

DR 63-7 - Amendment to County Zoning Resolution to allow wrought iron product manufacture & fabrication in Districts

ACTION

DATE

COMMITTEE

M.A.P.C. *Appropriata amended 4-1-63*

BBB/B.B. CO. C. approved as recommended 4-18-63

Pub. 4-27-63

Closeil

Amendment

DRM CS-7
amendment

RESOLUTION

A RESOLUTION CHANGING THE SEDGWICK COUNTY ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO AUGUST 21, 1961, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 14 C THEREOF.

BE IT RESOLVED by the Board of County Commissioners of Sedgwick County, Kansas:

SECTION 1. That upon the recommendation of the Metropolitan Area Planning Commission on April 4, 1963, after notice and public hearing as provided by law, under authority granted by Section 14 C of the Sedgwick County Zoning Resolution as adopted March 3, 1958, the preamble to Section 8 "C" - GENERAL COMMERCIAL DISTRICT, is amended and Assembly and Fabrication Processes is added to Section A; under USES PERMITTED.

SECTION 11. Section B) of the preamble shall be amended by substituting the words "a nuisance" for the word "objectionable", said section to read as follows:

B) "Such uses, operations, or products are not a nuisance due to odor, dust, smoke, noise, vibration or other similar causes."

SECTION 111. Section 8 A. USES PERMITTED is amended by adding as 3 (a) - "Assembly and Fabrication Processes, except those uses first permitted in Section 10.A and subsections a, c, e, f, g, h, l and m, Section 9 2 A) of this Resolution; provided, that the entire frontage of the ground floor along the principal street is used for office space, display or for wholesale or retail sales."

SECTION IV. That this resolution shall take effect and be in force from and after its adoption and publication in the official County paper.

Passed and adopted this 12th day of April, 1963.

Vernon E. Reed
VERNON E. REED, Chairman

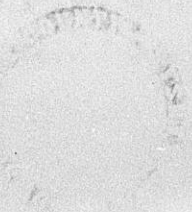
FLOYD SCHRÖEDER, Commissioner

ELMER S. PETERS, Commissioner

ATTEST:

COUNTY CLERK

(Seal)



April 15, 1963

Board of County Commissioners
320 County Courthouse
Wichita, Kansas

Gentlemen:

Re: DR 63-7 - Amendment to the
County Zoning Resolution to
allow wrought iron product
manufacture and fabrication
in "C" General Commercial

At its meeting of March 7, 1963, the Planning Commission directed the staff to advertise for an amendment to the County Zoning Resolution which would allow wrought iron product manufacture and fabrication in the "C" General Commercial District, and which would change the character of that district in such a manner that it would be compatible with the "C" Commercial category contained in the City Zoning Ordinance. This presents two problems. One is that the preamble to the County "C" classification contains a provision that manufacturing is not to be permitted except as an incidental or accessory use to the main use. To add wrought iron product manufacturing and others, will, of course, change the entire character of this district. The second is a technical problem in that the County Zoning Resolution is based on a series of permitted uses which are cumulative in nature. The City Zoning Ordinance accumulates permitted uses only through the "LC" district. From the "C" through the less restrictive districts, uses are determined by excluding those uses not desirable nor permitted in that district. This, by definition, will permit a greater range of uses in the City Ordinance than in the County Resolution, since it is easier to list those uses not permitted than to be able to list those to be permitted.

The proposed amendment would allow manufacturing uses of any nature except for certain ones first permitted in the "E" and all of those first permitted in the "F" districts. The further provision is added that the entire frontage along the ground floor must be used for office display or sales purposes. This last provision, although usually helping the appearance of the front of the property, provides no real control over the type of effects, such as traffic, noise, storage, etc. which may be expected from any particular operation.

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At its regular meeting on April 4, 1963, the Planning Commission considered the above request and the following action was taken:

MOTION: It was moved, seconded and carried unanimously that the Planning Commission recommend to the Board of County Commissioners that the County Zoning Resolution be amended as follows:

SECTION 8 - "C" - GENERAL COMMERCIAL DISTRICT

Amend the preamble to read as follows:

Uses listed in the "C" District shall be permitted provided that:

- a) Such uses, operations, or products are not a nuisance due to odor, dust, smoke, noise, vibration or other similar causes.
- b) Any illumination shall be so arranged as to reflect the light away from adjoining premises.

The following regulations shall apply in all "C" Districts:

SECTION 8 - "C" - GENERAL COMMERCIAL DISTRICT

Add to subsection A. USES PERMITTED, the following:

- 12.a Assembly and fabrication processes except those uses first permitted in Section 10.A and subsections a, c, e, f, g, h, l and m, Section 9.A. Add this resolution; provided, that the entire frontage of the ground floor along the principal street is used for office space, display or for wholesale or retail sales.

Respectfully submitted,

L. L. Little
Secretary

LLL:JWH:ber

TO: METROPOLITAN AREA PLANNING COMMISSION
FROM: ROBERT A. LAKIN, SENIOR PLANNER
SUBJECT: AMENDMENT TO COUNTY ZONING RESOLUTION

DATE: MARCH 21, 1963

AT ITS MEETING OF MARCH 7, 1963, THE PLANNING COMMISSION DIRECTED THE STAFF TO ADVERTISE FOR AN AMENDMENT TO THE COUNTY ZONING RESOLUTION WHICH WOULD ALLOW WROUGHT IRON PRODUCT MANUFACTURE AND FABRICATION IN THE "C" GENERAL COMMERCIAL DISTRICT, AND WHICH WOULD CHANGE THE CHARACTER OF THAT DISTRICT IN SUCH A MANNER THAT IT WOULD BE COMPATIBLE WITH THE "C" COMMERCIAL CATEGORY CONTAINED IN THE CITY ZONING ORDINANCE. THIS PRESENTS TWO PROBLEMS. ONE IS THAT THE PREAMBLE TO THE COUNTY "C" CLASSIFICATION CONTAINS A PROVISION THAT MANUFACTURING IS NOT TO BE PERMITTED EXCEPT AS AN INCIDENTAL OR ACCESSORY USE TO THE MAIN USE. TO ADD WROUGHT IRON PRODUCT MANUFACTURING AND OTHERS WILL, OF COURSE, CHANGE THE ENTIRE CHARACTER OF THIS DISTRICT. THE SECOND IS A TECHNICAL PROBLEM IN THAT THE COUNTY ZONING RESOLUTION IS BASED ON A SERIES OF PERMITTED USES WHICH ARE CUMULATIVE IN NATURE. THE CITY ZONING ORDINANCE ACCUMULATES PERMITTED USES ONLY THROUGH THE "LC" DISTRICT. FROM THE "C" THROUGH THE LESS RESTRICTIVE DISTRICTS, USES ARE DETERMINED BY EXCLUDING THOSE USES NOT DESIRABLE NOR PERMITTED IN THAT DISTRICT. THIS, BY DEFINITION, WILL PERMIT A GREATER RANGE OF USES IN THE CITY ORDINANCE THAN IN THE COUNTY RESOLUTION SINCE IT IS EASIER TO LIST THOSE USES NOT PERMITTED THAN TO BE ABLE TO LIST THOSE TO BE PERMITTED.

THE PROPOSED AMENDMENT, WHICH IS ATTACHED, WOULD ALLOW MANUFACTURING USES OF ANY NATURE EXCEPT FOR CERTAIN ONES FIRST PERMITTED IN THE "E" AND ALL OF THOSE FIRST PERMITTED IN THE "F" DISTRICTS. THE FURTHER PROVISION IS ADDED THAT THE ENTIRE FRONTAGE ALONG THE GROUND FLOOR MUST BE USED FOR OFFICE DISPLAY OR SALES PURPOSES. THIS LAST PROVISION, ALTHOUGH USUALLY HELPING THE APPEARANCE OF THE FRONT OF THE PROPERTY, PROVIDES NO REAL CONTROL OVER THE TYPE OF EFFECTS, SUCH AS TRAFFIC, NOISE, STORAGE, ETC. WHICH MAY BE EXPECTED FROM ANY PARTICULAR OPERATION.

IT IS RECOGNIZED THAT THIS AMENDMENT IS FAR FROM BEING SATISFACTORY IN THAT IT IS CHANGING THE CHARACTER OF A SECTION WITHOUT PROVIDING THE ADEQUATE CONTROLS NECESSARY TO MAKE IT FULLY ACCEPTABLE IN THESE DISTRICTS. A GREAT DEAL OF THOUGHT AND TIME NEEDS TO BE SPENT WHEN DEALING WITH CHANGES OF THIS NATURE. THIS IS THE TYPE OF STUDY AND INVESTIGATION WHICH IS NEEDED AND IS PROGRAMMED IN THE KANS. P-14 PROJECT RELATING TO THE REVISION OF ZONING AND SUBDIVISION REGULATIONS.

THIS AMENDMENT NEEDS TO BE RELATED TO AND COMPARED WITH THE EXISTING USES IN ORDER TO DETERMINE ITS FULL EFFECT. IT WOULD BE APPRECIATED IF ANYONE HAVING COMMENTS OR SUGGESTIONS ON THIS AMENDMENT CALL ME.

ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

ATTACHMENT

() (PUBLISHED IN THE WICHITA EVENING EAGLE AND BEACON ON)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT AT 2 P.M. ON THE 4TH DAY OF APRIL, 1963, THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, WILL CONSIDER THE FOLLOWING PROPOSED CHANGE IN THE TEXT OF THE ZONING RESOLUTION, SEDGWICK COUNTY, KANSAS:

AMEND THE PREAMBLE OF SECTION 8 - "C" GENERAL COMMERCIAL DISTRICT TO READ AS FOLLOWS:

USES LISTED IN THE "C" DISTRICT SHALL BE PERMITTED PROVIDED THAT:

- A) SUCH USES, OPERATIONS, OR PRODUCTS ARE NOT OBJECTIONABLE DUE TO ODOR, DUST, SMOKE, NOISE, VIBRATION OR OTHER SIMILAR CAUSES.
- B) ANY ILLUMINATION SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJOINING PREMISES.

THE FOLLOWING REGULATIONS SHALL APPLY IN ALL "C" DISTRICTS:

ADD TO SECTION 8 - "C" GENERAL COMMERCIAL DISTRICTS, SUBSECTION A. USES PERMITTED, AS FOLLOWS:

- 12.A MANUFACTURING, ASSEMBLY AND FABRICATION PROCESSES EXCEPT THOSE USES FIRST PERMITTED IN SECTION 10.A AND SUBSECTIONS A, C, E, F, G, H, L AND M, SECTION 9.A OF THIS RESOLUTION; PROVIDED THAT THE ENTIRE FRONTAGE OF THE GROUND FLOOR ALONG THE PRINCIPAL STREET IS USED FOR OFFICE SPACE, DISPLAY OR FOR WHOLESALE OR RETAIL SALES.

THE PROPOSED AMENDMENT WILL THEN 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 18TH DAY OF MARCH, 1963.

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

(SEAL)

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