

DR 64-5 - Initiated by MAPC, New and used car lots in "LC" Districts

ACTION

DATE

COMMITTEE

MAPC.	<u>Agree</u>	<u>4-2-64</u>
<u>Mape</u>	<u>Approved</u>	<u>5-7-64</u>
B.C.C.A.	<u>Agree</u>	<u>6-2-64</u>
<u>Bee</u>	<u>Repts to Traffic</u>	<u>6-9-64</u>
	<u>Colm & Wagonport</u>	
	<u>Trade Org.</u>	

Answer to committee question on Traffic question in major thorough.

Special benefits to certain LC properties

900 clear justifies -

Answer to committee

Link

MADE IN U.S.A. BY HAWK, NEW AND
OLD. THE BEST OF THE BEST. BEVERAGES.

Sm
No. 102
HASTINGS, MINN. U.S.A.
HASTINGS, MINN. U.S.A.

THE CITY OF WICHITA
OFFICE OF CITY TRAFFIC ENGINEER

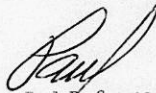
DATE August 10, 1964

Joyce
File

TO Robert A. Lakin, Assistant Planning Director
FROM Paul B. Graves, City Traffic Engineer

SUBJECT DR 64-5 - Ordinance on Exception for
New and Used Car Lots

This is to refresh your memory regarding the above subject and to advise you that the next Traffic Commission meeting will be on September 16, 1964. Your memo of June 22, 1964 indicated that you would like the opportunity to review your proposed report and proposed ordinance with me prior to your presentation to the Traffic Commission.



Paul B. Graves,
City Traffic Engineer

FEG:cb



June 11, 1964

The Files

Robert A. Lakin, Assistant Planning Director

DR 64-5 - New and Used Car Lots in "LC" Districts

At the City Commission meeting of June 9, 1964, Commissioner Tarrant asked for a staff memorandum giving specific justification as to the clause which requires these uses to locate on thorofares. The principal argument on his mind seems to be that these uses are traffic generators, thus constituting congestion, and thus should not be allowed on major traffic thorofares. It appears to be a misunderstanding as to the different classifications of streets and functions as related to access and traffic-carrying categories.

Also, the 900 foot clause should be justified, giving the distinction of character of light commercial districts. Commissioner Stevens needs to have explained to him in this memorandum, why special benefits are accruing to properties of "LC" rather than the "LC" district being imposed with a number of severe restrictions. Distinction should be made as to the matter of restricting a specific use which has detrimental aspects as opposed to the preservation of quality commercial development and nearby residential units.

The staff was also instructed to forward this Ordinance to the Traffic Commission for their review and consideration with particular emphasis on the major traffic street question. This matter was also to be reviewed by the Trade Association (Wichita Car Dealers Association?) so that they would be aware of the type of restrictions which are being established.

Robert A. Lakin
Assistant Planning Director

RAL:bgs

ORDINANCE NO. _____

AN ORDINANCE RELATING TO NEW AND USED CAR SALES, TRAILER SALES, AND TRAILER AND VEHICLE EQUIPMENT RENTALS AS "EXCEPTIONS" TO THE ZONING ORDINANCE AND RE-ESTABLISHING AND CREATING NEW SECTIONS OF THE ZONING ORDINANCE RELATED TO "EXCEPTIONS", REPEALING SECTION 1 OF ORDINANCE NO. 27-713 OF THE CITY OF WICHITA, KANSAS, AND SECTION 28.04.180, TITLE 28, CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 1. That the following section be established in Title 28, Code of the City of Wichita, Kansas:

28.04.180 Exceptions to 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 percent 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 percent 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. 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.
5. In order to allow shopping center and other office, commercial and industrial activities to erect and maintain advertising signs which advertise only those services, articles or products offered within the building located upon the same unified lot or other unplatted tract on which the sign will be located, the superintendent of central inspection is hereby authorized to issue permits for such signs when located in the "A", "RB", "B" or "BB" zoning districts and when the lot or unplatted tract is held under a unified ownership whether it be a single ownership, partnership, trust or corporation, and is divided into two or more zoning districts on which the main use or uses are located in a zoning district less restrictive than the district in which the sign is to be located.

SECTION 2. That the following section be established in Title 28, Code of the City of Wichita, Kansas:

28.04.181 Same - Use regulations continued.

1. Outdoor amusement parks:
 - 1.1 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.
 - 1.2 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 percent of the existing floor and game area at the time of such annexation.
 - 1.3 Such expansion, enlargement or maintenance, shall be in accordance with the height and area regulations of the "B" multiple-family dwelling district.

- 1.4 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.
- 1.5 In the event of discontinuance for a period of two years, paragraph B of Section 28.04.170 shall then apply to such use.
- 1.6 This subsection shall be effective and apply to all such uses and structures annexed to the city after June 1, 1951.
2. 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.
3. 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:

- 3.1 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.
- 3.2 The hauling of oil and water, except in case of emergency, shall be during daylight hours only.
- 3.3 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 200 feet of their property.
- 3.4 The owners of the surface rights of seventy-five percent 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.

3.5 All provisions of this section are in addition to the restrictions in chapter 25.04 of this code.

4. 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 abuts or adjoins property not included in the proposal.

5. Radio and television towers and transmitter facilities.
 - 5.1 Any lawful uses of land or structures for radio or television transmitting facilities and towers existing prior to annexation to the city may continue such operation although such use does not conform to the provisions hereof.
 - 5.2 Such uses of land or structures may be maintained, expanded or enlarged within the area owned or leased by the owner or operator of such use, provided, however, that such expansion, enlargement or construction has received approval by the Federal Communications Commission (and, if for towers, by the Federal Aviation Agency).
 - 5.3 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.
 - 5.4 In the event of discontinuance for a period of two years, paragraph B of Section 28.04.170 shall then apply to such use.
6. The board of zoning appeals may, by special permit, grant exceptions for the use of structures and property for:

Cultural groups including but not limited to the following:

Symphonies
Community theater groups
Historical museums
Art museums.

- 6.1 Such permits may be granted for locations in any dwelling district.
- 6.2 Conditions including, but not limited to, screening shall be required by the board of zoning appeals to protect abutting properties from headlights, blowing debris and sound.
- 6.3 Off-street parking and loading areas shall be required by the board of zoning appeals as deemed necessary to serve the greatest maximum use of the facility. Parking and loading area shall not be less than required by Section 28.04.140 of this code, but may exceed such minimum. All parking and loading areas shall be surfaced according to provisions set forth in Section 28.04.140.
- 6.4 If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from adjacent residential districts.
- 6.5 Accessory uses may be permitted provided they maintain the general character of the zoning district and neighborhood in which located.

SECTION 3. That the following section be established in Title 28, Code of the City of Wichita, Kansas:

28.04.182 Same - Use regulations continued.

1. 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 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.

- 1.1 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 percent of the owners within one hundred feet of the property on which such use is to be located.

- 1.2 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.
 - 1.3 Any pumps and filters which are located above-ground shall be at least fifty feet from abutting properties.
 - 1.4 Only the dispensing of beverages, candy and tobacco shall be permitted, and these shall be from coin-operated machines.
 - 1.5 All lights shall be shielded to reflect or direct light away from adjoining property.
 - 1.6 No loud speakers or amplification system shall be used so as to be heard outside of the building.
 - 1.7 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.
 - 1.8 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.
2. 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.

 - 2.1 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.
 - 2.2 Treatment shall be limited to dogs, cats and other small animals; all animals shall be harboured indoors.

3. The board of zoning appeals may permit as an exception the placement of a mobile home on any property in any district except in the "AA" one-family dwelling district on a temporary basis subject to the following conditions and requirements:

3.1 The board of zoning appeals shall determine a reasonable time limit to be attached to each individual case.

3.2 The applicant shall show due cause that a hardship exists and that this hardship cannot reasonably be alleviated without the granting of this permit.

3.3 The location of such home shall conform to all lot area, height and setback requirements of the district in which located and the off-street parking requirements of this chapter.

3.4 The board of zoning appeals may include additional conditions as they deem necessary to include, but not limited to, extraordinary setbacks, landscaping and installation of utilities.

SECTION 4. That the following section be established in Title 28, Code of the City of Wichita, Kansas:

28.04.183 Same - Use regulations continued.

1. 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:

1.1 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.

1.2 The minimum land area - two acres.

1.3 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.

1.4 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.

1.5 All materials shall be within a completely enclosed building (no outside storage).

- 1.6 All parking and loading areas shall be paved with concrete or asphalt and must not cover more than one-half of required open space.
 - 1.7 The maximum number of employees shall be fifteen per acre of net land area in any one shift.
 - 1.8 No noxious odors or undue noise shall be detectable from the property line.
 - 1.9 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.
 - 1.10 Uses that may be so authorized are: (a) bakery, and (b) bottling works.
2. The board of zoning appeals may, by special permit, grant exceptions and authorize

New and used car sales
Mobile home sales
Trailer, vehicle and equipment rental

to locate in the "LC" light commercial district subject to the following conditions and requirements:

- 2.1 These uses may be located in an "LC" district contiguous to a major street (as designated in the Pattern For Thorofares, Wichita, Kansas, 1955, or amendments thereto), provided the "LC" district is nine hundred (900) feet or more in continuous length, or where the "LC" districts adjoin a "C", "D", "E" or "F" district and the total distance of such districts which adjoin each other is nine hundred (900) feet or more in continuous length. The measurement of the nine hundred (900) feet shall not include major intersecting streets (major traffic thorofares).
- 2.2 These uses shall not be permitted closer than one hundred (100) feet (excluding any street, alley, or intervening public way) to the front and side of an "AA", "A", "RB", "B" or "G" residential zoning district.
- 2.3 The proposed use shall not be conducted in addition to any other use (example: the sale of used cars on the same lot with a gasoline service station, garage, restaurant, etc.). However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.
- 2.4 There shall be a minimum lot area of twenty thousand (20,000) square feet.

- 2.5 There shall be a front yard building setback of not less than thirty-five (35) feet. The board of zoning appeals may require that a setback of not less than ten (10) feet or more than twenty-five (25) feet be maintained from all street right-of-way lines and no new or used car, mobile home, trailer or other vehicle shall be displayed in this setback area.
- 2.6 A six (6) foot high fence (such as a solid-wall masonry, architectural tile, louvered wood, or other similar materials when specified and approved by the board of zoning appeals) shall be erected along the interior side and rear property line when adjacent to a dwelling to protect the dwelling from light and noise and eliminate blowing debris; and to protect adjacent property values. Whenever a fence shall be located in the required front setback, such fence shall not be higher than three (3) feet.
- 2.7 All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
- 2.8 All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
- 2.9 No sign shall exceed twenty-five (25) feet in height or be placed so as to project over any public right-of-way.
- 2.10 No sound projecting devices or loud speakers shall be used so as to be heard outside of any structure.
- 2.11 A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the time a permit is issued for such operation.
- 2.12 Parking areas shall have adequate guards to prevent extension or overhanging of vehicles beyond property lines, required setbacks, or parking spaces; and off-street customer parking areas shall have adequate markings for channelization and movement of vehicles.
- 2.13 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.
3. The superintendent of central inspection may, by special permit, subject to these protective restrictions, authorize outdoor advertising and promotional activities in the "LC" light commercial districts; provided, however, that:

- 3.1 No such permit shall be required for outdoor sale of merchandise for a duration of not more than 48 hours; provided, however, that such shall not occur at a greater frequency than one two-day period in each four weeks.
- 3.2 No such permit shall be required for outdoor promotional activities for a duration of not more than 48 hours; provided that written notification is furnished to the superintendent of central inspection; and provided further, that such shall not occur at a greater frequency than one two-day period in each four weeks.
 - a. No food or drink shall be dispensed as a part of such promotional activity, unless in accordance with all rules and regulations and prior written approval of the Wichita-Sedgwick County Health Department.
 - b. No admission fee shall be charged for entrance to, or participation in, any part of the promotional activity.
 - c. Activities of such nature as to be considered a ride device, circus or carnival shall be permitted only when so licensed as such under the provisions of the city code.
- 3.3 The outdoor promotional activity shall not occupy any part of the required off-street parking space for the principal use.
- 3.4 All electrical connections, erections of temporary structures, etc., shall be in compliance with the code of the city of Wichita.
4. The board of zoning appeals may, by special permit, grant exceptions and authorize self-service car wash operations whether operated indoors or outdoors, to be located in the "LC" light commercial district subject to the following conditions and requirements:
 - 4.1 This use may be located in a district contiguous to a major street (as designated in the Pattern For Thoroughfares, Wichita, Kansas, 1955, or amendments thereto).
 - 4.2 This use shall not be permitted closer than sixty (60) feet (excluding any street, alley or intervening public way) to the front and side of an "AA", "A", "RB", "B" or "C" residential zoning district.
 - 4.3 There shall be a minimum lot area of three thousand five hundred (3,500) square feet for each car washing stall, provided the minimum lot area shall be not less than seven thousand five hundred (7,500) square feet.

- 4.4 The self-service car washing buildings or facilities shall be set back a distance of not less than fifty (50) feet from the street right-of-way line.
- 4.5 A six (6) foot high fence (such as a solid-wall masonry, architectural tile, louvered wood, or other similar materials when specified and approved by the board of zoning appeals) shall be erected along the interior side and rear property line when adjacent to a dwelling to protect the dwelling from light and noise and eliminate blowing debris, and to protect adjacent property values. Whenever a fence shall be located in the required front setback, such fence shall not be higher than three (3) feet.
- 4.6 All of the area to be utilized by the washing and drying operation, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete.
- 4.7 All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
- 4.8 No sign shall exceed twenty-five (25) feet in height or be placed so as to project over any public right of way.
- 4.9 No sound projecting devices or loud speakers shall be used so as to be heard outside of any structure.
- 4.10 Off-street holding spaces shall be provided on the property in a ratio of not less than four (4) parking spaces for each car-washing stall. Off-street drying spaces shall be provided on the property in a ratio of not less than two (2) parking spaces for each car-washing stall. One off-street parking space shall be provided for each employee.
- 4.11 A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the time a permit is issued for such operation. However, there shall be no ingress or egress from unpaved public ways.
- 4.12 There shall be no ingress or egress from minor or residential streets which have sixty (60) feet of right of way or less.
- 4.13 All drainage, both natural and that created by the operation, shall be handled on the site or in such a manner satisfactory to the superintendent of maintenance of the department of public works.

- 4.14 The board of zoning appeals may establish operating hours if the operation is located in close proximity to a residential area.
- 4.15 The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.
- 4.16 Such other conditions as the board of zoning appeals shall deem necessary to provide for orderly development.

SECTION 5. That the following section be established in Title 28, Code of the City of Wichita, Kansas:

28.04.184 Same - Use regulations continued.

1. Auto wrecking, salvage yards, used material yards, storage or baling of waste or scrap paper, rags, scrap metals, bottles or junk may be authorized in the "E" light industrial districts 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.

28.04.187 Exceptions - Height Regulations.

1. Public, semi-public or public service buildings, hospitals, institutions, schools and churches or temples, when permitted in the "AA", "A" and "RB" districts, may be erected 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 erected 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.

SECTION 6. That the following section be established in Title 28, Code of the City of Wichita, Kansas:

28.04.188 Exceptions - 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 central 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 7. That Section 1 of Ordinance No. 27-713 of the City of Wichita, Kansas, and the existing Section 28.04.180, Title 28 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 8. This Ordinance shall take effect on its passage and publication once in the official city paper.

PASSED AND APPROVED this _____ day of _____,
1964.

Mayor

ATTEST:

City Clerk

(SEAL)

*approved as per
5/28/64
John Nelson
Assistant Mayor*

June 22, 1964

Paul Graves, Traffic Engineer

Robert A. Lakin, Assistant Planning Director

DR 64-5 - Ordinance on exception for new and used car lots

As James Clancy advised you, the City Commission has referred one of our proposed ordinances to the Traffic Commission for its consideration. I understand the Traffic Commission will not meet again until the month of September. In the meantime, I will have available copies of the ordinance marked with the proposed changes. In addition, I will prepare a short report covering the ordinance, the amendments proposed to be made, and certain of the theory upon which it is based. I will attempt to answer some of Commissioner Tarrant's questions about whether or not we should locate this type of activity on "major traffic streets". Before we schedule this, however, for a formal meeting, I would like the opportunity to review my proposed report and the ordinance with you in greater detail. I will be contacting you on this in the next 30 days or so.

Robert A. Lakin
Assistant Planning Director

RAL:ber

cc: James Clancy
Jack Galbraith

THE CITY OF WICHITA
OFFICE OF The City Manager

DATE June 19, 1964

TO Paul Graves, Traffic Engineer

FROM James F. Clancy, Executive Assistant

SUBJECT Request From City Commission --
Ordinance Referral to Traffic
Commission

At the meeting of June 9, the Board of City Commissioners referred to the Traffic Commission an ordinance relating to new and used car sales, trailer sales, and trailer and vehicle equipment rentals as "Exceptions" to the Zoning Ordinance and re-establishing and creating new sections of the Zoning Ordinance related to "Exceptions." Such ordinance was referred to the Traffic Commission and office of the Traffic Engineer, and to the appropriate trade organizations for their study and comments concerning the various provisions of the ordinance.

By carbon copy I am conveying the original, and only, copy of this ordinance to Bob Lakin, who in turn will discuss this matter with you in order to accomplish the required study.

JFC:ct
✓cc:Robert Lakin, Assistant Planning Director



WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

June 11, 1964

TO The Files

FROM Robert A. Lakin, Assistant Planning Director

SUBJECT DR 64-5 - New and Used Car Lots in "LC" Districts

At the City Commission meeting of June 9, 1964, Commissioner Tarrant asked for a staff memorandum giving specific justification as to the clause which requires these uses to locate on thorofares. The principal argument on his mind seems to be that these uses are traffic generators, thus constituting congestion, and thus should not be allowed on major traffic thorofares. It appears to be a misunderstanding as to the different classifications of streets and functions as related to access and traffic-carrying categories.

Also, the 900 foot clause should be justified, giving the distinction of character of light commercial districts. Commissioner Stevens needs to have explained to him in this memorandum, why special benefits are accruing to properties of "LC" rather than the "LC" district being imposed with a number of severe restrictions. Distinction should be made as to the matter of restricting a specific use which has detrimental aspects as opposed to the preservation of quality commercial development and nearby residential units.

The staff was also instructed to forward this Ordinance to the Traffic Commission for their review and consideration with particular emphasis on the major traffic street question. This matter was also to be reviewed by the Trade Association (Wichita Car Dealers Association?) so that they would be aware of the type of restrictions which are being established.

Robert A. Lakin
Assistant Planning Director

RAL:bgs

June 4, 1964

Russell E. McClure, City Manager
Robert A. Lakin, Assistant Planning Director

DR 64-5 - New and Used Car Lots
in "LC" zoning districts

As the Exceptions to Use Regulations of the Zoning Ordinance had to be readvertised in its entirety to amend the section pertaining to new and used car sales, mobile home sales, and trailer, vehicle and equipment rental, you may disregard pages 1 through 7 and pages 10 through 14 as these pages are without change.

Regarding Section 4, number 2, pages 8 and 9, those conditions which are recommended by the Planning Commission for approval as proposed conditions, are underlined in red. Those conditions, or portions of conditions, which exist in the present ordinance are underlined in blue.

The proposed amended condition 2.6 replaces an existing condition which states "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."

Also, the proposed amended condition 2.9 replaces an existing condition which states: "No projecting signs shall be permitted."

It is hoped that this method of indicating existing and proposed amendments will aid the Commission in its review of the proposed amendment to the existing ordinance.

Robert A. Lakin
Assistant Planning Director

RAL:JHG:ber

May 28, 1964

Board of City Commissioners
City Building
Wichita, Kansas

Gentlemen:

Re: DR 64-5 - New and Used Car
Lots in "LC" Districts

At the regular meeting of the Planning Commission on May 7, 1964, a public hearing was held for reviewing a proposed amendment to the zoning ordinance concerning new and used car sales in "LC" Light Commercial zones. The action of the Planning Commission was to approve the proposed amendment authorizing the Board of Zoning Appeals to grant exceptions as and by special permit authorizing new and used car sales, mobile home sales, and trailer, vehicle and equipment rental, to locate in the "LC" district, subject to certain conditions and requirements.

The purpose of the conditions, which must exist before the Board of Zoning Appeals may grant an exception, are to protect adjacent residential districts by proper screening, provide adequate lot size, provide that the uses must be located on major thoroughfares, and to prohibit mixed uses, such as the sale of used cars on the same lot with a gasoline service station, garage, restaurant, etc.

An ordinance effectuating this change has been prepared by the Department of Law. It is recommended that the ordinance be placed on its first reading.

Respectfully submitted,

RAL:JHG:ber

Robert A. Lakin
Assistant Secretary

MEMORANDUM

April 30, 1964

TO: Metropolitan Area Planning Commission

FROM: Jack H. Galbraith, Senior Planner

SUBJECT: DP 64-5 - New and Used Car Lots in "LC" Light Commercial Zoning District.

On April 2, 1964, the Planning Commission reviewed the proposed amendment concerning new and used car sales in "LC" Light Commercial zones.

The action of the Planning Commission was to defer this case for thirty days and the staff was directed to change several conditions and have legal counsel review the proposed amendment.

Attached are the revised conditions for your review. These conditions have been reviewed by Lawrence Curfman.

Jack H. Galbraith
Senior Planner

JHG:bgs

Attachment

SECTION 28.04.180 Exceptions. A. USE REGULATIONS

Amend to read as follows:

2. The Board of Zoning Appeals may by special permit grant exceptions and authorize

New and used car sales
Mobile home sales
Trailer, vehicle and equipment rental

to locate in the "LC" Light Commercial District subject to the following conditions and requirements:

- a. These uses may be located in an "LC" district contiguous to a major street (as designated in the Pattern For Thorofares, Wichita, Kansas, 1955, or amendments thereto), provided the "LC" district is nine hundred (900) feet or more in continuous length, or where the "LC" districts adjoin a "C", "D", "E" or "F" district and the total distance of such districts which adjoin each other is nine hundred (900) feet or more in continuous length. The measurement of the nine hundred (900) feet shall not include major intersecting streets (major traffic thorofares).
- b. These uses shall not be permitted closer than one hundred (100) feet (excluding any street, alley, or intervening public way) to the front and side of an "AA", "A", "RB", "B" or "C" residential zoning district.
- c. The proposed use shall not be conducted in addition to any other use (example: the sale of used cars on the same lot with a gasoline service station, garage, restaurant, etc.). However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.
- d. There shall be a minimum lot area of twenty thousand (20,000) square feet.
- e. There shall be a front yard building setback of not less than thirty-five (35) feet. The Board of Zoning Appeals may require that a setback of not less than ten (10) feet or more than twenty-five (25) feet be maintained from all street right-of-way lines and no new or used car, mobile home, trailer or other vehicle shall be displayed in this setback area.

- f. A six (6) foot high fence (such as a solid-wall masonry, architectural tile, louvered wood, or other similar materials when specified and approved by the Board of Zoning Appeals) shall be erected along the interior side and rear property line when adjacent to a dwelling to protect the dwelling from light and noise and eliminate blowing debris; and to protect adjacent property values. Whenever a fence shall be located in the required front setback, such fence shall not be higher than three (3) feet.
- g. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
- h. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
- i. No sign shall exceed twenty-five (25) feet in height or be placed so as to project over any public right-of-way.
- j. No sound projecting devices or loud speakers shall be used so as to be heard outside of any structure.
- k. A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the time a permit is issued for such operation.
- l. Parking areas shall have adequate guards to prevent extension or overhanging of vehicles beyond property lines, required setbacks, or parking spaces; and off-street customer parking areas shall have adequate markings for channelization and movement of vehicles.
- m. 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.

() (Published in the Wichita Beacon on _____, 1964.)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on April 2, 1964, 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. A. USE REGULATIONS.

Amend to read as follows:

13. The Board of Zoning Appeals may by special permit grant exceptions and authorize

New and used car sales
Mobile home sales
Trailer, vehicle and equipment rental

to locate in the "LC" Light Commercial District subject to the following conditions and requirements:

- a. These uses may be located in an "LC" district contiguous to a major street (as designated in the Pattern For Thorofares, Wichita, Kansas, 1955, or amendments thereto), provided the "LC" district is nine hundred (900) feet or more in continuous length. The measurement of this distance shall not include major intersecting streets (major traffic thorofares).
- b. These uses shall not be permitted on a lot which is adjacent (including those separated by public ways and streets) to the front or side of an "AA", "A", "RB", "B" or "G" residential zoning district.
- c. The proposed use shall not be conducted in addition to any other use (example: the sale of used cars on the same lot with a gasoline service station, garage, restaurant, etc.). However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.
- d. There shall be a minimum lot area of twenty thousand (20,000) square feet.

- e. The Board of Zoning Appeals may require that a fifteen (15) foot setback be maintained from all street right-of-way lines and no new or used car, mobile home, trailer or other vehicle shall be displayed in this setback area.
- f. A six (6) foot high fence (such as a solid-wall masonry, architectural tile, louvered wood, or other similar materials when specified and approved by the Board of Zoning Appeals) shall be erected along the interior side and rear property line when adjacent to a dwelling to protect the dwelling from light and noise and eliminate blowing debris; and to protect adjacent property values. Whenever a fence shall be located in the required front setback, such fence shall not be higher than three (3) feet.
- g. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
- h. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
- i. No sign shall exceed twenty-five (25) feet in height.
- j. No sound projecting devices or loud speakers shall be used so as to be heard outside of any structure.
- k. A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the time a permit is issued for such operation.
- l. Parking areas shall have adequate guards to prevent extension or overhanging of vehicles beyond property lines, required setbacks, or parking spaces; and off-street customer parking areas shall have adequate markings for channelization and movement of vehicles.
- m. 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.

Add as follows:

19. The Board of Zoning Appeals may by special permit grant exceptions and authorize self-service car wash operations whether operated indoors or outdoors, to be located in the "LC" Light Commercial District subject to the following conditions and requirements:
 - a. This use may be located in a district contiguous to a major street (as designated in the Pattern For Thorofares, Wichita, Kansas, 1955, or amendments thereto), provided the "LC" district is nine hundred (900) feet or more in continuous length. The measurement of this distance shall not include major intersecting streets (major traffic thorofares).
 - b. This use shall not be permitted on a lot which is adjacent (including those separated by public ways and streets) to the front or side of an "AA", "A", "RB", "B" or "G" residential zoning district.
 - c. There shall be a minimum lot area of fifteen thousand (15,000) square feet.
 - d. The self-service car washing buildings or facilities shall be set back a distance of not less than fifty (50) feet from the street right-of-way line.
 - e. A six (6) foot high fence (such as a solid-wall masonry, architectural tile, louvered wood, or other similar materials when specified and approved by the Board of Zoning Appeals) shall be erected along the interior side and rear property line when adjacent to a dwelling to protect the dwelling from light and noise and eliminate blowing debris, and to protect adjacent property values. Whenever a fence shall be located in the required front setback, such fence shall not be higher than three (3) feet.
 - f. All of the area to be utilized by the washing and drying operation including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete.
 - g. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.

- h. No sign shall exceed twenty-five (25) feet in height.
- i. No sound projecting devices or loud speakers shall be used so as to be heard outside of any structure.
- j. Off-street holding spaces shall be provided on the property in a ratio of not less than four (4) parking spaces for each car washing stall. Off-street drying spaces shall be provided on the property in a ratio of not less than two (2) parking spaces for each car washing stall. One off-street parking space shall be provided for each employee.
- k. A plot plan showing points of ingress and egress, width of driveways, off-street parking spaces and interior traffic circulation shall be submitted to the Traffic Engineering Division of the Department of Public Works for approval prior to the time a permit is issued for such operation. However, there shall be no ingress or egress from unpaved public ways.
- l. There shall be no ingress or egress from minor or residential streets which have sixty (60) foot of right-of-way or less.
- m. All drainage, both natural and that created by the operation, shall be handled on the site or in such a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.
- n. The Board of Zoning Appeals may establish operating hours if the operation is located in close proximity to a residential area.
- o. The area shall be properly policed through inspections twice daily by the owner or operator for proper maintenance and removal of trash.
- p. Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

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 12th day of March, 1964.

Leland R. Edmonds, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

(1-T)

MEMORANDUM

TO: Metropolitan Area Planning Commission

FROM: Jack H. Galbraith, Senior Planner

SUBJECT: New and used car lots in "LC"
Light Commercial Districts

DATE: March 2, 1964

On January 28, 1964, the Board of Zoning Appeals directed the staff to bring to the attention of the Planning Commission that a problem exists in the approval procedures to allow new and used car lots in the "LC" Light Commercial Districts.

Section 28.04.180.A.14 of the ordinance currently provides that the Board of Zoning Appeals may by special permit grant exceptions and authorize new and used car sales, trailer sales and trailer, vehicle and equipment rental in the "LC" light Commercial District subject to certain requirements outlined in the ordinance.

The specific problems the Board of Zoning Appeals would like a clarification of and some guidance on are as follows:

1. Should used car lots be allowed in association with service stations, garages, transmission shops, etc? (Applicants requesting this type of application usually request to place from one to ten used cars on the lot).
2. Should there be a minimum lot size or minimum area requirement used in consideration of approval for these applications?
3. Should areas which are strictly neighborhood service areas, although zoned "LC" and adjacent to a major traffic street, be considered for this type of use even if the individual requesting the permit has a large spacious lot up for consideration?
4. Specifically, what was the intent of the Planning Commission at the time this amendment to the ordinance was being considered?

Generally speaking, approximately 80% of the applications are requests for used car lots in conjunction with service stations and garages. This specific problem has arisen inasmuch as the

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March 2, 1964
New and used car lots in "LC"

State of Kansas is now requiring that before anyone can obtain a license for a new and used car lot, he must obtain a letter from the Central Inspection Division stating that the property in question is in an appropriate zone for such use. Consequently, most garages and service stations which have been carrying on this type of "mixed use" in "LC" districts are unable to get their licenses renewed since they are not in the appropriate zone for such a use and, therefore, are requesting exceptions to the ordinance in order to obtain their permits.

The Board would like to have some advice on this subject as soon as possible so that individuals wishing to apply for such permits can be adequately advised as to what the intent of the Planning Commission was at the time this amendment to the ordinance was considered.

Jack H. Galbraith
Senior Planner

JHG:JWH:ber