER SECTION 28.04.180, A 6.1); AND MINIMUM LAND AREA REQUIREMENTS.

IF ONE OF THESE METHODS IS SATISFACTORY, IT IS SUGGESTED THAT THE PLANNING COMMISSION INSTRUCT THE STAFF TO ADVERTISE THE PROPOSED AMENDMENTS FOR PUBLIC HEARING AT THE EARLIEST POSSIBLE DATE AND TO SUBMIT THESE PROPOSED AMENDMENTS TO THE LEGAL DEPARTMENT FOR REVIEW AND COMMENT.

L. L. LITTLE
DIRECTOR OF PLANNING

LLL/RAL:MM



CONTINENTAL ■ LINCOLN ■ MERCURY ■ EDSEL ■ IMPORTED CARS

WATERMAN AND MARKET ■ WICHITA, KANSAS ■ AMherst 2-7442

R. H. (DICK) PRICE, PRESIDENT

November 10, 1960

Mr. LeRoy L. Little, Director
Metropolitan Planning Commission
4th Floor City Hall Annex
Wichita, Kansas

Dear Mr. Little:

With the growth of Wichita the development of large shopping centers has been inevitable. This is a big departure from the small neighborhood store of a few years ago. Many of the downtown merchants have found it necessary and advisable to open branches in these centers.

Due to the present old codes, it is impossible for the auto dealer to keep pace with the growth of the city as other businesses have. Other cities, such as Oklahoma City, have solved this need and the auto business there operate branch operations.

The type of operation I refer to is a black topped lot (which eliminates dust); lighted with directional shielded lights from high poles (rather than strings of incandescent lights which many find objectionable); and a small attractive showroom with toilet facilities.

This type of business would draw little traffic as compared to supermarkets and filling stations, and thereby add little to the traffic hazard. From a visible standpoint, it would be comparable to supermarket parking areas. They should be open no later than 10:00 P.M. which would be a big improvement over filling stations and the drive-in eating establishments.

At present this type of operation is placed under commercial zoning, which is unfair when observing what type of other businesses are presently operating under light commercial.

To keep pace with Wichita's growth, it seems urgent to either enlarge light commercial zoning, to include the above type operations; or set up a new zoning classification for strictly residential neighborhoods, and then enlarge what can go into light commercial along busy traffic ways.

I would like to visit informally with the Metropolitan Planning Commission on the above subject at the earliest possible date. Will you please advise me as to when this can be arranged?

Yours truly,

A handwritten signature in cursive script that reads "Dick Price".

Dick Price