

See also BZA 4-62

ACTION

DATE

COMMITTEE	_____	_____
M.A.P.C.	<i>Subcommittee on Planning</i>	<i>9-6-62</i>
	<i>Refer to No. 11, 1962</i>	<i>10-18-62</i>
B.C.C./B.C.C.	<i>DATE approved 3-1-63</i>	<i>3-3-63</i>
BCC	<i>Approved 3-12-63</i>	

Ord. # 27-038

*Have James Stewart
check amendment*

DR 62-15 - THE WICHITA COMMUNITY THEATER, INC. REQUESTS AMENDMENT TO ZONING ORDINANCE TO ALLOW THEATER USES AS AN EXCEPTION.

ORDINANCE NO. 27-038

LW
DR6215

AN ORDINANCE RELATING TO ZONING AND EXCEPTIONS TO ZONING, AMENDING SECTION 28.04.180 OF THE CODE OF THE CITY OF WICHITA AND REPEALING SAID ORIGINAL SECTION 28.04.180 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 1. THAT SECTION 28.04.180 OF THE CODE 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 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. 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 PERCENT OF THE EXISTING FLOOR AND SAME 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-SEDDWICK 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 "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:
- 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 Baling OF WASTE OR SCRAP PAPER, RAGS, SCRAP METALS, BOTTLES OR JUNK MAY BE AUTHORIZED IN THE "E" 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 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.

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 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 PERCENT 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 ABUTS 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 "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.
15. RADIO AND TELEVISION TOWERS AND TRANSMITTER FACILITIES.
- 15.1 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.
 - 15.2 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).
 - 15.3 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.
 - 15.4 IN THE EVENT OF DISCONTINUANCE FOR A PERIOD OF TWO YEARS, PARAGRAPH B OF THE PRECEDING SECTION, SHALL THEN APPLY TO SUCH USE.
16. 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

- 16.1 SUCH PERMITS MAY BE GRANTED FOR LOCATIONS IN ANY DWELLING DISTRICT.
- 16.2 CONDITIONS INCLUDING, BUT NOT LIMITED TO, SCREENING SHALL BE REQUIRED BY THE BOARD OF ZONING APPEALS TO PROTECT ADJUTING PROPERTIES FROM HEADLIGHTS, BLOWING DEBRIS AND SOUND.
- 16.3 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.
- 16.4 IF LIGHTING FACILITIES ARE PROVIDED, THEY SHALL BE SO ARRANGED AS TO DEFLECT OR DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS.
- 16.5 ACCESSORY USES MAY BE PERMITTED PROVIDED THEY MAINTAIN THE GENERAL CHARACTER OF THE ZONING DISTRICT AND NEIGHBORHOOD IN WHICH LOCATED.

*17. Temporary
Mobile Homes*

B. HEIGHT REGULATIONS.

1. PUBLIC, SEMIPUBLIC OR PUBLIC SERVICE BUILDINGS, HOSPITALS, INSTITUTIONS, SCHOOLS AND CHURCHES OR TEMPLES, WHEN PERMITTED IN THE "AAR", "AA", AND "RBB" 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 "BD", "LC", "RC", "RD", "RE", OR "RF" 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 2. THAT SAID ORIGINAL SECTION 28.94.180 OF THE CODE 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 _____, 1963.

MAYOR

ATTEST:

CITY CLERK

(SEAL)

February 12, 1963

Board of City Commissioners
City Building
Wichita, Kansas

Gentlemen:

Re: DR 62-15 - Amendment to Zoning
Ordinance re Community Theater
activities and similar uses

At the regular meeting of the Metropolitan Area Planning Commission held on November 1, 1962, a public hearing was held to consider proposed amendments to the Zoning Ordinance relating to Community Theater activities and similar uses. The need for a provision in the Zoning Ordinance to provide for cultural groups in locations other than commercial and industrial was discovered when the Wichita Community Theater, Inc. attempted to use a church for part of its activities. The Zoning Ordinance now permits as a "use by right" these types of groups in "B" Multiple-Family Districts and those districts less restrictive. It was the recommendation of the Planning Commission that the Zoning Ordinance be amended so that the Board of Zoning Appeals may, by special permit, grant an Exception for various cultural-type activities subject to the Board of Zoning Appeals protecting adjacent properties by using screening techniques, control of lighting and regulation of off-street parking.

An ordinance has been prepared making effective this change. The ordinance has been approved as to form by the Department of Law.

Respectfully submitted,

L. L. Little
Secretary

LLL/RAL:mmm

TO: METROPOLITAN AREA PLANNING COMMISSION
FROM: ROBERT A. LAKIN, SENIOR PLANNER DATE: OCTOBER 31, 1962
SUBJECT: DR 62-15 - WICHITA COMMUNITY THEATER, INC.

AT THE MEETING OF SEPTEMBER 6, 1962, THE PLANNING COMMISSION AUTHORIZED THE STAFF TO PREPARE AN AMENDMENT TO THE ZONING ORDINANCE WHICH WOULD PROVIDE THE BOARD OF ZONING APPEALS WITH AUTHORITY TO ALLOW THE ESTABLISHMENT OF GROUPS SUCH AS THE WICHITA COMMUNITY THEATER, INC. IN RESIDENTIAL AREAS. THE STAFF PREPARED SUCH AN AMENDMENT WHICH APPEARED ON THE OCTOBER 18 AGENDA. IT WAS REPORTED AT THAT TIME THAT THE WICHITA COMMUNITY THEATER, INC. NO LONGER HAD ANY INTEREST IN THIS MATTER IN THAT THEY HAD BEEN GRANTED A VARIANCE BY THE BOARD OF ZONING APPEALS WHICH SATISFIED THEIR IMMEDIATE NEEDS.

THE PLANNING COMMISSION, IN DISCUSSING THE AMENDMENT, RAISED QUESTIONS AS TO WHETHER THE USES PERMITTED SHOULD BE ENUMERATED RATHER THAN HAVING A GENERAL PROVISION SUCH AS "CULTURAL GROUPS" AND AS TO WHETHER THE CRITERIA OF "PROFIT" OR "NON-PROFIT" SHOULD BE USED IN ESTABLISHING WHAT USES WOULD BE PERMITTED. IT WAS THE SENSE OF THE COMMISSION THAT THE "PROFIT" CRITERIA NOT BE USED. ANOTHER POINT RAISED WAS REGULATION OF THE BOARD OF ZONING APPEALS IN REGARD TO RESTRICTIONS ON THE ITEMS WHICH MIGHT BE REQUIRED TO PROTECT ABUTTING PROPERTIES FROM THE EFFECT OF ANY OF THESE USES. AS A RESULT OF THIS DISCUSSION, THE MATTER WAS CONTINUED FOR TWO WEEKS WITH THE STAFF INSTRUCTED TO PREPARE ADDITIONAL REVISIONS IN LIGHT OF THE SUGGESTIONS MADE BY THE COMMISSION.

THE PROVISION INCLUDED AS ADVERTISED RELATING TO CULTURAL GROUPS ASSUMES THAT THE BOARD OF ZONING APPEALS SHOULD BE ALLOWED THE LATITUDE TO DETERMINE WHAT IS "CULTURAL". WITHOUT THIS GENERAL PROVISION, NEW USES OR USES INADVERTENTLY OMITTED WOULD REQUIRE AN AMENDMENT TO THE ZONING ORDINANCE WHICH IS TIME CONSUMING. SINCE THERE IS A MEMBER OF THE PLANNING COMMISSION ON THE BOARD OF ZONING APPEALS, THE COMMISSION'S POSITION WILL BE MADE KNOWN AS TO THE GENERAL FEELING OF WHAT WOULD CONSTITUTE A CULTURAL GROUP.

AS AN ALTERNATIVE, SPECIFIC ENUMERATION MAY BE DESIRED. IT IS SUGGESTED THAT THE FOLLOWING USES MIGHT BE LISTED IN SUCH AN ENUMERATION:

- SYMPHONIES AND MUSIC GROUPS.
- COMMUNITY THEATER GROUPS.
- HISTORICAL MUSEUMS AND ASSOCIATIONS.
- ART MUSEUMS.
- ASSOCIATED ACTIVITIES NORMALLY OPERATED IN CONJUNCTION WITH THE ABOVE USES.

THE DEPARTMENT SUGGESTS THAT SUBSECTION 15.2 AS SET FORTH ON THE AGENDA BE REWORDED AS FOLLOWS:

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 NOISE.

THIS PROPOSED REVISION IS IN RESPONSE TO THE SUGGESTED NEED FOR
RESTRICTION OF THE BOARD OF ZONING APPEALS WITH RESPECT TO CONDITIONS
IT MAY APPLY WHEN APPROVING AN EXCEPTION FOR THE USES LISTED ABOVE.

RAL/MM

ROBERT A. LAKIN
SENIOR PLANNER

Lo C C 9-11-62

() (PUBLISHED IN THE WICHITA EVENING EAGLE AND BEACON ON SEPT. 14, 1962)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THE 18TH DAY OF OCTOBER, 1962, THE WICHITA-SEDDWICK 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

15. 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 + music
- COMMUNITY THEATER GROUPS
- HISTORICAL MUSEUMS + groups
- ART MUSEUMS
- Literature + museum groups

approve as amended 11-2-62 RHE
see type of MAPC 11-1-62

15.1 SUCH PERMITS MAY BE GRANTED FOR LOCATIONS IN ANY DWELLING DISTRICT.

15.2 SCREENING SHALL BE REQUIRED TO PROTECT ABUTTING PROPERTIES FROM HEADLIGHTS, BLOWING DEBRIS AND NOISE.

15.3 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.

15.4 IF LIGHTING FACILITIES ARE PROVIDED, THEY SHALL BE SO ARRANGED AS TO DEFLECT OR DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS.

15.5 ACCESSORY USES MAY BE PERMITTED PROVIDED THEY MAINTAIN THE GENERAL CHARACTER OF THE ZONING DISTRICT AND NEIGHBORHOOD IN WHICH LOCATED.

THE PROPOSED AMENDMENT WILL THERE BE DISCUSSED AND CONSIDERED BY THE SAID WICHITA-SEDCWICK 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 14TH DAY OF SEPTEMBER, 1962.

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

(SEAL)

(1-T)

LAW OFFICES OF
BOYER, HONDROS & DONALDSON
WICHITA FEDERAL SAVINGS BUILDING
340 SOUTH BROADWAY
WICHITA 2, KANSAS

JOHN E. BOYER
GEORGE J. HONDROS
PAUL J. DONALDSON
HAROLD T. BECK
KENNETH P. STEWART
JAMES R. HANSON

October 12, 1962

file

Mr. Robert A. Lakin
Senior Planner
Metropolitan Area Planning Department
City Building Annex
104 South Main Street
Wichita 2, Kansas



Re: DR 62-15
Amendment to the City Zoning
Ordinance - Community Theater
Exceptions, etc.

Dear Mr. Lakin:

This will acknowledge your letter of October 10th regarding hearing on the proposed exception to the zoning ordinance. As counsel for the Wichita Community Theater, Inc., I should like to advise that the theater has secured the required relief for its operation by virtue of the action taken by the Board of Zoning Appeals in BZA 4-62 wherein our use was approved. Inasmuch as the theater contemplates continued use of these premises for all purposes except major public performances which are performed in the Commons Auditorium of the University of Wichita, we no longer have any need for the amendment to serve our purposes. Obviously, the contents of the proposed amendment which include the provision of off-street parking are contradictory to the action taken by the Board of Zoning Appeals after public hearing. For this reason, even if the amendment to the zoning ordinance were adopted, we would not be interested in securing an exception as provided thereunder.

I would not venture to say whether or not other organizations similar to community theater would be interested in this amendment. So far as I am informed, the terms of the amendment itself would be quite satisfactory under other circumstances than those which involve the community theater situation, as it now stands. Thank you very much for your consideration in this matter.

Yours very truly,

BOYER, HONDROS & DONALDSON

By: *Kenneth P. Stewart*

KPS:jsb
c.c. Mr. Martin Umansky

OCTOBER 10, 1962

MR. KENNETH P. STEWART, ATTORNEY
340 SOUTH BROADWAY
WICHITA, KANSAS

SUBJECT: DR 62-15
AMENDMENT TO THE CITY ZONING
ORDINANCE - COMMUNITY THEATER
EXCEPTIONS, ETC.

DEAR MR. STEWART:

THIS IS TO REMIND YOU THAT THE PROPOSED AMENDMENT TO THE CITY ZONING ORDINANCE RELATIVE TO ALLOWING EXCEPTIONS IN RESIDENTIAL DISTRICTS FOR CULTURAL GROUP ACTIVITIES, SUCH AS THE COMMUNITY THEATER GROUP, WILL BE BEFORE THE METROPOLITAN AREA PLANNING COMMISSION FOR ITS CONSIDERATION AT ITS MEETING OF OCTOBER 18, 1962.

ATTACHED IS A COPY OF THE PROPOSED AMENDMENT FOR YOUR REVIEW. SHOULD YOU HAVE ANY SUGGESTIONS OR COMMENTS CONCERNING THIS, WE WOULD BE HAPPY TO HEAR FROM YOU.

SINCERELY,

ROBERT A. LAKIN
SENIOR PLANNER

RAL:AN
ENC.

TO: METROPOLITAN AREA PLANNING COMMISSION
FROM: ROBERT A. LAKIN, SENIOR PLANNER
SUBJECT: DR 62-15 - WICHITA COMMUNITY THEATER DATE: AUGUST 29, 1962

THE WICHITA COMMUNITY THEATER HAS CONTACTED THE CHAIRMAN OF THE PLANNING COMMISSION AND MEMBERS OF THE PLANNING DEPARTMENT CONCERNING LOCATING PART OF THEIR OPERATION IN A FORMER CHURCH LOCATED AT THE SOUTHEAST CORNER OF FOUNTAIN AND SECOND STREETS. IN REVIEWING THE ZONING ORDINANCE, IT WAS DETERMINED THAT THE ORDINANCE DOES NOT MAKE SPECIFIC PROVISION FOR A USE OF THIS TYPE EXCEPT IN COMMERCIAL DISTRICTS. AFTER FURTHER DISCUSSION, IT WAS THE GENERAL SENSE OF THE GROUP THAT AN ACCEPTABLE APPROACH TO THE MATTER WOULD BE TO AMEND THE ZONING ORDINANCE TO ALLOW THE BOARD OF ZONING APPEALS TO GRANT EXCEPTIONS FOR THIS TYPE OF USE RATHER THAN PURSUE A CHANGE IN ZONING TO A COMMERCIAL CATEGORY. ATTACHED IS A COPY OF THE LETTER SUBMITTED BY THE ATTORNEYS FOR THE WICHITA COMMUNITY THEATER, INC.

IF THE COMMISSION AGREES WITH THIS GENERAL APPROACH, IT IS SUGGESTED THAT THE FOLLOWING AMENDMENT TO THE ZONING ORDINANCE BE ADVERTISED FOR A PUBLIC HEARING AT ITS MEETING OF OCTOBER 18, 1962.

SECTION 28.04.180 - EXCEPTIONS

ADD AS FOLLOWS:

A. Use REGULATIONS

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COMMUNITY THEATER GROUPS
HISTORICAL MUSEUMS
ART MUSEUMS

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- 2 -

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ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

ATTACHMENT

LAW OFFICES OF
BOYER, HONDROS & DONALDSON

WICHITA FEDERAL SAVINGS BUILDING

340 SOUTH BROADWAY

WICHITA 2, KANSAS

August 24, 1962

JOHN E. BOYER
GEORGE J. HONDROS
PAUL J. DONALDSON
HAROLD T. BECK
KENNETH P. STEWART
JAMES R. HANSON



Mr. Ed Law, Chairman ✓
Metropolitan Area Planning Commission
City Building Annex
104 South Main
Wichita, Kansas

Mr. L. L. Little, Executive Director
Metropolitan Area Planning Dept.
City Building Annex
104 South Main
Wichita, Kansas

Re: The Wichita Community
Theater, Inc.

Gentlemen:

As attorneys representing The Wichita Community Theater, Inc., we wish to advise you that its Board of Directors has recently taken action to acquire for use the real estate with improvements located at the southeast corner of Fountain and Second Street, being the church premises formerly occupied and still owned by the Congregation Emanuel. In connection with the proposed use for theater purposes, we have reviewed the zoning ordinance and have determined that the contemplated theater uses are not specifically covered under any single provision of that ordinance. Certain aspects of the contemplated uses are covered in the AA, B and LC zoning classifications.

Inasmuch as the premises are ideally situated for use of the theater, it seems imperative that zoning should be secured which will accommodate the theater purposes. Under the terms of the existing zoning ordinance, it appears to us that all of the contemplated theater uses could be

Mr. Ed Law
Mr. L. L. Little

Page 2
August 24, 1962

accommodated only under an "LC" classification. However, such a classification for this area would hardly seem to be proper.

It would appear to be more desirable that the uses by Community Theater of these premises might be handled under the exception provisions of the Code, Sec. 28.04.180. As you are well aware, those provisions do not now provide for any exceptions unless it is specified. It is respectfully requested that the Planning Commission consider the necessary amendment to the Code which could permit the Theater uses as an exception.

Yours very truly,

BOYER, HONDROS & DONALDSON

By 

KPS:bjj

cc: Dr. Wayne Bartlett
President, The Wichita
Community Theater, Inc.

Mr. Martin Umansky
Mrs. Robert Teall

LAW OFFICES OF
BOYER, HONDROS & DONALDSON

WICHITA FEDERAL SAVINGS BUILDING

340 SOUTH BROADWAY

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August 24, 1962

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Mr. Ed Law, Chairman
Metropolitan Area Planning Commission
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Page 2
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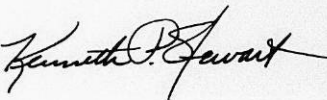
accommodated only under an "IC" classification. However, such a classification for this area would hardly seem to be proper.

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