

DR 87-2-POSSIBLE AMENDMENT TO THE ZONING ORDINANCE - RE: Outdoor sale of vehicles; boats; trailers, etc. & expanding service storage facilities to include business storage.

ACTION

M.A.P.C. *in session*
COMMITTEE *No action taken*

DATE

3/19/87

4-2-87

M.A.P.C.

Approved

B.C.C./B.C.C. Approved

4-21-87

ORDINANCE NO. 39-871

AN ORDINANCE AMENDING SECTIONS 28.04.020, AND 28.04.183 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO THE REVISION OF THE DEFINITION OF WAREHOUSES AND SELF-SERVICE STORAGE FACILITIES; AMENDING THE CONDITIONS FOR APPROVAL, BY EXCEPTION, FOR THE LOCATION OF SELF-SERVICE STORAGE FACILITIES IN THE "BB" OFFICE AND THE "LC" LIGHT COMMERCIAL DISTRICTS; AMENDING THE CONDITIONS FOR APPROVAL, BY EXCEPTION, FOR THE SALE, RENTAL AND LEASING OF VEHICLES AND EQUIPMENT IN THE "LC" LIGHT COMMERCIAL DISTRICT; ESTABLISHING CODIFICATION NUMBERS FOR PORTIONS OF THE DEFINITION SECTIONS, AND MOVING THAT PORTION OF THE DEFINITION OF HOME OCCUPATION RELATED TO AUTHORIZATION AND LIMITATIONS BY CREATING NEW SECTIONS 28.04.021, 28.04.022, 28.04.023, 28.04.024, 28.04.025, 28.04.026, 28.04.027, 28.04.028, AND 28.04.035; AND REPEALING SAID ORIGINAL SECTIONS 28.04.020 AND 28.04.183 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 28.04.020 of the code of the City of Wichita, Kansas shall be amended to read as follows:

"28.04.020 Definitions Generally. For the purpose of this chapter, certain terms and words are defined in Sections 28.04.021 through 28.04.028. Words used in the present tense shall include the future; words in the singular number shall include the plural; words in the plural shall include the singular number; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; the word "shall" is mandatory and not directory. Any words defined in the building code of the city and not specifically defined herein shall be construed as defined in the building code of the city. Any word not defined herein or in the building code of the city shall have its usual meaning."

SECTION 28.04.021 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.021 Definitions A through C.

ACCESSORY STRUCTURE. Any construction, production or piece of work built up or composed of parts joined together and affixed to the land or real property excluding poles, fences, walks, and other such minor incidental improvements.

ALLEY. A public thoroughfare which ordinarily affords only a secondary means of access to abutting property and which is not over twenty feet wide.

BASEMENT OR CELLAR. A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade, which shall not be included as a story.

BOARDINGHOUSE. A building or place where for compensation and by prearrangement for definite periods, table board is provided for five or more persons, but does not furnish meals to occasional or transient customers without such previous arrangement.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDINGS, HEIGHT OF. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch roof, or the average height of a hip roof.

BUILDING LINE. The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built, but shall not include the face of one-story unoccupied gable-roofed areas over open porches, entrances or like appendages.

CHILD CARE CENTER. A building or portion of a building used as a day nursery providing care for seven or more children, for part or all

of a day or night, away from the home of the parent or legal guardian; and includes full day child care, nursery schools, play groups, Head Start centers giving emphasis to programming for special children, kindergartens not operated by the public schools, and other establishments offering care to groups of children for part or all of the day or night.

COMMISSION. 'Commission' means the Wichita-Sedgwick County metropolitan area planning commission."

SECTION 28.04.022 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.022 Definitions D through F.

DISTRICT. Any section of the city for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

DWELLING. A building or portion thereof which is designed or used exclusively for residential purposes. (Mobile homes and recreational vehicles shall be considered dwellings only in the sense that they are portable structures designed for long term or short term occupancy as dwelling units; however, under the terms of this title, mobile homes; manufactured homes and recreational vehicles shall be located only where they are specifically listed as a permitted use.)

One family: A detached building used exclusively for residential purposes having suitable accommodations for only one family, which may include not to exceed four lodgers or boarders.

Two family: A detached building used exclusively for residential purposes and designed for or occupied by two families living independently of each other, each of which may include not to exceed four lodgers or boarders.

Four family: A detached building used exclusively for residential purposes and having suitable accommodations for four families living independently of each other, and may include not more than two lodgers or boarders in each family.

Multiple: A building or portion of a building having suitable accommodations for three or more families living independently of each other, who may or may not have joint use of utilities, halls, yards, etc. The term includes premises occupied more or less permanently for residential purposes in which the rooms are occupied in apartments, suites or groups, such as apartments, dormitories, lodging houses, rooming houses, and all other dwellings similarly occupied. For purposes of this chapter, auto courts, hotels, motels, motor hotels, or tourist courts shall not be considered dwellings.

FAMILY. One person living alone or two or more persons living together, related either by birth or marriage, who, together with their servants occupy a single housekeeping unit; or a group of not more than four unrelated persons who, with their servants, occupy a single housekeeping unit. Family does not include a group occupying a club, sorority or fraternity house, etc.

FAMILY DAY CARE HOME. A home occupation, in a dwelling, in which care is given for less than twenty-four hours a day to ten or less children away from their own homes, who are not related to the care provider; provided, however, the number and ages of the children shall not exceed that permitted by the licensing regulations of the Kansas Department of Health and Environment.

FILLING STATION. Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automotive fuels and lubricants and automotive accessories.

FRONTAGE. The length of the property abutting on one side of a street or place measured along the dividing line between the property and the street or place. (For double frontage see REVERSAL OF LOT FRONTAGE and LOT OR PLOT, THROUGH.)"

SECTION 28.04.023 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.023 Definitions G through H.

CARAGE.

Private: An accessory building designed or used for the storage of privately owned, motor driven vehicles, of which not more than one may be a commercial motor vehicle of not more than two tons' capacity, and with no provision of repairing or equipping such vehicles.

Public: A building or portion thereof used for the housing of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, not including exhibition or showroom for model cars.

Storage: A building or portion thereof designed or used exclusively for housing four or more motor-driven vehicles.

GRADE. Any wall approximately parallel to and not more than five feet from a street line is not to be considered as adjoining the street. Where no sidewalk has been constructed, the city engineer shall establish such sidewalk or its equivalent for the purpose of these regulations.

1. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street.

2. For buildings having walls adjoining more than one street, it is the average of the elevation for the sidewalks at the centers of all walls adjoining the streets.

3. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building.

GOVERNING BODY. The City Council of the city.

GROUP BOARDING HOME FOR CHILDREN. A residential facility for five or more children, who, for various reasons, cannot reside in their natural home and where twenty-four hour adult care and supervision and consultation may be available, and which is licensed by the Kansas State Board of Health.

HALFWAY HOUSE - GROUP HOME. A residential facility for five or more adults who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g., former convicts, alcoholics, drug addicts, mental patients, etc.); provided shelter, supervision and residential rehabilitative services.

HOME FOR THE AGED. A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living in a protected environment.

HOME OCCUPATION. See Section 28.04.035.

HOTEL. A building which provides a common entrance, lobby, halls, and stairways, and in which lodging is provided with or without meals, to transient guests.

HOUSE TRAILER. See RECREATIONAL VEHICLE.

HOUSEKEEPING UNIT. A building or a portion of a building which is occupied or intended to be occupied as a dwelling, and which has the facilities for cooking and serving meals and for sleeping quarters, and which may or may not include other rooms or facilities."

SECTION 28.04.024 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.024 Definitions I through L.

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects, such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LODGINGHOUSE. A building or place wherein lodging is provided for five or more individuals pursuant to previous arrangement and not open to transients.

LOT OR PLOT. A building site or parcel of land occupied or intended to be occupied by a building and accessory buildings, and including such open spaces as are required under this chapter, and having its principal frontage upon a public street or officially approved place.

Corner: A lot abutting upon two or more streets at their intersection.

Triangular: A lot abutting on two or more streets at their junction, where the angle formed by the intersecting streets is less than forty-five degrees.

Depth of: The mean horizontal distance between the front and rear lot lines.

Interior: A lot other than a corner lot or triangular lot.

Through: An interior lot having frontage on two streets.

LOT FRONTAGE. See FRONTAGE.

LOT LINES. The lines bounding a lot as defined in this section.

LOT OF RECORD. A lot or portion of one or more lots which are a part of a subdivision, the map of which has been recorded in the office of the register of deeds of the county, or a plot described by metes and bounds, the description of which has been recorded in the office of the register of deeds of the county.

LOT, ZONING. A parcel of land that is designated by its owner or developer, at the time of applying for an occupancy certificate as a tract, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirements of the above and the requirements of the subdivision rules and regulations, such lot may consist of:

- (1) A single lot of record; or
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

SECTION 28.04.025 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.025 Definitions M through N.

MANUFACTURED HOME: A structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards generally known as the HUD Code. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to all utilities in conformance with applicable regulations.

"G" MANUFACTURED HOME SUBDIVISION: A subdivision within the "G" Manufactured Home District which is platted for development as individual home sites for manufactured homes or modular homes to be placed on permanent foundations as required for permanent structures.

MOBILE HOME: A movable detached single-family dwelling unit that was manufactured prior to 1976 or is not in conformance to the HUD Code as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to the utilities in conformance with all applicable regulations. A mobile home shall also include a manufactured home as defined herein when located in a mobile home park.

MOBILE HOME PARK: A parcel of land, which has been planned and improved in some manner, and used or intended to be used by one or more occupied mobile homes or manufactured homes not placed on permanent foundations. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of storage, inspection or sale.

MODULAR HOME: A structure consisting of one or more components manufactured off-site in conformance to the standards of the Building Code of the City of Wichita and related technical codes and moved to the construction site for final assembly as a dwelling unit.

MOTEL. A group of attached or detached permanent nonmobile buildings containing four or more individual sleeping or separate living facilities; designed and used for the accommodation of transients or nonpermanent residents. Motels shall include motor courts, auto courts and cabin or tourist courts but shall not include recreational vehicle campgrounds or courts, camp sites or mobile home parks.

NONCONFORMING USE. A building or premises legally occupied by a use that does not conform with the regulations of the district in which it is situated as established by this chapter or any prior zoning ordinance.

NURSING HOMES OR CONVALESCENT HOME. A home providing bed care for persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to care properly for themselves, but not serving or admitting alcoholics, drug addicts, or persons with mental or communicable diseases; a registered nurse on duty at all times, and wherein there is no surgery or other similar activities such as customarily provided in sanitariums and hospitals."

SECTION 28.04.026 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.026 Definitions O through R.

OPEN SPACE. That ground area and the space above which is unimpeded from the ground to the sky by any main structure except that the area may be used for landscaping, recreational purposes such as for swimming, shuffleboard, tennis, etc. Parking lots and storage areas for vehicles and material shall not be considered as open space.

PARKING LOT. A parcel of land devoted to unenclosed parking space, which may include partially enclosed one-story buildings.

PARKING SPACE. A suitable surfaced space either within or outside of a building. The area shall not be less than two hundred square feet, having a minimum width of eight feet six inches and a minimum length of eighteen feet.

PLACE. An open unoccupied space dedicated to purposes of access for abutting property.

PORCH. A roofed structure projecting from a building and separated from the building by the walls thereof and having no enclosing features except roof supports, railing or screen wire.

RECREATIONAL VEHICLE. A unit designed as temporary living quarters for recreational, camping or travel use; units may have their own power, or be designed to be drawn or mounted on an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, house boats or other similar units as determined by the Superintendent of Central Inspection.

RECREATIONAL VEHICLE CAMPGROUND. A lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.

REVERSAL OF LOT FRONTAGE. Lots in any block which are platted facing more than two streets so that some of the platted lots have their frontage approximately at right angles to other platted lots in the same block shall be construed as having a reversal of frontage; provided however, that if a corner lot adjoining lots on either side having this reversal of frontage is platted of sufficient depth on both dimensions to approximately equal the depth of the lots adjacent to each of the interior boundary lines, both street lines of such lot shall be construed as front lines of the lot and front yard requirements shall be required on both street frontages."

SECTION 28.04.027 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.027 Definitions S through T.

SCREENING. Decorative fencing, evergreen vegetation* or landscaped earth berms* maintained for the purpose of concealing from view the area behind such fence, evergreen vegetation or berms. When fencing is used for screening, it shall not be less than six nor more than eight feet in height.

*Whenever evergreen vegetation or landscaped earth berms are used for screening, a plan shall be submitted for approval by the director of planning and the superintendent of central inspection.

SETBACK. The distances between the lot line and the building

line.

SHELTER, FALLOUT. A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

SIGN. Any printed or written text (including letter, word or numeral), pictorial representation (including illustration, decoration or figure), emblem (including device, symbol or trademark), commercial flag (including advertising banner, streamer or pennant), or any other object which:

(a) Is a structure or any part thereof; or is attached to, painted on, or in any other manner represented on a building, fence, wall, post or any other structure or surface; and

(b) Is used to identify, instruct, attract, guide or advertise.

STABLE.

Private: A building with capacity for not more than four horses.

Public: A building with a capacity for more than four horses.

STREET. A public or private thoroughfare more than twenty feet wide which provides the principal means of access to abutting property for persons or vehicles and public utilities.

STREET LINE. The dividing line between a lot, tract or parcel of land and a street.

STORY. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above.

STRUCTURE. A structure is anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and affixed to the property. For the purpose of construing this chapter, it includes buildings, towers, cages for transformer substations, pergolas, billboards, steak ovens, trash burners, but not excluding other assemblies of similar type which are permanently located on a lot, not including poles, fences and such minor incidental improvements.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

SWIMMING CLUB. A private club, a nonprofit organization used exclusively for its membership for the purpose of maintaining the operating of a swimming pool with specified limitations upon the number of members and limited to residents of a block, subdivision, neighborhood or community or other specified area of residence for the exclusive use of members and their guests.

TERRACE. An artificial or natural embankment in the area between a building and lot line.

TRAILER CAMP. See RECREATIONAL VEHICLE CAMPGROUND."

SECTION 28.04.028 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.028 Definitions U through Z.

WAREHOUSES AND STORAGE FACILITIES.

Commercial Warehouse: A building or portion thereof used for the storage of any type of property, merchandise or commodities without limitations as to area or method of operation as required for self-service storage facilities. This shall not be deemed to include the storage area or stock room used in connection with a purely retail business when located on the same property and incidentally accessory thereto.

Self-service Storage Facility: A group of buildings, building, or portion thereof designed or used exclusively for the purpose of renting or leasing individual storage spaces, not exceeding 600 square feet, to tenants who are to have access to such space for the purpose of storing and removing excess personal property of an individual, family or business, when such is not located on the lot with their residence or place of business. This may include the passive storage of inactive or dead business files, supplies, furniture, office equipment and seasonal or occasional stock or merchandise, but shall in no way be deemed to include a transfer and storage business where the use of vehicles or heavy equipment is part of such business.

YARD. The space between the building and the adjoining lot lines. The drawing which is entitled "Height, Yard, Parking Regulations" is adopted by reference and made a part of this chapter as though set out in full in this chapter, and is intended to further clarify the definitions and regulations contained in this chapter as to front, side and rear yards under various conditions.

Front: That portion of the yard extending across the front of a lot between the side lot lines and being measured at the minimum horizontal distance between the street line and the front building line, not including steps, terraces, unenclosed balconies and unenclosed or screened porches.

Rear: That portion of the yard, on the same lot with a building, between the rear building line and the rear line of the lot, for the full width of the lot, provided that in those locations where an alley is platted in the rear of the lots, half the width of the platted alley may be included in the rear yard requirement. The depth of the rear yard is the minimum horizontal distance between the rear lot line or the center of the alley in the rear of the lot where such an alley is platted, and the rear of the main building, not including steps, unenclosed balconies and unenclosed porches.

Side: That portion of the yard along each side of a building between the building line and the side line of the lot extending from the front yard to the rear yard. The width of the side yard is the minimum horizontal distance between the building line and the side lot line."

SECTION 28.04.035 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.035 HOME OCCUPATIONS. Authorization, Definition and Use Limitations.

A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.

B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by subsection C., within a structure that is accessory to a residential building.

C. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. In all districts permitting dwellings:

- a. No alteration of the principal building or premises shall be made which changes the character or appearance.
- b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.
- c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the city clerk and the enforcing officer, approved by the metropolitan area planning commission and titled, "Noise Standards for Home Occupations, October, 1966."
- d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.

2. In the "AA" one-family dwelling districts:

- a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence.
- b. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.
- c. The home occupation shall be conducted entirely within the main residential building. No such home occupation shall be conducted in an accessory structure or in a garage, whether attached or detached.
- d. No sign shall be permitted except when required by law. When such a sign is required, it shall not be larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

3. In all other districts permitting residences:

- a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.
- b. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.
- c. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.
- d. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections B. and C. of this section:

1. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen pupils at a time.

2. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.

3. Ministers, rabbis, priests.
 4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
 5. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
 6. Office facilities for service type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors, and photographers.
 7. Personal services, such as dressmakers, seamstresses, tailors, barber shops, beauty shops.
 8. Family day care home.
- E. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:
1. Animal hospitals.
 2. Auto and other vehicle repair.
 3. Funeral homes.
 4. Kennels and stables when carried on as a business activity and not as a hobby with coincidental occasional sales and use.
 5. Medical or dental clinics or hospitals.
 6. Nursery schools and child day care centers, having more than seven students at a time.
 7. Renting of trailers, cars or other equipment.
 8. Restaurants.
 9. Tourist homes, unless specifically permitted by the district regulations.

NOISE STANDARDS FOR HOME OCCUPATIONS

OCTOBER 1966

The following noise standards shall be measured with octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6-1960 Preferred Frequencies for Acoustical Measurements) for measuring intensity and frequency of sound using the flat network and fast response of the sound level meter.

Center Frequency Cycles per Second	Maximum Permitted Sound Pressure Level Decibels
31.5	65
63	67
125	66
250	59
500	52
1000	46
2000	37
4000	26
8000	17

Approved by the Wichita-Sedgwick County metropolitan area planning commission on October 20, 1966."

SECTION 28.04.183 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

"28.04.183 Exceptions to use regulations continued.

1. Exceptions in "LC" districts: The Board of Zoning Appeals may by special permit authorize the following uses as exceptions in "LC" Light Commercial districts subject to the following conditions and requirements:

1.1 Such locations 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 of 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 these uses:

New and used car sales;

New and used boat sales;

New and used truck sales;

Recreational vehicle sales;

Trailer, vehicle and equipment rental, and leasing; in the "LC" light commercial districts subject to the following conditions and requirements:

2.1 Location shall be contiguous to a major street as designated in the Transportation System Plan as adopted by the Wichita-Sedgwick County Metropolitan Area Planning Commission on December 12, 1985, or amendments thereto.

2.2 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 but in no case less than that required by 28.04.160.K.

2.3 Storage and display areas shall be paved with concrete, asphalt or other comparable material.

2.4 All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.

2.5 Signs as permitted by 28.04.139.

2.6 No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

2.7 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.

2.8 No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

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 forty-eight 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 forty-eight 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 and automatic car wash operations, whether attended or unattended and whether operated inside or outside a building, 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 No structure shall be permitted closer than sixty feet (excluding any street, alley or intervening public way), to the front and/or side of an "AA", "A", "RB", "R-5", "R-6", "B" or "C" residential zoning district; provided, however, that the above shall not apply where the abutting or contiguous property is being used for a light commercial use permitted in the "LC" zoning district and/or where the governing body has formally adopted a policy of looking with favor on the establishment of "LC" zoning for the contiguous area.

4.3 There shall be a minimum lot area of three thousand five hundred square feet for each self-service car-washing stall and/or two thousand five hundred square feet for each twenty lineal feet of the automatic car-washing structure; provided the minimum lot area shall be not less than seven thousand five hundred square feet.

4.4 The car-washing building or facility shall maintain building setbacks as follows:

a. Thirty-five feet from all arterials, expressways or freeways; and

b. For all other streets, one of the following which shall produce the lesser setback distance:

1. Twenty feet from right-of-way line;

2. A setback as may be described on a recorded subdivision plat;

3. A setback based on the following formula of $\frac{20 + X}{2}$

where "X" is either the required setback in a residential district next adjacent to the site proposed for this use; or "X" is the setback of an existing residence in a residential district next adjacent to the use proposed;

4. The same setback as may be required on the lot next adjacent thereto if such lot is not located in a residential district.

4.5 A six-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 provided 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 yard setback, such fence shall not be higher than three feet.

4.6 All of the area to be utilized by the washing and drying operations, 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 adjacent property. No string-type lighting or banners shall be permitted.

4.8 No sign shall exceed twenty-five feet in height or be placed so as to project over any public right-of-way.

4.9 No sound projecting devices or loudspeakers 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 the following ratio:

Automatic Car Wash shall have not less than three parking spaces for each twenty lineal feet of the automatic car washing aisle.

Self-Service Car Wash shall have not less than four parking spaces for each self-service car washing stall.

Off-street drying spaces shall be provided on the property in the following ratio:

Automatic Car Wash shall have not less than two spaces for each automatic car washing aisle.

Self-Service Car Wash shall have not less than two parking spaces for each self-service car washing stall.

4.11 A plot plan showing points of ingress and egress, width of driveways, off-street parking and holding spaces and interior traffic circulation shall be submitted to the traffic engineering division of the department of public works for approval prior to the filing of the application. There shall be no ingress or egress from unpaved public ways.

4.12 All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.

4.13 There shall be no ingress or egress from minor or residential streets having sixty feet of right-of-way or less, unless there are two free-moving lanes at all times. (Example: A thirty foot paved street with parking permitted only on one side would provide for two free-moving lanes.)

4.14 All drainage, both natural and that created by the operation, shall be handled in a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.

4.15 The Board of Zoning Appeals may establish operating hours if the operation is located in close proximity to a residential area.

4.16 The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.

4.17 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

5. The board of zoning appeals may, by special permit, grant exceptions and authorize as a use, self-service storage facilities in the "BB" Office District and the "LC" Light Commercial District, subject to the following conditions and requirements:

5.1 The tract for such use located in the "BB" Office District shall be contiguous or adjacent to either the "OC" Office Commercial, "LC" Light Commercial, "C" Commercial, "E" Light Industrial or "F" Heavy Industrial zoning districts.

5.2 The use must be located contiguous to an arterial street as designated in the transportation plan.

5.3 There shall be a minimum lot area of two acres or more. All buildings shall set back not less than thirty-five feet from arterial street right-of-way line. There shall be a twenty-foot building setback line from all other streets, unless a platted building setback line would require a greater setback.

5.4 Where the lot is adjacent to a residential zoning district a fifteen foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a fifteen foot landscaped front yard shall be provided when within one hundred feet of a residential zoning district or when across the street from a residential zoning district. The landscaping shall be in addition to any architectural screening type fences or face of the structures that shall be designed to screen the use from the residential neighborhood. Such fence, when required, shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than six feet nor more than eight feet in height. The fifteen foot landscaped yard may be reduced in width to not less than the minimum side and rear yard required by the area regulations of the applicable zoning district of the lot, when the adjacent residential zoning district is occupied by any legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy by the governing body is to look with favor on office, commercial or industrial zoning for the area.

5.5 When the development is in close proximity to residential development, the architectural design shall be submitted to the Superintendent of Central Inspection for review and a recommendation to the board as to whether or not the architecture is compatible with the surrounding development, and that adequate screening is being provided. Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Board of Zoning Appeals, may be retained in the BZA case file and by the Superintendent of Central Inspection to ensure that final development plans and construction comply therewith.

5.6 Any side of the building providing doorways to storage areas shall be set back from the property line not less than twenty-five feet when adjacent to a residential zoning district.

5.7 Off-street parking shall be required on the basis of one space for each eight thousand square feet of floor area in the facility plus one space for each employee, but in no case shall the number be less than five spaces.

5.8 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.9 All lights shall be shielded to direct light onto the uses established and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.

5.10 All storage on the property shall be kept within an enclosed building, unless a portion of the property or lot is properly zoned to otherwise permit a designated area for outside storage.

5.11 No activities such as miscellaneous or garage sales shall be conducted on the premises.

5.12 The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

5.13 A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the Traffic Engineering Division, for tentative approval prior to the filing for the exception. Two copies of the approved plan shall accompany the application for consideration by the Board of Zoning Appeals.

5.14 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed fifty square feet in gross surface area. Signs shall not project over any public right-of-way.

5.15 All areas not paved, as required by 5.8 shall be landscaped with deciduous and coniferous plant materials. The landscaping plan shall be approved by the Planning Department. Maintenance of the landscaping shall be sufficient to maintain it in good condition.

5.16 The area shall be properly policed by the owner or operator for removal of trash and debris.

5.17 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.

5.18 A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

5.19 The maximum building coverage may be 45 percent of the total land area regardless of general limitations of the zoning district.

5.20 No individual or business shall lease more than 3,000 square feet of storage spaces.

5.21 Residential storage warehouses, as defined by prior ordinance and approved by the Board of Zoning Appeals, shall by definition be considered as self-service storage facilities. Said facilities shall be permitted the use of storage spaces for business storage, as set forth herein, even though the BZA Resolution may restrict such usage.

5.22 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

6. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use within the "LC" Light Commercial district, all uses as listed in Section 28.04.090.1.3 that exceed six thousand square feet of floor area; uses not purely retail, and including some wholesale; and other similar uses not specifically listed in Section 28.04.090A, when determined by the Board of Zoning Appeals to be of the same general category as those listed therein, subject to the following conditions and requirements:

6.1 Such property shall be contiguous to an arterial or expressway as designated by map 13-A of the transportation plan or be located within a portion of the "LC" Light Commercial or heavier use district that is contiguous to an arterial or expressway.

6.2 All inventory, merchandise and equipment shall be completely within an enclosed building, and any vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by the Board of Zoning Appeals as to adequate screening material and location, within an enclosed compound on the property.

6.3 Due to the nature of the business included in this provision of the code, the Board of Zoning Appeals may determine that the off-street parking demand is less than that normally required for other light commercial uses and may vary the number of spaces in the approval of the exception.

6.4 All parking and vehicle storage area shall be surfaced with concrete, asphalt or other comparable surfacing and marked in accordance with an approved plan.

6.5 Signs shall be limited to that permitted by Section 28.04.139 of the code for the "LC" Light Commercial district.

6.6 A plot plan showing all structures existing and proposed, all ingress, egress, off-street parking, off-street loading and on-site circulation shall be submitted with the application. The applicant shall also submit a statement setting forth the number and type of vehicles to be used with the business and where such vehicles will be stored.

6.7 All lights shall be shielded to reflect or direct light away from adjoining properties.

6.8 No sound-projecting devices shall be used so as to be heard outside of an enclosed building.

6.9 No repair work shall be conducted except within an enclosed building, and provided further, vehicle maintenance shall be limited to lubrication, oil changes, washing, and other normal maintenance items not including body repair or modification.

6.10 The Board of Zoning Appeals may establish other conditions deemed necessary for the protection of adjacent property including maintenance of the required improvements. The Board may also require a periodic report of compliance with all conditions of approval, and upon the recommendation of the Superintendent of Central Inspection, the Board may schedule a hearing for revocation or modification of the condition of the exception.

7. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use within the "LC" Light Commercial District, nurseries and garden centers not complying with the limitations of Section 28.04.090.A-1.2 as a purely retail business within an enclosed building; when determined by the Board of Zoning Appeals that the use would be compatible with all adjacent properties, and subject to the following conditions and requirements:

7.1 Such property shall be contiguous to an arterial or expressway as designated by map 13-A of the Transportation Plan or amendments thereto, or be located within a portion of the "LC" Light Commercial District or a heavier use District that is contiguous to such a street.

7.2 Screening shall be provided as deemed appropriate and necessary to provide protection to adjacent properties, however, under no circumstance shall the screening be less than that required by Section 28.04.160.K of this code or that required by an approved development plan. Growing areas for nursery stock shall be considered a landscaped yard and may be substituted for a screening fence as required by Section 28.04.160.K when deemed appropriate.

7.3 Display and storage of merchandise, nursery stock, landscaping materials and equipment must be within an enclosed building; within an area enclosed by a screening fence deemed necessary for the protection of adjacent properties; or, be displayed in areas immediately adjacent to the buildings, provided any display or storage shall not be located within 25 feet of public right-of-way and shall not occupy required off-street parking spaces.

7.4 All lights shall be shielded to reflect or direct light away from adjoining properties. No string-type lighting shall be permitted.

7.5 No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

7.6 Any repair or servicing of vehicles or equipment shall only be permitted within an enclosed building. Such repair and servicing shall be limited to normal maintenance and not including body repair or modification.

7.7 A plot plan showing all structures, existing and proposed, all ingress, egress, off-street parking, off-street loading, on-site circulation, storage and display areas shall be submitted with the application.

7.8 Areas for the growing of plants and nursery stock may be permitted in greenhouses or in open areas as designated by the applicant and approved by the Board of Zoning Appeals.

7.9 Any vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by the Board of Zoning Appeals as to adequate screening material and location, within an enclosed compound on the property.

7.10 Due to the type of the business, the amount of off-street parking and loading spaces based on the gross floor area of buildings could be inappropriate. The Board of Zoning Appeals may, in the processing of the exception, determine the number of parking and loading spaces required for the use. The number of spaces shall be determined by the Board and shall be based on the amount of building, greenhouse, lathhouse and outside area used primarily for display and

sales area. Consideration shall also be given to the anticipated number of employees and possible temporary parking for peak season business. The determination made by the Board may be adjusted after public notice and hearing if the lack of adequate off-street parking is creating congestion on the streets due to on-street parking by employees or customers. The property owner may also request a reduction in the number of parking spaces by filing a revised application and providing figures justifying said change.

7.11 The Board of Zoning Appeals may establish other conditions deemed necessary for the protection of adjacent property, and including the maintenance of required improvements. The Board may also require a periodic report of compliance with all conditions of approval, and upon the recommendation of the Superintendent of Central Inspection, the Board may schedule a hearing for revocation or modification of the conditions of the exception.

8. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use within the "LC" Light Commercial District, outdoor tennis clubs and miniature golf courses subject to the following conditions and requirements:

8.1 Such property shall be contiguous to an Arterial or Expressway as designated by Map 13-A of the Transportation Plan or amendments thereto, or be located within a portion of the "LC" Light Commercial District or a heavier use District that is contiguous to such a street.

8.2 In addition to the above, the Board shall consider the location in relation to any existing or possible residential development in determining the appropriateness of the location of such use.

8.3 All lights shall be shielded to reflect or direct light away from adjacent property. No string type lighting or banners shall be permitted.

8.4 No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

8.5 Signs shall be limited as set forth in Section 28.04.139 for the "LC" Light Commercial District.

8.6 Accessory uses shall be limited to those uses permitted in the "LC" Light Commercial District. Activities such as ride devices, golf driving range or other similar uses shall not be permitted. Horseshoe pitching, croquet courts, shuffleboard, curling courts, and other outdoor games generally limited to four players at a time may be permitted as accessory uses.

8.7 Off-street parking shall be provided at the rate of one space for each hole of miniature golf, one space for each additional game court, and additional spaces as required by the zoning ordinance for buildings used for office, concession, storage, game rooms or other uses on the property.

8.8 All driveways, parking, loading and vehicle circulation areas shall be surfaced as set forth in Section 28.04.143.

8.9 Screening shall be as deemed necessary by the Board to provide protection to adjacent properties.

8.10 The Board of Zoning Appeals may establish operating hours if the property is located in close proximity to residential areas.

8.11 The area shall be properly policed to insure proper maintenance and removal of trash from the premises to eliminate problems to adjacent or public property.

8.12 The applicant shall submit a detailed site plan showing all uses to be established on the property (present and proposed), all parking, loading, circulation, ingress and egress, for approval prior to filing of the application. There shall be no ingress or egress from unimproved public ways.

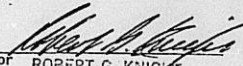
8.13 The Board of Zoning Appeals may establish other conditions deemed necessary to provide for orderly development."

The original Sections 28.04.020 and 28.04.183 of the Code of the City of Wichita, Kansas are hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas and be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 28th day of APRIL, 1987.




Mayor ROBERT G. KNIGHT

APPROVED AS TO FORM:


Thomas R. Powell, Interim City Attorney

Planning Agenda Item # _____

City of Wichita
City Commission Meeting
April 21, 1987

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: DR 87-2 - Possible Amendment to City Zoning Ordinance
RE: Expanding self-service storage units to include business storage --- Expanding type of vehicle sales and rental in "LC" district.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC RECOMMENDATION: Approve the ordinance as submitted.

BACKGROUND: This ordinance amendment was requested by a developer of "Mini-Storage Units," defined as Residential Storage Warehouses" in the zoning ordinance. The limitations of the present ordinance prohibit the use of this type of facilities in the "LC", "BB" and "B" zoning districts for commercial storage of any kind. The developer has indicated that this limitation severely hinders an owner from complying with the regulations.

It should be noted that this amendment only applies to those storage warehouses located in the "LC", "BB" or "B" zoning districts. It does not in anyway affect any storage units or warehouses located in the heavier use districts.

In addition to addressing the request by the developer, the staff also recommended that some changes be made in Section 28.04.183.2 which relates to the sale, rental and leasing of vehicles and equipment in the "LC" Light Commercial District. This amendment related primarily to clarifying the type of vehicles and equipment that had previously been authorized by the Board of Zoning Appeals but had not been specifically listed.

ANALYSIS: The Planning Commission recommends that the ordinance be adopted and includes the following changes in the amendment to the ordinance:

1. Revises the definition of "Commercial Warehouse" to exclude operations designed as "self-service storage facilities."
2. Adds the definition of "Self-service storage facilities" and deleted the definition of "Residential storage warehouses."
3. Adds boats, trucks and recreational vehicles to the list of permitted uses under 28.04.183.2. to be permitted in the "LC" Light Commercial District as an exception.

4. Adds "Self-service storage facilities" as a permitted exception in the "BB" Office and the "LC" Light Commercial Districts replacing "Residential storage warehouses." Eliminates "Residential storage warehouses" from the "B" Multiple-family district.
5. Establishes a uniform building setback of 35 feet from arterial streets.
6. Reduces the required side yard setback from fifteen feet to not less than that required by the zoning district when adjacent to a legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy is to look with favor on office, commercial, or industrial zoning.
7. Establishes a maximum building coverage of 45 percent.
8. Places limitation on the size of the storage units at 600 square feet and limits the amount an individual business may lease at 3,000 square feet.
9. Authorizes the use of previously approved "Residential storage warehouses" to utilize the property for business storage in conformance with the limitations of this ordinance.

LEGAL CONSIDERATIONS: The Planning Commission considered these amendments at a public hearing on April 2, 1987 and recommended unanimously that the ordinance be adopted. Should the City Council disagree with the recommendation, it must be returned to the Planning Commission for reconsideration.

RECOMMENDATION/ACTION:

1. Place the ordinance on first reading; or
2. Return the ordinance to the MAPC with a recommendation for any change as is deemed appropriate.

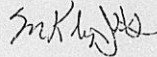
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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: April 13, 1987

TO: Chris Cherches, City Manager

FROM: Marvin S. Krout, Director of Planning



SUBJECT: DR 87-2 - Possible Amendment to City Zoning Ordinance
RE: Expanding self-service storage units to include business storage --- Expanding type of vehicle sales and rental in "LC" district.

Attached is a copy of a delineated ordinance, as recommended by the Planning Commission, expanding the permitted storage in self-service storage facilities and the type of vehicle and equipment sales and rental that may be permitted by the BZA in the "LC" Light Commercial District. Please place this on the planning agenda for consideration by the City Council at their meeting of April 21, 1987.

BACKGROUND:

This ordinance amendment was requested by a developer of "Mini-Storage Units," defined as Residential Storage Warehouses" in the zoning ordinance. The limitations of the present ordinance prohibit the use of this type of facilities in the "LC", "BB" and "B" zoning districts for commercial storage of any kind. The developer has indicated that this limitation severely hinders an owner from complying with the regulations.

It should be noted that this amendment only applies to those storage warehouses located in the "LC", "BB" or "B" zoning districts. It does not in anyway affect any storage units or warehouses located in the heavier use districts.

Prior to the introduction of "Residential Storage Warehouses" into the zoning ordinance in 1973, warehouses of any kind were required to locate in the "C" Commercial or heavier use districts. "Residential Storage Warehouses" as defined in the ordinance were restricted to the storage of excess personal property of an individual or family when such property was not stored or located on the lot with their residence. It was not intended to include business storage in such units. In spite of the ordinance limitations such storage has apparently happened in many instances.

This limitation on business storage is the main reason for the requested ordinance change. The developer claims that this restriction is nearly unenforceable on the owners' part, and as such, places the owner in a position of not being able to comply with the code. This then jeopardizes his mortgage financing and his investment in the community.

The most recent Planning Advisory Service Report #396, covering self-service storage facilities, indicates that the traffic generation of such facilities is approximately one car per hour for each 100 units in a facility. This is a survey based on a facility of 55,000 square feet in another city with a business usage of approximately 35 percent of the units.

Based on the information in PAS #396, and the request of the developer, the staff recommended that passive business storage be permitted in the "BB" Office and the "LC" Light Commercial Districts. In addition to addressing the request by the developer, the staff also recommended that some changes be made in Section 28.04.183.2 which relates to the sale, rental and leasing of vehicles and equipment in the "C" Light Commercial District. This amendment related primarily to clarifying the type of vehicles and equipment that had previously been authorized by the Board of Zoning Appeals but had not been specifically listed.

SUMMARY:

The following is a summary of the changes included in the amendment to the zoning ordinance:

1. Revises the definition of "Commercial Warehouse" to exclude operations designed as "self-service storage facilities."
2. Adds the definition of "Self-service storage facilities" and deleted the definition of "Residential storage warehouses."
3. Adds boats, trucks and recreational vehicles to the list of permitted uses under 28.04.183.2. to be permitted in the "LC" Light Commercial District as an exception.
4. Adds "Self-service storage facilities" as a permitted exception in the "BB" Office and the "LC" Light Commercial Districts replacing "Residential storage warehouses." Eliminates "Residential storage warehouses" from the "B" Multiple-family district.
5. Establishes a uniform building setback of 35 feet from arterial streets.
6. Reduces the required side yard setback from fifteen feet to not less than that required by the zoning district when adjacent to a legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy is to look with favor on office, commercial, or industrial zoning.
7. Establishes a maximum building coverage of 45 percent.
8. Places limitation on the size of the storage units at 600 square feet and limits the amount an individual business may lease at 3,000 square feet.

April 13, 1987

9. Authorizes the use of previously approved "Residential storage warehouses" to utilize the property for business storage in conformance with the limitations of this ordinance.

The Planning Commission considered these amendments on April 2, 1987 and recommended unanimously that the ordinance be adopted. The ordinance also was reviewed and endorsed by the Wichita Area Builders Association and the Wichita Metropolitan Area Board of Realtors. Copies of their responses are also attached, including excerpts of the Planning Commission meeting of April 3, 1987. As of this date, 10 of the 14 CPO Councils have concurred in the recommendation of the Planning Commission that the ordinance be adopted.

RECOMMENDED ACTION:

1. Place the ordinance on first reading; or
2. Return the ordinance to the MAPC with a recommendation for any change as is deemed appropriate.

GEL/lw

cc: Don Anderson, Director of Housing & Economic Development
Monty Robson, Superintendent of Central Inspection
Wichita Board of Realtors, c/o Lynda Tousley, 717 N. Emporia, Wichita, 67214
Wichita Area Builders Assn., 730 N. Main, Suite 1, Wichita, 67203
Chamber of Commerce, 350 W. Douglas, Wichita, 67202
John Gist, Planning Development Service, 727 N. Waco, Suite 1, Wichita, 67214
Bill Ard, 201 S. Oliver, Wichita, 67218
Keith Anderson, 1125 S. Rock Rd., Wichita, 67207

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 2, 1987

7. DR 87-2 - Possible Amendment to the City of Wichita Zoning Ordinance.
Re: Sale and rental of vehicles in the "LC" District; and the expansion of self-service storage facilities to include business storage.

GLEN LYTLE, Special Assistant for Zoning, stated that this amendment will allow, what was previously residential storage warehouses, to become self-service storage facilities which will permit the use of passive business storage within the units rather than the limitation restrictive use to strictly household type facilities. He indicated that this was probably one of the few amendments to the ordinance that staff has received nothing but favorable comments from the industry, including response from the Homebuilders and the Board of Realtors.

Copies of their response have been furnished to the Commission.

GARDNER and MOORE left the meeting.

MILES arrived.

BANZER asked Lytle if "passive business storage" had been defined, and what was it.

LYTLE stated that it was not defined in the ordinance, however, when you go to Webster's dictionary, it is defined as not active. It is intended that passive business storage would be storage that was not used daily which would prohibit the operation of a business from such units.

JOHN GIST, Planning Development Services, stated that he has, over the course of the last several months, visited on several occasions with the owners of Security Storage Properties, as well as the owner of the U-Store projects in town, on this proposed amendment, and has also worked with staff on the suggested changes. He said that he really had nothing to add or to offer other than to be available to answer any questions the Commission might have.

PARSONS referred to the term "passive", and asked if there would not have to be a business license issued for that address if someone was going to operate as a business from a unit.

LYTLE said that a business license would not be required for most businesses. He further stated that all future requests would be required to be approved by the Board of Zoning Appeals. He suggested that this matter be clarified as a condition of any future approval by the Board of Zoning Appeals.

MOTION: That the Planning Commission recommend to the City Commission that the amendment be approved as advertised. Parsons moved, Peters seconded and it carried unanimously. Gardner and Moore were not present.



REALTOR®

Wichita Metropolitan Area Board of REALTORS®
717 N. Emporia
Wichita, Kansas 67214
Telephone (316) 263-3167

April 2, 1987

Dear Members of the Wichita-Sedgwick County Metropolitan Area Planning Commission:

The Board of Directors of the Wichita Metropolitan Area Board of REALTORS®, Inc., has taken official action to recommend the approval of DR87-2 to amend the City Zoning Ordinance expanding self-service storage units to include business storage.

The Board of REALTORS® thinks these changes are in the best interest of the community and appreciates the opportunity to give input on this issue.

Thank you for providing the information on this item in such a timely fashion so that we were able to discuss it at our Board of Directors meeting and take official action.

Sincerely,

A handwritten signature in cursive script that reads 'Lynda Tousley'.

Lynda Tousley
Executive Vice President

LT/lbp

THE WICHITA AREA BUILDERS ASSOCIATION

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George Falmestock

*Deceased

March 12, 1987

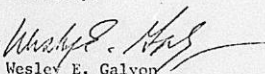
Mr. Glen E. Lytle
Metropolitan Area Planning
Department
City Hall
455 N. Main
Wichita, KS 67202

Dear Mr. Lytle:

This letter is in reference to a proposed amendment to the existing zoning ordinance and those provisions of the ordinance that relate specifically to mini-storage space rental and uses by business concerns, and expansion of the type of vehicle sales and rental allowed in an "LC" district.

Mr. John Gist of the Planning Development Services, Inc., has discussed the proposed amendments with us in an effort to determine if our organization has any problems with what is being proposed. As a result of his presentation to us and discussion about what is being proposed, we feel it is a proposal that ought to be favorably considered.

Sincerely,


Wesley E. Galyon
President/CEO
Wichita Area Builders Association

WG/kk

RECEIVED

MAR 16 1987

METROPOLITAN PLANNING
ROUTE



Deletions-marked thru
Additions underlined

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 28.04.020, AND 28.04.183 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO THE REVISION OF THE DEFINITION OF WAREHOUSES AND SELF-SERVICE STORAGE FACILITIES; AMENDING THE CONDITIONS FOR APPROVAL, BY EXCEPTION, FOR THE LOCATION OF SELF-SERVICE STORAGE FACILITIES IN THE "BB" OFFICE AND THE "LC" LIGHT COMMERCIAL DISTRICTS; AMENDING THE CONDITIONS FOR APPROVAL, BY EXCEPTION, FOR THE SALE, RENTAL AND LEASING OF VEHICLES AND EQUIPMENT IN THE "LC" LIGHT COMMERCIAL DISTRICT; ESTABLISHING CODIFICATION NUMBERS FOR PORTIONS OF THE DEFINITION SECTIONS, AND MOVING THAT PORTION OF THE DEFINITION OF HOME OCCUPATION RELATED TO AUTHORIZATION AND LIMITATIONS BY CREATING NEW SECTIONS 28.04.021, 28.04.022, 28.04.023, 28.04.024, 28.04.025, 28.04.026, 28.04.027, 28.04.028, AND 28.04.035; AND REPEALING SAID ORIGINAL SECTIONS 28.04.020 AND 28.04.183 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 28.04.020 of the code of the City of Wichita, Kansas shall be amended to read as follows:

"28.04.020 Definitions Generally. For the purpose of this chapter, certain terms and words are defined in Sections 28.04.021 through 28.04.028. ~~as follows:~~ Words used in the present tense shall include the future; words in the singular number shall include the plural; words in the plural shall include the singular number; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; the word "shall" is mandatory and not directory. Any words defined in the building code of the city and not specifically defined herein shall be construed as defined in the building code of the city. Any word not defined herein or in the building code of the city shall have its usual meaning."

SECTION 28.04.021 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.021 Definitions A through C.
ACCESSORY STRUCTURE. Any construction, production or piece of work built up or composed of parts joined together and affixed to the land or real property excluding poles, fences, walks, and other such minor incidental improvements.

ALLEY. A public thoroughfare which ordinarily affords only a secondary means of access to abutting property and which is not over twenty feet wide.

BASEMENT OR CELLAR. A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade, which shall not be included as a story.

BOARDINGHOUSE. A building or place where for compensation and by prearrangement for definite periods, table board is provided for five or more persons, but does not furnish meals to occasional or transient customers without such previous arrangement.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDINGS, HEIGHT OF. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch roof, or the average height of a hip roof.

BUILDING LINE. The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built, but shall not include the face of one-story unoccupied gable-roofed areas over open porches, entrances or like appendages.

CHILD CARE CENTER. A building or portion of a building used as a day nursery providing care for seven or more children, for part or all of a day or night, away from the home of the parent or legal guardian; and includes full day child care, nursery schools, play groups, Head Start centers giving emphasis to programming for special children, kindergartens not operated by the public schools, and other establishments offering care to groups of children for part or all of the day or night.

COMMISSION. 'Commission' means the Wichita-Sedgwick County metropolitan area planning commission."

SECTION 28.04.022 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.022 Definitions D through F.

DISTRICT. Any section of the city for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

DWELLING. A building or portion thereof which is designed or used exclusively for residential purposes. (Mobile homes and recreational vehicles shall be considered dwellings only in the sense that they are portable structures designed for long term or short term occupancy as dwelling units; however, under the terms of this title, mobile homes; manufactured homes and recreational vehicles shall be located only where they are specifically listed as a permitted use.)

One family: A detached building used exclusively for residential purposes having suitable accommodations for only one family, which may include not to exceed four lodgers or boarders.

Two family: A detached building used exclusively for residential purposes and designed for or occupied by two families living independently of each other, each of which may include not to exceed four lodgers or boarders.

Four family: A detached building used exclusively for residential purposes and having suitable accommodations for four families living independently of each other, and may include not more than two lodgers or boarders in each family.

Multiple: A building or portion of a building having suitable accommodations for three or more families living independently of each other, who may or may not have joint use of utilities, halls, yards, etc. The term includes premises occupied more or less permanently for residential purposes in which the rooms are occupied in apartments, suites or groups, such as apartments, dormitories, lodging houses, rooming houses, and all other dwellings similarly occupied. For purposes of this chapter, auto courts, hotels, motels, motor hotels, or tourist courts shall not be considered dwellings.

FAMILY. One person living alone or two or more persons living together, related either by birth or marriage, who, together with their servants occupy a single housekeeping unit; or a group of not more than four unrelated persons who, with their servants, occupy a single housekeeping unit. Family does not include a group occupying a club, sorority or fraternity house, etc.

FAMILY DAY CARE HOME. A home occupation, in a dwelling, in which care is given for less than twenty-four hours a day to ten or less children away from their own homes, who are not related to the care provider; provided, however, the number and ages of the children shall not exceed that permitted by the licensing regulations of the Kansas Department of Health and Environment.

FILLING STATION. Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automotive fuels and lubricants and automotive accessories.

FRONTAGE. The length of the property abutting on one side of a street or place measured along the dividing line between the property and the street or place. (For double frontage see REVERSAL OF LOT FRONTAGE and LOT OR PLOT, THROUGH.)"

SECTION 28.04.023 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.023 Definitions G through H.

GARAGE.

Private: An accessory building designed or used for the storage of privately owned, motor driven vehicles, of which not more than one may

be a commercial motor vehicle of not more than two tons' capacity, and with no provision of repairing or equipping such vehicles.

Public: A building or portion thereof used for the housing of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, not including exhibition or showroom for model cars.

Storage: A building or portion thereof designed or used exclusively for housing four or more motor-driven vehicles.

GRADE. Any wall approximately parallel to and not more than five feet from a street line is not to be considered as adjoining the street. Where no sidewalk has been constructed, the city engineer shall establish such sidewalk or its equivalent for the purpose of these regulations.

1. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street.

2. For buildings having walls adjoining more than one street, it is the average of the elevation for the sidewalks at the centers of all walls adjoining the streets.

3. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building.

GOVERNING BODY. The City Council of the city.

GROUP BOARDING HOME FOR CHILDREN. A residential facility for five or more children, who, for various reasons, cannot reside in their natural home and where twenty-four hour adult care and supervision and consultation may be available, and which is licensed by the Kansas State Board of Health.

HALFWAY HOUSE - GROUP HOME. A residential facility for five or more adults who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g., former convicts, alcoholics, drug addicts, mental patients, etc.); provided shelter, supervision and residential rehabilitative services.

HOME FOR THE AGED. A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living in a protected environment.

HOME OCCUPATION. See Section 28.04.035.

~~Home Occupations shall consist of the following:~~

~~HOME OCCUPATIONS:~~

~~A.--- Authorization.--- Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.---~~

~~B.--- Definition.--- A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by subsection C., within a structure that is accessory to a residential building.---~~

~~C.--- Use Limitations.--- In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:---~~

~~1.--- In all districts permitting dwellings:~~

~~a.--- No alteration of the principal building or premises shall be made which changes the character or appearance;~~

~~b.--- The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence;~~

~~c.--- No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors.--- In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the city clerk and the enforcing officer, approved by the metropolitan area planning commission and titled, "Noise Standards for Home Occupations, October, 1966."---~~

~~d.--- There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation;~~

~~2.--- In the "AA" one family dwelling districts:~~

~~a.--- No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence;~~

~~b.--- No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock in trade shall be displayed or sold on the premises;~~

c.---The home occupation shall be conducted entirely within the main residential building.---No such home occupation shall be conducted in an accessory structure or in a garage, whether attached or detached.

d.---No sign shall be permitted except when required by law. When such a sign is required, it shall not be larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

3.---In all other districts permitting residences:

a.---No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.

b.---No stock in trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

c.---The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.

d.---No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

D.---Home Occupations Permitted.---Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections B, and C, of this section:

4.---Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof, provided that instruction shall be limited to not more than five pupils at a time; excepting dancing instruction, which shall be limited to not more than fifteen pupils at a time.

2.---Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.

3.---Ministers, rabbis, priests.

4.---Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.

5.---Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.

6.---Office facilities for service type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors, and photographers.

7.---Personal services, such as dressmakers, seamstresses, tailors, barber shops, beauty shops.

8.---Family day care home.

E.---Particular Home Occupations Prohibited.---Permitted home occupations shall not, in any event, be deemed to include:

1.---Animal hospitals.

2.---Auto and other vehicle repair.

3.---Funeral homes.

4.---Kennels and stables when carried on as a business activity and not as a hobby with incidental occasional sales and use.

5.---Medical or dental clinics or hospitals.

6.---Nursery schools and child day care centers, having more than seven students at a time.

7.---Renting of trailers, cars or other equipment.

8.---Restaurants.

9.---Tourist homes, unless specifically permitted by the district regulations.

NOISE STANDARDS FOR HOME OCCUPATIONS

OCTOBER 1966

The following noise standards shall be measured with octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6-1960 Preferred Frequencies for Acoustical Measurements) for measuring intensity and frequency of sound using the flat network and fast response of the sound level meter.

Center Frequency Cycles per Second	Maximum Permitted Sound Pressure Level Decibels
31.5	65
63	67
125	66

250	59
500	52
1000	46
2000	37
4000	26
8000	17

Approved by the Wichita-Sedgwick County metropolitan area planning commission on October 20, 1966."

HOTEL. A building which provides a common entrance, lobby, halls, and stairways, and in which lodging is provided with or without meals, to transient guests.

HOUSE TRAILER. See RECREATIONAL VEHICLE.

HOUSEKEEPING UNIT. A building or a portion of a building which is occupied or intended to be occupied as a dwelling, and which has the facilities for cooking and serving meals and for sleeping quarters, and which may or may not include other rooms or facilities."

SECTION 28.04.024 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.024 Definitions I through L.

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects, such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LODGINGHOUSE. A building or place wherein lodging is provided for five or more individuals pursuant to previous arrangement and not open to transients.

LOT OR PLOT. A building site or parcel of land occupied or intended to be occupied by a building and accessory buildings, and including such open spaces as are required under this chapter, and having its principal frontage upon a public street or officially approved place.

Corner: A lot abutting upon two or more streets at their intersection.

Triangular: A lot abutting on two or more streets at their junction, where the angle formed by the intersecting streets is less than forty-five degrees.

Depth of: The mean horizontal distance between the front and rear lot lines.

Interior: A lot other than a corner lot or triangular lot.

Through: An interior lot having frontage on two streets.

LOT FRONTAGE. See FRONTAGE.

LOT LINES. The lines bounding a lot as defined in this section.

LOT OF RECORD. A lot or portion of one or more lots which are a part of a subdivision, the map of which has been recorded in the office of the register of deeds of the county, or a plot described by metes and bounds, the description of which has been recorded in the office of the register of deeds of the county.

LOT, ZONING. A parcel of land that is designated by its owner or developer, at the time of applying for an occupancy certificate as a tract, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirements of the above and the requirements of the subdivision rules and regulations, such lot may consist of:

- (1) A single lot of record; or
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

SECTION 28.04.025 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.025 Definitions M through N.

MANUFACTURED HOME: A structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards generally known as the HUD Code. Such units shall provide all of the accommodations

necessary to be a dwelling unit and be connected to all utilities in conformance with applicable regulations.

MANUFACTURED HOME SUBDIVISION: A subdivision within the "G" Manufactured Home District which is platted for development as individual home sites for manufactured homes or modular homes to be placed on permanent foundations as required for permanent structures.

MOBILE HOME: A movable detached single-family dwelling unit that was manufactured prior to 1976 or is not in conformance to the HUD Code as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to the utilities in conformance with all applicable regulations. A mobile home shall also include a manufactured home as defined herein when located in a mobile home park.

MOBILE HOME PARK: A parcel of land, which has been planned and improved in some manner, and used or intended to be used by one or more occupied mobile homes or manufactured homes not placed on permanent foundations. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of storage, inspection or sale.

MODULAR HOME: A structure consisting of one or more components manufactured off-site in conformance to the standards of the Building Code of the City of Wichita and related technical codes and moved to the construction site for final assembly as a dwelling unit.

MOTEL. A group of attached or detached permanent nonmobile buildings containing four or more individual sleeping or separate living facilities; designed and used for the accommodation of transients or nonpermanent residents. Motels shall include motor courts, auto courts and cabin or tourist courts but shall not include recreational vehicle campgrounds or courts, camp sites or mobile home parks.

NONCONFORMING USE. A building or premises legally occupied by a use that does not conform with the regulations of the district in which it is situated as established by this chapter or any prior zoning ordinance.

NURSING HOMES OR CONVALESCENT HOME. A home providing bed care for persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to care properly for themselves, but not serving or admitting alcoholics, drug addicts, or persons with mental or communicable diseases; a registered nurse on duty at all times, and wherein there is no surgery or other similar activities such as customarily provided in sanitariums and hospitals."

SECTION 28.04.026 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.026 Definitions O through R.

OPEN SPACE. That ground area and the space above which is unimpeded from the ground to the sky by any main structure except that the area may be used for landscaping, recreational purposes such as for swimming, shuffleboard, tennis, etc. Parking lots and storage areas for vehicles and material shall not be considered as open space.

PARKING LOT. A parcel of land devoted to unenclosed parking space, which may include partially enclosed one-story buildings.

PARKING SPACE. A suitable surfaced space either within or outside of a building. The area shall not be less than two hundred square feet, having a minimum width of eight feet six inches and a minimum length of eighteen feet.

PLACE. An open unoccupied space dedicated to purposes of access for abutting property.

PORCH. A roofed structure projecting from a building and separated from the building by the walls thereof and having no enclosing features except roof supports, railing or screen wire.

RECREATIONAL VEHICLE. A unit designed as temporary living quarters for recreational, camping or travel use; units may have their own power, or be designed to be drawn or mounted on an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers camping trailers, converted buses, house boats or other similar units as determined by the Superintendent of Central Inspection.

RECREATIONAL VEHICLE CAMPGROUND. A lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.

REVERSAL OF LOT FRONTAGE. Lots in any block which are platted facing more than two streets so that some of the platted lots

have their frontage approximately at right angles to other platted lots in the same block shall be construed as having a reversal of frontage; provided however, that if a corner lot adjoining lots on either side having this reversal of frontage is platted of sufficient depth on both dimensions to approximately equal the depth of the lots adjacent to each of the interior boundary lines, both street lines of such lot shall be construed as front lines of the lot and front yard requirements shall be required on both street frontages."

SECTION 28.04.027 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.027 Definitions S through T.

SCREENING. Decorative fencing, evergreen vegetation* or landscaped earth berms* maintained for the purpose of concealing from view the area behind such fence, evergreen vegetation or berms. When fencing is used for screening, it shall not be less than six nor more than eight feet in height.

*Whenever evergreen vegetation or landscaped earth berms are used for screening, a plan shall be submitted for approval by the director of planning and the superintendent of central inspection.

SETBACK. The distances between the lot line and the building line.

SHELTER, FALLOUT. A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

SIGN. Any printed or written text (including letter, word or numeral), pictorial representation (including illustration, decoration or figure), emblem (including device, symbol or trademark), commercial flag (including advertising banner, streamer or pennant), or any other object which:

(a) Is a structure or any part thereof; or is attached to, painted on, or in any other manner represented on a building, fence, wall, post or any other structure or surface; and

(b) Is used to identify, instruct, attract, guide or advertise.

STABLE.

Private: A building with capacity for not more than four horses.

Public: A building with a capacity for more than four horses.

STREET. A public or private thoroughfare more than twenty feet wide which provides the principal means of access to abutting property for persons or vehicles and public utilities.

STREET LINE. The dividing line between a lot, tract or parcel of land and a street.

STORY. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above.

STRUCTURE. A structure is anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and affixed to the property. For the purpose of construing this chapter, it includes buildings, towers, cages for transformer substations, pergolas, billboards, steak ovens, trash burners, but not excluding other assemblies of similar type which are permanently located on a lot, not including poles, fences and such minor incidental improvements.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

SWIMMING CLUB. A private club, a nonprofit organization used exclusively for its membership for the purpose of maintaining the operating of a swimming pool with specified limitations upon the number of members and limited to residents of a block, subdivision, neighborhood or community or other specified area of residence for the exclusive use of members and their guests.

TERRACE. An artificial or natural embankment in the area between a building and lot line.

TRAILER CAMP. See RECREATIONAL VEHICLE CAMPGROUND."

SECTION 28.04.028 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.028 Definitions U through Z.

WAREHOUSES AND STORAGE FACILITIES.

Commercial Warehouse: A building or portion thereof used for the storage of any type of property, merchandise or commodities without limitations as to area or method of operation as required for self-service storage facilities. ~~not permitted in a residential storage warehouse.~~ This shall not be deemed to include the storage area or stock room used in connection with a purely retail business when located on the same property and incidentally accessory thereto.

Self-service Storage Facility: A group of buildings, building, or portion thereof designed or used exclusively for the purpose of renting or leasing individual storage spaces, not exceeding 600 square feet, to tenants who are to have access to such space for the purpose of storing and removing excess personal property of an individual, family or business, when such is not located on the lot with their residence or place of business. This may include the passive storage of inactive or dead business files, supplies, furniture, office equipment and seasonal or occasional stock or merchandise, but shall in no way be deemed to include a transfer and storage business where the use of vehicles or heavy equipment is part of such business.

~~Residential Storage Warehouse:-- A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence; such as passenger motor vehicle, house trailer, motorcycle, boat, camper and other items of personal property generally stored in residential accessory structures.-- This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.~~

YARD. The space between the building and the adjoining lot lines. The drawing which is entitled "Height, Yard, Parking Regulations" is adopted by reference and made a part of this chapter as though set out in full in this chapter, and is intended to further clarify the definitions and regulations contained in this chapter as to front, side and rear yards under various conditions.

Front: That portion of the yard extending across the front of a lot between the side lot lines and being measured at the minimum horizontal distance between the street line and the front building line, not including steps, terraces, unenclosed balconies and unenclosed or screened porches.

Rear: That portion of the yard, on the same lot with a building, between the rear building line and the rear line of the lot, for the full width of the lot, provided that in those locations where an alley is platted in the rear of the lots, half the width of the platted alley may be included in the rear yard requirement. The depth of the rear yard is the minimum horizontal distance between the rear lot line or the center of the alley in the rear of the lot where such an alley is platted, and the rear of the main building, not including steps, unenclosed balconies and unenclosed porches.

Side: That portion of the yard along each side of a building between the building line and the side line of the lot extending from the front yard to the rear yard. The width of the side yard is the minimum horizontal distance between the building line and the side lot line."

SECTION 28.04.035 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.035 HOME OCCUPATIONS. Authorization, Definition and Use Limitations.

A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.

B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by subsection C., within a structure that is accessory to a residential building.

C. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. In all districts permitting dwellings:

a. No alteration of the principal building or premises shall be made which changes the character or appearance.

b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.

c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the city clerk and the enforcing officer, approved by the metropolitan area planning commission and titled, "Noise Standards for Home Occupations, October, 1966."

d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.

2. In the "AA" one-family dwelling districts:

a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence.

b. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.

c. The home occupation shall be conducted entirely within the main residential building. No such home occupation shall be conducted in an accessory structure or in a garage, whether attached or detached.

d. No sign shall be permitted except when required by law. When such a sign is required, it shall not be larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

3. In all other districts permitting residences:

a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.

b. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

c. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.

d. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections B. and C. of this section:

1. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen pupils at a time.

2. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.

3. Ministers, rabbis, priests.

4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.

5. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.

6. Office facilities for service type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors, and photographers.

7. Personal services, such as dressmakers, seamstresses, tailors, barber shops, beauty shops.

8. Family day care home.

E. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:

1. Animal hospitals.

2. Auto and other vehicle repair.

3. Funeral homes.

4. Kennels and stables when carried on as a business activity and not as a hobby with coincidental occasional sales and use.

5. Medical or dental clinics or hospitals.

6. Nursery schools and child day care centers, having more than seven students at a time.

7. Renting of trailers, cars or other equipment.
8. Restaurants.
9. Tourist homes, unless specifically permitted by the district regulations.

NOISE STANDARDS FOR HOME OCCUPATIONS

OCTOBER 1966

The following noise standards shall be measured with octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6-1960 Preferred Frequencies for Acoustical Measurements) for measuring intensity and frequency of sound using the flat network and fast response of the sound level meter.

<u>Center Frequency Cycles per Second</u>	<u>Maximum Permitted Sound Pressure Level Decibels</u>
31.5	65
63	67
125	66
250	59
500	52
1000	46
2000	37
4000	26
8000	17

Approved by the Wichita-Sedgwick County metropolitan area planning commission on October 20, 1966.

SECTION 28.04.183 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

"28.04.183 Exceptions to use regulations continued.

1. ~~Conditional-Uses~~ Exceptions in "LC" districts: The Board of Zoning Appeals may by special permit authorize the following uses specified below as exceptions in "LC" Light Commercial districts subject to the following conditions and requirements:

1.1 Such locations 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 of 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 these uses:

- New and used car sales;
- New and used boat sales;
- New and used truck sales;
- Recreational vehicle-trailer sales;

Trailer, vehicle and equipment rental, and leasing; in the "LC" light commercial districts subject to the following conditions and requirements:

2.1 Location shall be contiguous to a major street as designated in the ~~Pattern for Thoroughfares, Wichita, Kansas, 1955,~~ by the Transportation System Plan as adopted by the Wichita-Sedgwick County Metropolitan Area Planning Commission on December 12, 1985, or amendments thereto.

2.2 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 but in no case less than that required by 28.04.160.K.

2.3 Storage and display areas shall be paved with concrete, asphalt or other comparable material.

2.4 All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.

2.5 ~~No projecting signs shall be permitted.~~ Signs as permitted by 28.04.139.

2.6 No sound projecting devices or loudspeakers shall be used so as to be heard ~~outside of any structure~~ beyond the property lines.

2.7 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.

2.8 No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

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 forty-eight 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 forty-eight 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 and automatic car wash operations, whether attended or unattended and whether operated inside or outside a building, 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 No structure shall be permitted closer than sixty feet (excluding any street, alley or intervening public way), to the front and/or side of an "AA", "A", "RB", "R-5", "R-6", "B" or "C" residential zoning district; provided, however, that the above shall not apply where the abutting or contiguous property is being used for a light commercial use permitted in the "LC" zoning district and/or where the governing body has formally adopted a policy of looking with favor on the establishment of "LC" zoning for the contiguous area.

4.3 There shall be a minimum lot area of three thousand five hundred square feet for each self-service car-washing stall and/or two thousand five hundred square feet for each twenty lineal feet of the automatic car-washing structure; provided the minimum lot area shall be not less than seven thousand five hundred square feet.

4.4 The car-washing building or facility shall maintain building setbacks as follows:

a. Thirty-five feet from all arterials, expressways or freeways; and

b. For all other streets, one of the following which shall produce the lesser setback distance:

1. Twenty feet from right-of-way line;

2. A setback as may be described on a recorded subdivision plat;

3. A setback based on the following formula of $\frac{20 + X}{2}$

where "X" is either the required setback in a residential district next adjacent to the site proposed for this use; or "X" is the setback of an existing residence in a residential district next adjacent to the use proposed;

4. The same setback as may be required on the lot next adjacent thereto if such lot is not located in a residential district.

4.5 A six-foot high fence (such as a solid-wall masonry, architectural tile, louvered wood, or other similar materials specified and approved by the Board of Zoning Appeals) shall be provided 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 yard setback, such fence shall not be higher than three feet.

4.6 All of the area to be utilized by the washing and drying operations, 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 adjacent property. No string-type lighting or banners shall be permitted.

4.8 No sign shall exceed twenty-five feet in height or be placed so as to project over any public right-of-way.

4.9 No sound projecting devices or loudspeakers 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 the following ratio:

Automatic Car Wash shall have not less than three parking spaces for each twenty lineal feet of the automatic car washing aisle.

Self-Service Car Wash shall have not less than four parking spaces for each self-service car washing stall.

Off-street drying spaces shall be provided on the property in the following ratio:

Automatic Car Wash shall have not less than two spaces for each automatic car washing aisle.

Self-Service Car Wash shall have not less than two parking spaces for each self-service car washing stall.

4.11 A plot plan showing points of ingress and egress, width of driveways, off-street parking and holding spaces and interior traffic circulation shall be submitted to the traffic engineering division of the department of public works for approval prior to the filing of the application. There shall be no ingress or egress from unpaved public ways.

4.12 All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.

4.13 There shall be no ingress or egress from minor or residential streets having sixty feet of right-of-way or less, unless there are two free-moving lanes at all times. (Example: A thirty foot paved street with parking permitted only on one side would provide for two free-moving lanes.)

4.14 All drainage, both natural and that created by the operation, shall be handled in a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.

4.15 The Board of Zoning Appeals may establish operating hours if the operation is located in close proximity to a residential area.

4.16 The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.

4.17 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

5. The board of zoning appeals may, by special permit, grant exceptions and authorize as a use, self-service storage facilities in the "BB" Office District and the "LC" Light Commercial District,

~~residential storage warehouses in the "B" multiple family dwelling the--
"BB" office, and the "LC" light commercial districts, subject to the
following conditions and requirements:~~

5.1 ~~The tract for such use located in the "B" multiple family
dwelling district or the-- "BB" Office District shall be contiguous or
adjacent to either the "OC" Office Commercial, "LC" Light Commercial,
"C" Commercial, "E" Light Industrial or "F" Heavy Industrial zoning
districts.~~

5.2 ~~The use must be located contiguous to an arterial street as
designated in the transportation plan.~~

5.3 ~~There shall be a minimum lot area of two acres or more. All
buildings shall set back not less than thirty-five feet from arterial street
right-of-way line, when located in the "LC" light commercial district
and twenty feet when located in the "B" multiple family dwelling district
or the "BB" office district.~~ There shall be a twenty-foot building
setback line from all other streets, unless a platted building setback line
would require a greater setback.

5.4 ~~Where the lot is adjacent to a residential zoning district a
fifteen foot landscaped yard shall be provided on the lot adjacent to the
residential zoning district and a fifteen foot landscaped front yard shall
be provided when within one hundred feet of a residential zoning district
or when across the street from a residential zoning district. The
landscaping shall be in addition to any architectural screening type
fences or face of the structures that shall be designed to screen the use
from the residential neighborhood. Such fence, when required, shall be
solid or semi-solid and constructed to prevent the passage of debris or
light and constructed of either brick, stone, architectural tile, masonry
units, wood or other similar material (not including woven wire) and
shall be not less than five six feet nor more than eight feet in height.
The fifteen foot landscaped yard may be reduced in width to not less
than the minimum side and rear yard required by the area regulations
of the applicable zoning district of the lot, when the adjacent residential
zoning district is occupied by any legal nonconforming office, commercial
or industrial use; or, when adjacent to a property where an adopted
zoning policy by the governing body is to look with favor on office,
commercial or industrial zoning for the area.~~

5.5 ~~When the development is in close proximity to residential
development, the architectural design shall be submitted to the
Superintendent of Central Inspection for review and a recommendation to
the board as to whether or not the architecture is compatible with the
surrounding development, and that adequate screening is being
provided. Sufficient copies of the preliminary design plans shall be
provided so that a copy of such plans, after having been approved by
the Board of Zoning Appeals, may be retained in the BZA case file and
by the Superintendent of Central Inspection to ensure that final
development plans and construction comply therewith.~~

5.6 ~~Any side of the building providing doorways to storage areas
shall be set back from the property line not less than twenty-five feet
when adjacent to a residential zoning district.~~

5.7 ~~Off-street parking shall be required on the basis of one space
for each eight thousand square feet of floor area in the facility plus one
space for each employee, but in no case shall the number be less than
five spaces.~~

5.8 ~~All driveways, parking, loading and vehicle circulation areas
shall be paved with concrete, asphalt or asphaltic concrete. Adequate
bumper guards or fences shall be provided to prevent the extension of
vehicles beyond property lines.~~

5.9 ~~All lights shall be shielded to direct light onto the uses
established and away from adjacent property, but it may be of sufficient
intensity to discourage vandalism and theft.~~

5.10 ~~All storage on the property shall be kept within an enclosed
building, unless a portion of the property or lot is properly zoned to
otherwise permit a designated area for outside storage.~~

5.11 ~~No activities such as miscellaneous or garage sales shall be
conducted on the premises.~~

5.12 ~~The servicing or repair of motor vehicles, boats, trailers,
lawn mowers and other similar equipment shall not be conducted on the
premises.~~

5.13 ~~A plot plan showing ingress and egress, widths of driveways,
off-street parking, loading areas and on-site traffic circulation shall be
submitted to the Traffic Engineering Division, Department of Public
Works, for tentative approval prior to the filing for the exception. Two~~

copies of the approved plan shall accompany the application for consideration by the Board of Zoning Appeals.

5.14 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed fifty square feet in gross surface area. Signs shall not project over any public right-of-way.

5.15 All areas not paved, as required by 5.8 shall be landscaped with deciduous and coniferous plant materials. The landscaping plan shall be approved by the Planning Department. Maintenance of the landscaping shall be sufficient to maintain it in good condition.

5.16 The area shall be properly policed by the owner or operator for removal of trash and debris.

5.17 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.

5.18 A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

5.19 The maximum building coverage may be 45 percent of the total land area regardless of general limitations of the zoning district.

5.20 No individual or business shall lease more than 3,000 square feet of storage spaces.

5.21 Residential storage warehouses, as defined by prior ordinance and approved by the Board of Zoning Appeals, shall by definition be considered as self-service storage facilities. Said facilities shall be permitted the use of storage spaces for business storage, as set forth herein, even though the BZA Resolution such usage.

5.19 5.22 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

6. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use within the "LC" Light Commercial district, all uses as listed in Section 28.04.090.1.3 that exceed six thousand square feet of floor area; uses not purely retail, and including some wholesale; and other similar uses not specifically listed in Section 28.04.090A, when determined by the Board of Zoning Appeals to be of the same general category as those listed therein, subject to the following conditions and requirements:

6.1 Such property shall be contiguous to an arterial or expressway as designated by map 13-A of the transportation plan or be located within a portion of the "LC" Light Commercial or heavier use district that is contiguous to an arterial or expressway.

6.2 All inventory, merchandise and equipment shall be completely within an enclosed building, and any vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by the Board of Zoning Appeals as to adequate screening material and location, within an enclosed compound on the property.

6.3 Due to the nature of the business included in this provision of the code, the Board of Zoning Appeals may determine that the off-street parking demand is less than that normally required for other light commercial uses and may vary the number of spaces in the approval of the exception.

6.4 All parking and vehicle storage area shall be surfaced with concrete, asphalt or other comparable surfacing and marked in accordance with an approved plan.

6.5 Signs shall be limited to that permitted by Section 28.04.139 of the code for the "LC" Light Commercial district.

6.6 A plot plan showing all structures existing and proposed, all ingress, egress, off-street parking, off-street loading and on-site circulation shall be submitted with the application. The applicant shall also submit a statement setting forth the number and type of vehicles to be used with the business and where such vehicles will be stored.

6.7 All lights shall be shielded to reflect or direct light away from adjoining properties.

6.8 No sound-projecting devices shall be used so as to be heard outside of an enclosed building.

6.9 No repair work shall be conducted except within an enclosed building, and provided further, vehicle maintenance shall be limited to lubrication, oil changes, washing, and other normal maintenance items not including body repair or modification.

6.10 The Board of Zoning Appeals may establish other conditions deemed necessary for the protection of adjacent property including

maintenance of the required improvements. The Board may also require a periodic report of compliance with all conditions of approval, and upon the recommendation of the Superintendent of Central Inspection, the Board may schedule a hearing for revocation or modification of the condition of the exception.

7. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use within the "LC" Light Commercial District, nurseries and garden centers not complying with the limitations of Section 28.04.090.A-1.2 as a purely retail business within an enclosed building; when determined by the Board of Zoning Appeals that the use would be compatible with all adjacent properties, and subject to the following conditions and requirements:

7.1 Such property shall be contiguous to an arterial or expressway as designated by map 13-A of the Transportation Plan or amendments thereto, or be located within a portion of the "LC" Light Commercial District or a heavier use District that is contiguous to such a street.

7.2 Screening shall be provided as deemed appropriate and necessary to provide protection to adjacent properties, however, under no circumstance shall the screening be less than that required by Section 28.04.160.K of this code or that required by an approved development plan. Growing areas for nursery stock shall be considered a landscaped yard and may be substituted for a screening fence as required by Section 28.04.160.K when deemed appropriate.

7.3 Display and storage of merchandise, nursery stock, landscaping materials and equipment must be within an enclosed building; within an area enclosed by a screening fence deemed necessary for the protection of adjacent properties; or, be displayed in areas immediately adjacent to the buildings, provided any display or storage shall not be located within 25 feet of public right-of-way and shall not occupy required off-street parking spaces.

7.4 All lights shall be shielded to reflect or direct light away from adjoining properties. No string-type lighting shall be permitted.

7.5 No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

7.6 Any repair or servicing of vehicles or equipment shall only be permitted within an enclosed building. Such repair and servicing shall be limited to normal maintenance and not including body repair or modification.

7.7 A plot plan showing all structures, existing and proposed, all ingress, egress, off-street parking, off-street loading, on-site circulation, storage and display areas shall be submitted with the application.

7.8 Areas for the growing of plants and nursery stock may be permitted in greenhouses or in open areas as designated by the applicant and approved by the Board of Zoning Appeals.

7.9 Any vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by the Board of Zoning Appeals as to adequate screening material and location, within an enclosed compound on the property.

7.10 Due to the type of the business, the amount of off-street parking and loading spaces based on the gross floor area of buildings could be inappropriate. The Board of Zoning Appeals may, in the processing of the exception, determine the number of parking and loading spaces required for the use. The number of spaces shall be determined by the Board and shall be based on the amount of building, greenhouse, lathhouse and outside area used primarily for display and sales area. Consideration shall also be given to the anticipated number of employees and possible temporary parking for peak season business. The determination made by the Board may be adjusted after public notice and hearing if the lack of adequate off-street parking is creating congestion on the streets due to on-street parking by employees or customers. The property owner may also request a reduction in the number of parking spaces by filing a revised application and providing figures justifying said change.

7.11 The Board of Zoning Appeals may establish other conditions deemed necessary for the protection of adjacent property, and including the maintenance of required improvements. The Board may also require a periodic report of compliance with all conditions of approval, and upon the recommendation of the Superintendent of Central Inspection, the Board may schedule a hearing for revocation or modification of the conditions of the exception.

8. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use within the "LC" Light Commercial District, outdoor tennis clubs and miniature golf courses subject to the following conditions and requirements:

8.1 Such property shall be contiguous to an Arterial or Expressway as designated by Map 13-A of the Transportation Plan or amendments thereto, or be located within a portion of the "LC" Light Commercial District or a heavier use District that is contiguous to such a street.

8.2 In addition to the above, the Board shall consider the location in relation to any existing or possible residential development in determining the appropriateness of the location of such use.

8.3 All lights shall be shielded to reflect or direct light away from adjacent property. No string type lighting or banners shall be permitted.

8.4 No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

8.5 Signs shall be limited as set forth in Section 28.04.139 for the "LC" Light Commercial District.

8.6 Accessory uses shall be limited to those uses permitted in the "LC" Light Commercial District. Activities such as ride devices, golf driving range or other similar uses shall not be permitted. Horseshoe pitching, croquet courts, shuffleboard, curling courts, and other outdoor games generally limited to four players at a time may be permitted as accessory uses.

8.7 Off-street parking shall be provided at the rate of one space for each hole of miniature golf, one space for each additional game court, and additional spaces as required by the zoning ordinance for buildings used for office, concession, storage, game rooms or other uses on the property.

8.8 All driveways, parking, loading and vehicle circulation areas shall be surfaced as set forth in Section 28.04.143.

8.9 Screening shall be as deemed necessary by the Board to provide protection to adjacent properties.

8.10 The Board of Zoning Appeals may establish operating hours if the property is located in close proximity to residential areas.

8.11 The area shall be properly policed to insure proper maintenance and removal of trash from the premises to eliminate problems to adjacent or public property.

8.12 The applicant shall submit a detailed site plan showing all uses to be established on the property (present and proposed), all parking, loading, circulation, ingress and egress, for approval prior to filing of the application. There shall be no ingress or egress from unimproved public ways.

8.13 The Board of Zoning Appeals may establish other conditions deemed necessary to provide for orderly development."

The original Sections 28.04.020 and 28.04.193 of the Code of the City of Wichita, Kansas are hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas and be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this ___ day of _____, 1987.

Mayor

ATTEST: (SEAL)

Dale Rea, Deputy City Clerk

APPROVED AS TO FORM:

Thomas R. Powell, Interim City Attorney

PL1-0049

Planning Agenda Item # _____

City of Wichita
City Commission Meeting
April 21, 1987

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: DR 87-2 - Possible Amendment to City Zoning Ordinance
RE: Expanding self-service storage units to include business storage --- Expanding type of vehicle sales and rental in "LC" district.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC RECOMMENDATION: Approve the ordinance as submitted.

BACKGROUND: This ordinance amendment was requested by a developer of "Mini-Storage Units," defined as Residential Storage Warehouses" in the zoning ordinance. The limitations of the present ordinance prohibit the use of this type of facilities in the "LC", "BB" and "B" zoning districts for commercial storage of any kind. The developer has indicated that this limitation severely hinders an owner from complying with the regulations.

It should be noted that this amendment only applies to those storage warehouses located in the "LC", "BB" or "B" zoning districts. It does not in anyway affect any storage units or warehouses located in the heavier use districts.

In addition to addressing the request by the developer, the staff also recommended that some changes be made in Section 28.04.183.2 which relates to the sale, rental and leasing of vehicles and equipment in the "LC" Light Commercial District. This amendment related primarily to clarifying the type of vehicles and equipment that had previously been authorized by the Board of Zoning Appeals but had not been specifically listed.

ANALYSIS: The Planning Commission recommends that the ordinance be adopted and includes the following changes in the amendment to the ordinance:

1. Revises the definition of "Commercial Warehouse" to exclude operations designed as "self-service storage facilities."
2. Adds the definition of "Self-service storage facilities" and deleted the definition of "Residential storage warehouses."
3. Adds boats, trucks and recreational vehicles to the list of permitted uses under 28.04.183.2. to be permitted in the "LC" Light Commercial District as an exception.

4. Adds "Self-service storage facilities" as a permitted exception in the "BB" Office and the "LC" Light Commercial Districts replacing "Residential storage warehouses." Eliminates "Residential storage warehouses" from the "B" Multiple-family district.
5. Establishes a uniform building setback of 35 feet from arterial streets.
6. Reduces the required side yard setback from fifteen feet to not less than that required by the zoning district when adjacent to a legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy is to look with favor on office, commercial, or industrial zoning.
7. Establishes a maximum building coverage of 45 percent.
8. Places limitation on the size of the storage units at 600 square feet and limits the amount an individual business may lease at 3,000 square feet.
9. Authorizes the use of previously approved "Residential storage warehouses" to utilize the property for business storage in conformance with the limitations of this ordinance.

LEGAL CONSIDERATIONS: The Planning Commission considered these amendments at a public hearing on April 2, 1987 and recommended unanimously that the ordinance be adopted. Should the City Council disagree with the recommendation, it must be returned to the Planning Commission for reconsideration.

RECOMMENDATION/ACTION:

1. Place the ordinance on first reading; or
2. Return the ordinance to the MAPC with a recommendation for any change as is deemed appropriate.

602(Published in The Daily Record, May 1, 1967)11
ORDINANCE NO. 38-872
AN ORDINANCE INCORPORATING AND INCORPORATING
CERTAIN BLOCKS, PARCELS, PIECES AND TRACTS
OF LAND WITHIN THE LIMITS AND BOUNDARIES
OF THE CITY OF WICHITA, KANSAS, AND RE-
LATING THERE TO (A87-6)

The Daily Record, May 1, 1967-3

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

SECTION 1. That, after having received a request from the
owners of said property for annexation by the City, the following
blocks, parcels, pieces and tracts of land be and they are hereby
included and brought within the corporate limits of the City of
Wichita, Kansas:

A tract of land in Section 4, Township 27 South, Range
1 West of the 6th P.M., Sedwick County, Kansas, more
fully described as:

Beginning at the intersection of the north line
of 21st Street North and the west line of Rich Street
Addition to Sedwick County; thence north along said
west line to the north line of said Addition; thence
east along said north line to the east line of said
Addition; thence south along said east line to the
north line of 21st Street North; thence west along
said north line to the point of beginning.

SECTION 2. That the lands specified and included within
Section 1 of this ordinance, together with the lands specified and
included within Section 1 of Ordinances No. 39-72681-74, 39-7644,
39-836, 39-939, 39-2016-39-182,
be and the same are hereby declared to constitute the lands
within the corporate limits and boundaries of the City of Wichita,
Kansas.

SECTION 3. That if any part or portion of this ordinance
shall be held or determined to be illegal, ultra vires or void the
same shall not be held or construed to alter, change or annul any
terms or provisions hereof which may be legal or lawful. And in
the event this ordinance in its entirety shall be held to be ultra
vires, illegal or void, then in such event the boundaries and limits
of said City shall be held to be those heretofore established by
law.

SECTION 4. That the City Attorney be and he is hereby in-
structed at the proper time to draw an ordinance redefining the
boundaries and limits of the City of Wichita, Kansas, under and
pursuant to K.S.A. 12-520, et seq.

SECTION 5. This ordinance shall take effect and be in force
from and after its passage and publication once in the official
city paper.

ADOPTED at Wichita, Kansas, this 28th day of April,
1967.

ROBERT G. KNIGHT, Mayor
ATTEST:(SEAL) DALE E. REA, Deputy City Clerk

603(Published in The Daily Record, May 1, 1967)11
ORDINANCE NO. 38-873

AN ORDINANCE AMENDING SECTION 11.40.010 OF THE CODE
OF THE CITY OF WICHITA, KANSAS, PERTAINING TO PRO-
HIBITING TRUCK TRAFFIC ON CERTAIN STREETS AND PARTS
OF STREETS WITHIN THE CITY AND PROHIBITING THROUGH
TRUCK TRAFFIC ON CERTAIN STREETS AND PARTS OF
STREETS WITHIN THE CITY AND REPEALING THE ORIGINAL
OF SAID SECTION.

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

SECTION 1. Section 11.40.010 of the Code of the City of
Wichita, Kansas, is hereby amended to read as follows:

"Trucks over one ton. It is unlawful for any person to
drive a truck with a manufacturer's rated capacity of
over one ton:

(a) Upon those streets or parts of streets de-
scribed in Section 11.96.060, when signs prohibiting
such trucks are erected by the traffic engineer; pro-
vided, however, that nothing contained herein shall
prohibit trucks from driving a distance not exceeding
two blocks upon those streets or parts of streets de-
scribed in Section 11.96.060, for the purpose of making
deliveries of merchandise.

(b) Upon any street over which 'through truck
traffic' is prohibited.

A street shall be deemed to be a street over which
'through truck traffic' is prohibited when a sign is
erected which gives notice of such prohibition. The
street over which 'through truck traffic' is prohibited
shall be as designated on such sign.

For purposes of this section, 'through truck
traffic' shall mean movement by a commercial vehicle
from the point where a traffic sign or signs prohibits
'through truck traffic' to a point where a traffic sign
or signs prohibit 'through truck traffic' for vehicles
moving in the opposite direction; provided, however,
that a commercial vehicle which leaves the street over
which 'through truck traffic' is prohibited for the
purpose of taking on or off-loading material, merchan-
dise, or personnel and then continues on such street
in a manner which would constitute a violation of this

section, shall not be deemed in violation of this
section.

For purposes of this section, a commercial vehicle
shall mean a truck with a manufacturer's rated capacity
of over one ton."

SECTION 2. The original of Section 11.40.010 of the Code of
the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of
the City of Wichita, Kansas, and shall be effective upon its
passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this 28th day of April,
1967.

ROBERT G. KNIGHT, Mayor
ATTEST:(SEAL) DALE E. REA, Deputy City Clerk

604(Published in The Daily Record, May 1, 1967)11
ORDINANCE NO. 38-871

AN ORDINANCE AMENDING SECTIONS 28.04.020, AND
28.04.183 OF THE ZONING CODE OF THE CITY OF
WICHITA, KANSAS, PERTAINING TO THE REVISION OF
THE DEFINITION OF BARRIQUES AND SELF-SERVICE
STORAGE FACILITIES; AMENDING THE CONDITIONS
FOR APPROVAL BY EXCEPTION FOR THE LOCATION
OF SELF-SERVICE STORAGE FACILITIES IN THE "B"
OFFICE AND THE "LC" LIGHT COMMERCIAL
DISTRICTS; AMENDING THE CONDITIONS FOR
APPROVAL BY EXCEPTION FOR THE SALE, RENTAL
AND LEASING OF VEHICLES AND EQUIPMENT IN THE
"LC" LIGHT COMMERCIAL DISTRICT; ESTABLISHING
CODIFICATION NUMBERS FOR PORTIONS OF THE
DEFINITION SECTIONS, AND MOVING THAT PORTION
OF THE DEFINITION OF HOME OCCUPATION RELATED
TO AUTHORIZATION AND LIMITATIONS ON CREATING
NEW SECTIONS 28.04.021, 28.04.022, 28.04.023,
28.04.024, 28.04.025, 28.04.026, 28.04.027,
28.04.028, 28.04.029, 28.04.030, 28.04.031,
AND 28.04.032; AND REPEALING SAID ORIGINAL
SECTIONS 28.04.020 AND 28.04.183 OF THE CODE OF
THE CITY OF WICHITA.

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

SECTION 28.04.020 of the Code of the City of Wichita, Kansas shall
be amended to read as follows:

"28.04.020 Definitions Generally. For the purpose of this chapter,
certain terms and words are defined in Sections 28.04.021 through
28.04.032. Words used in the present tense shall include the future;
words in the singular number shall include the plural; words in the
plural shall include the singular number; the word 'building' shall
include the word 'structure'; the word 'lot' shall include the word
'plot'; the word 'shall' is mandatory and not directory. Any words
defined in the building code of the city and not specifically defined
herein shall be construed as defined in the building code of the city.
Any word not defined herein or in the building code of the city shall
have its usual meaning."

SECTION 28.04.021 shall be added to the Code of the City of
Wichita, Kansas to read as follows:

"28.04.021 Definitions A through C.
ACCESSORY STRUCTURE. Any construction, production or piece
of work built up or composed of parts joined together and affixed to the
land or real property excluding poles, fences, walls, and other such
minor incidental improvements.

ALLEY. A public thoroughfare which ordinarily affords only a
secondary means of access to abutting property and which is not over
twenty feet wide.

BASEMENT OR CELLAR. A portion of a building which is wholly or
partly below grade, the ceiling of which is less than four feet above
grade, which shall not be included as a story.

BOARDINGHOUSE. A building or place where for compensation and
by arrangement for definite periods, table board is provided for five
or more persons, but does not furnish meals to occasional or transient
customers without such previous arrangement.

BUILDING. Any structure built for the support, shelter or
enclosure of persons, animals, chattels, or property of any kind.

BUILDINGS, HEIGHT OF. The vertical distance from the grade to the
highest point of the coping of a flat roof or to the deck line of a
mansard roof, or to the average height of the highest gable of a pitch
roof, or the average height of a hip roof.

BUILDING LINE. The exterior face of a wall of an existing
structure by the limits to which an exterior face of a wall of a proposed
structure may be built, but shall not include the face of one-story
unoccupied garages, porches, or open porches, entrances or like
appendages.

CHILD CARE CENTER. A building or portion of a building used as
a day nursery providing care for seven or more children for part or all
of a day or night, away from the home of the parent or legal guardian;
and includes full day child care, nursery schools, play groups, Head
Start centers giving emphasis to programming for low-income children,
kindergartens not operated by the public schools, and other
establishments offering care to groups of children for part or all of
the day or night.

COMMISSION. 'Commission' means the Wichita-Sedwick County
metropolitan area planning commission."

SECTION 28.04.022 shall be added to the Code of the City of
Wichita, Kansas to read as follows:

"28.04.022 Definitions D through F.
DISTRICT. Any section of the city for which the regulations
governing the use of buildings and premises and the height and area of
buildings are uniform.

DWELLING. A building or portion thereof which is designed or
used exclusively for residential purposes. (Mobile homes and
recreational vehicles shall be considered dwellings only in the sense that
they are portable structures designed for long term or short term
occupancy as dwelling units; however, under the terms of this title,
mobile homes, manufactured homes and recreational vehicles shall be
located only where they are specifically listed as a permitted use.)

One family. A detached building used exclusively for residential
purposes having suitable accommodations for only one family, which may
include but not exceed four lodgers or boarders.

Two family. A detached building used exclusively for residential
purposes and designed for or occupied by two families living
independently of each other, each of which may include not to exceed
four lodgers or boarders.

Four family. A detached building used exclusively for residential
purposes and having suitable accommodations for four families living
independently of each other, and may include not more than two lodgers
or boarders in each family.

Multiplex. A building or portion of a building having suitable
accommodations for three or more families living independently of each
other, who may or may not have full use of utilities, yards, etc. The
term includes premises occupied more or less permanently for residential
purposes in which the rooms are occupied in apartments, suites or
groups, such as apartments, dormitories, lodging houses, rooming
houses, and other dwellings actually occupied for the purposes of
this chapter, auto courts, hotels, motels, motor hotels, or tourist
courts shall not be considered dwellings.

FAMILY. One person living alone or two or more persons living
together, related either by birth or marriage, who, together with their
servants occupy a single housekeeping unit, or a group of not more than
four unrelated persons who, with their servants, occupy a single
housekeeping unit. Family does not include a group occupying a club,
sorority or fraternity house, etc.

FAMILY DAY CARE HOME. A home occupation, in a dwelling, in
which care is given for less than twenty-four hours a day to ten or less
children away from their own homes, of which one is not related to the
care provider; provided, however, the number and ages of the children shall
not exceed that permitted by the licensing regulations of the Kansas
Department of Health and Environment.

FILLING STATION. Any building or premises used solely or
principally for the storing, dispensing, sale or offering for sale of any
of automotive fuels and lubricants and automotive accessories.

FRONTAGE. The length of the property abutting on one side of a
street or place measured along the dividing line between the property
and the street or place. (For double frontage see REVERSAL OF LOT
FRONTAGE AND LOT OR PLOT, THROUGH.)"

SECTION 28.04.023 shall be added to the Code of the City of
Wichita, Kansas to read as follows:

"28.04.023 Definitions G through H.
GARAGE. An accessory building designed or used for the storage of
privately owned, motor driven vehicles, of which not more than one may
be a commercial motor vehicle of not more than two tons' capacity, and
with no provision of repairing or equipping such vehicles."

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: May 13, 1987

TO: Monty Robson, Superintendent of Central Inspection

FROM: Glen E. Lytle, Special Assistant for Zoning

SUBJECT: DR 87-2 Amendment to zoning ordinance
RE: Residential Storage Warehouses, etc.

The attached copies of the recent amendment are for you and your staff's information. As you will note, there is a lot of verbiage with little change in the ordinance. The significant changes are as follows:

1. The definition section has been restructured but only the definitions of Warehouses has been amended.
2. The provisions on home occupations has been moved to Section 28.04.035 from the definition section.
3. A revision to 28.04.183.2 to clarify the sale and rental of boats, trucks, recreational vehicles, etc., which has created some enforcement problems in the past.
4. The major part of this amendment related to the changes in 28.04.183.5 pertaining to "Residential Storage Warehouses." This primarily establishes a new use defined as "Self-service storage facilities" and limits the use to the "BB" Office and the "LC" Light Commercial District when approved by the Board of Zoning Appeals. The majority of this change will be for future applications for these uses. This amendment also eliminated any type of storage facilities from the "B" district, and as such, the facilities located on the southeast corner of 29th and Amidon becomes a legal non-conforming use. Those facilities previously approved by BZA Resolutions in the "BB" and the "LC" districts now become "self-service storage facilities" and are permitted limited usage of business storage as defined in the ordinance. This will override the exclusions that may be prohibited by the resolution in each case.

We are in the process of having the zoning ordinance reprinted with these amendments included. Once these are done, you will probably need new one's for your staff.

If you or your staff have any questions, please let me know.

GEL/lw

PL/0155/1

ORDINANCE NO. 39-871

AN ORDINANCE AMENDING SECTIONS 28.04.020, AND 28.04.183 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO THE REVISION OF THE DEFINITION OF WAREHOUSES AND SELF-SERVICE STORAGE FACILITIES; AMENDING THE CONDITIONS FOR APPROVAL, BY EXCEPTION, FOR THE LOCATION OF SELF-SERVICE STORAGE FACILITIES IN THE "BB" OFFICE AND THE "LC" LIGHT COMMERCIAL DISTRICTS; AMENDING THE CONDITIONS FOR APPROVAL, BY EXCEPTION, FOR THE SALE, RENTAL AND LEASING OF VEHICLES AND EQUIPMENT IN THE "LC" LIGHT COMMERCIAL DISTRICT; ESTABLISHING CODIFICATION NUMBERS FOR PORTIONS OF THE DEFINITION SECTIONS, AND MOVING THAT PORTION OF THE DEFINITION OF HOME OCCUPATION RELATED TO AUTHORIZATION AND LIMITATIONS BY CREATING NEW SECTIONS 28.04.021, 28.04.022, 28.04.023, 28.04.024, 28.04.025, 28.04.026, 28.04.027, 28.04.028, AND 28.04.035; AND REPEALING SAID ORIGINAL SECTIONS 28.04.020 AND 28.04.183 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 28.04.020 of the code of the City of Wichita, Kansas shall be amended to read as follows:

"28.04.020 Definitions Generally. For the purpose of this chapter, certain terms and words are defined in Sections 28.04.021 through 28.04.028. Words used in the present tense shall include the future; words in the singular number shall include the plural; words in the plural shall include the singular number; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; the word "shall" is mandatory and not directory. Any words defined in the building code of the city and not specifically defined herein shall be construed as defined in the building code of the city. Any word not defined herein or in the building code of the city shall have its usual meaning."

SECTION 28.04.021 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.021 Definitions A through C.

ACCESSORY STRUCTURE. Any construction, production or piece of work built up or composed of parts joined together and affixed to the land or real property excluding poles, fences, walks, and other such minor incidental improvements.

ALLEY. A public thoroughfare which ordinarily affords only a secondary means of access to abutting property and which is not over twenty feet wide.

BASEMENT OR CELLAR. A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade, which shall not be included as a story.

BOARDINGHOUSE. A building or place where for compensation and by prearrangement for definite periods, table board is provided for five or more persons, but does not furnish meals to occasional or transient customers without such previous arrangement.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDINGS, HEIGHT OF. The verticle distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch roof, or the average height of a hip roof.

BUILDING LINE. The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built, but shall not include the face of one-story unoccupied gable-roofed areas over open porches, entrances or like appendages.

CHILD CARE CENTER. A building or portion of a building used as a day nursery providing care for seven or more children, for part or all

of a day or night, away from the home of the parent or legal guardian; and includes full day child care, nursery schools, play groups, Head Start centers giving emphasis to programming for special children, kindergartens not operated by the public schools, and other establishments offering care to groups of children for part or all of the day or night.

COMMISSION. 'Commission' means the Wichita-Sedgwick County metropolitan area planning commission."

SECTION 28.04.022 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.022 Definitions D through F.

DISTRICT. Any section of the city for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

DWELLING. A building or portion thereof which is designed or used exclusively for residential purposes. (Mobile homes and recreational vehicles shall be considered dwellings only in the sense that they are portable structures designed for long term or short term occupancy as dwelling units; however, under the terms of this title, mobile homes; manufactured homes and recreational vehicles shall be located only where they are specifically listed as a permitted use.)

One family: A detached building used exclusively for residential purposes having suitable accommodations for only one family, which may include not to exceed four lodgers or boarders.

Two family: A detached building used exclusively for residential purposes and designed for or occupied by two families living independently of each other, each of which may include not to exceed four lodgers or boarders.

Four family: A detached building used exclusively for residential purposes and having suitable accommodations for four families living independently of each other, and may include not more than two lodgers or boarders in each family.

Multiple: A building or portion of a building having suitable accommodations for three or more families living independently of each other, who may or may not have joint use of utilities, halls, yards, etc. The term includes premises occupied more or less permanently for residential purposes in which the rooms are occupied in apartments, suites or groups, such as apartments, dormitories, lodging houses, rooming houses, and all other dwellings similarly occupied. For purposes of this chapter, auto courts, hotels, motels, motor hotels, or tourist courts shall not be considered dwellings.

FAMILY. One person living alone or two or more persons living together, related either by birth or marriage, who, together with their servants occupy a single housekeeping unit; or a group of not more than four unrelated persons who, with their servants, occupy a single housekeeping unit. Family does not include a group occupying a club, sorority or fraternity house, etc.

FAMILY DAY CARE HOME. A home occupation, in a dwelling, in which care is given for less than twenty-four hours a day to ten or less children away from their own homes, who are not related to the care provider; provided, however, the number and ages of the children shall not exceed that permitted by the licensing regulations of the Kansas Department of Health and Environment.

FILLING STATION. Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automotive fuels and lubricants and automotive accessories.

FRONTAGE. The length of the property abutting on one side of a street or place measured along the dividing line between the property and the street or place. (For double frontage see REVERSAL OF LOT FRONTAGE and LOT OR PLOT, THROUGH.)"

SECTION 28.04.023 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.023 Definitions G through H.

GARAGE.

Private: An accessory building designed or used for the storage of privately owned, motor driven vehicles, of which not more than one may be a commercial motor vehicle of not more than two tons' capacity, and with no provision of repairing or equipping such vehicles.

Public: A building or portion thereof used for the housing of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, not including exhibition or showroom for model cars.

Storage: A building or portion thereof designed or used exclusively for housing four or more motor-driven vehicles.

GRADE. Any wall approximately parallel to and not more than five feet from a street line is not to be considered as adjoining the street. Where no sidewalk has been constructed, the city engineer shall establish such sidewalk or its equivalent for the purpose of these regulations.

1. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street.

2. For buildings having walls adjoining more than one street, it is the average of the elevation for the sidewalks at the centers of all walls adjoining the streets.

3. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building.

GOVERNING BODY. The City Council of the city.

GROUP BOARDING HOME FOR CHILDREN. A residential facility for five or more children, who, for various reasons, cannot reside in their natural home and where twenty-four hour adult care and supervision and consultation may be available, and which is licensed by the Kansas State Board of Health.

HALFWAY HOUSE - GROUP HOME. A residential facility for five or more adults who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g., former convicts, alcoholics, drug addicts, mental patients, etc.); provided shelter, supervision and residential rehabilitative services.

HOME FOR THE AGED. A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living in a protected environment.

HOME OCCUPATION. See Section 28.04.035.

HOTEL. A building which provides a common entrance, lobby, halls, and stairways, and in which lodging is provided with or without meals, to transient guests.

HOUSE TRAILER. See RECREATIONAL VEHICLE.

HOUSEKEEPING UNIT. A building or a portion of a building which is occupied or intended to be occupied as a dwelling, and which has the facilities for cooking and serving meals and for sleeping quarters, and which may or may not include other rooms or facilities."

SECTION 28.04.024 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.024 Definitions I through L.

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects, such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LODGINGHOUSE. A building or place wherein lodging is provided for five or more individuals pursuant to previous arrangement and not open to transients.

LOT OR PLOT. A building site or parcel of land occupied or intended to be occupied by a building and accessory buildings, and including such open spaces as are required under this chapter, and having its principal frontage upon a public street or officially approved place.

Corner: A lot abutting upon two or more streets at their intersection.

Triangular: A lot abutting on two or more streets at their junction, where the angle formed by the intersecting streets is less than forty-five degrees.

Depth of: The mean horizontal distance between the front and rear lot lines.

Interior: A lot other than a corner lot or triangular lot.

Through: An interior lot having frontage on two streets.
LOT FRONTAGE. See FRONTAGE.

LOT LINES. The lines bounding a lot as defined in this section.

LOT OF RECORD. A lot or portion of one or more lots which are a part of a subdivision, the map of which has been recorded in the office of the register of deeds of the county, or a plot described by metes and bounds, the description of which has been recorded in the office of the register of deeds of the county.

LOT, ZONING. A parcel of land that is designated by its owner or developer, at the time of applying for an occupancy certificate as a tract, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirements of the above and the requirements of the subdivision rules and regulations, such lot may consist of:

- (1) A single lot of record; or
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

SECTION 28.04.025 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.025 Definitions M through N.

MANUFACTURED HOME: A structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards generally known as the HUD Code. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to all utilities in conformance with applicable regulations.

MANUFACTURED HOME SUBDIVISION: A subdivision within the "C" Manufactured Home District which is platted for development as individual home sites for manufactured homes or modular homes to be placed on permanent foundations as required for permanent structures.

MOBILE HOME: A movable detached single-family dwelling unit that was manufactured prior to 1976 or is not in conformance to the HUD Code as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to the utilities in conformance with all applicable regulations. A mobile home shall also include a manufactured home as defined herein when located in a mobile home park.

MOBILE HOME PARK: A parcel of land, which has been planned and improved in some manner, and used or intended to be used by one or more occupied mobile homes or manufactured homes not placed on permanent foundations. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of storage, inspection or sale.

MODULAR HOME: A structure consisting of one or more components manufactured off-site in conformance to the standards of the Building Code of the City of Wichita and related technical codes and moved to the construction site for final assembly as a dwelling unit.

MOTEL. A group of attached or detached permanent nonmobile buildings containing four or more individual sleeping or separate living facilities; designed and used for the accommodation of transients or nonpermanent residents. Motels shall include motor courts, auto courts and cabin or tourist courts but shall not include recreational vehicle campgrounds or courts, camp sites or mobile home parks.

NONCONFORMING USE. A building or premises legally occupied by a use that does not conform with the regulations of the district in which it is situated as established by this chapter or any prior zoning ordinance.

NURSING HOMES OR CONVALESCENT HOME. A home providing bed care for persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to care properly for themselves, but not serving or admitting alcoholics, drug addicts, or persons with mental or communicable diseases; a registered nurse on duty at all times, and wherein there is no surgery or other similar activities such as customarily provided in sanitariums and hospitals."

SECTION 28.04.026 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.026 Definitions O through R.

OPEN SPACE. That ground area and the space above which is unimpeded from the ground to the sky by any main structure except that the area may be used for landscaping, recreational purposes such as for swimming, shuffleboard, tennis, etc. Parking lots and storage areas for vehicles and material shall not be considered as open space.

PARKING LOT. A parcel of land devoted to unenclosed parking space, which may include partially enclosed one-story buildings.

PARKING SPACE. A suitable surfaced space either within or outside of a building. The area shall not be less than two hundred square feet, having a minimum width of eight feet six inches and a minimum length of eighteen feet.

PLACE. An open unoccupied space dedicated to purposes of access for abutting property.

PORCH. A roofed structure projecting from a building and separated from the building by the walls thereof and having no enclosing features except roof supports, railing or screen wire.

RECREATIONAL VEHICLE. A unit designed as temporary living quarters for recreational, camping or travel use; units may have their own power, or be designed to be drawn or mounted on an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers camping trailers, converted buses, house boats or other similar units as determined by the Superintendent of Central Inspection.

RECREATIONAL VEHICLE CAMPGROUND. A lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.

REVERSAL OF LOT FRONTAGE. Lots in any block which are platted facing more than two streets so that some of the platted lots have their frontage approximately at right angles to other platted lots in the same block shall be construed as having a reversal of frontage; provided however, that if a corner lot adjoining lots on either side having this reversal of frontage is platted of sufficient depth on both dimensions to approximately equal the depth of the lots adjacent to each of the interior boundary lines, both street lines of such lot shall be construed as front lines of the lot and front yard requirements shall be required on both street frontages."

SECTION 28.04.027 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.027 Definitions S through T.

SCREENING. Decorative fencing, evergreen vegetation* or landscaped earth berms* maintained for the purpose of concealing from view the area behind such fence, evergreen vegetation or berms. When fencing is used for screening, it shall not be less than six nor more than eight feet in height.

*Whenever evergreen vegetation or landscaped earth berms are used for screening, a plan shall be submitted for approval by the director of planning and the superintendent of central inspection.

SETBACK. The distances between the lot line and the building line.

SHELTER, FALLOUT. A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

SIGN. Any printed or written text (including letter, word or numeral), pictorial representation (including illustration, decoration or figure), emblem (including device, symbol or trademark), commercial flag (including advertising banner, streamer or pennant), or any other object which:

(a) Is a structure or any part thereof; or is attached to, painted on, or in any other manner represented on a building, fence, wall, post or any other structure or surface; and

(b) Is used to identify, instruct, attract, guide or advertise.

STABLE.

Private: A building with capacity for not more than four horses.

Public: A building with a capacity for more than four horses.

STREET. A public or private thoroughfare more than twenty feet wide which provides the principal means of access to abutting property for persons or vehicles and public utilities.

STREET LINE. The dividing line between a lot, tract or parcel of land and a street.

STORY. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above.

STRUCTURE. A structure is anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and affixed to the property. For the purpose of construing this chapter, it includes buildings, towers, cages for transformer substations, pergolas, billboards, steak ovens, trash burners, but not excluding other assemblies of similar type which are permanently located on a lot, not including poles, fences and such minor incidental improvements.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

SWIMMING CLUB. A private club, a nonprofit organization used exclusively for its membership for the purpose of maintaining the operating of a swimming pool with specified limitations upon the number of members and limited to residents of a block, subdivision, neighborhood or community or other specified area of residence for the exclusive use of members and their guests.

TERRACE. An artificial or natural embankment in the area between a building and lot line.

TRAILER CAMP. See RECREATIONAL VEHICLE CAMPGROUND."

SECTION 28.04.028 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.028 Definitions U through Z.

WAREHOUSES AND STORAGE FACILITIES.

Commercial Warehouse: A building or portion thereof used for the storage of any type of property, merchandise or commodities without limitations as to area or method of operation as required for self-service storage facilities. This shall not be deemed to include the storage area or stock room used in connection with a purely retail business when located on the same property and incidentally accessory thereto.

Self-service Storage Facility: A group of buildings, building, or portion thereof designed or used exclusively for the purpose of renting or leasing individual storage spaces, not exceeding 600 square feet, to tenants who are to have access to such space for the purpose of storing and removing excess personal property of an individual, family or business, when such is not located on the lot with their residence or place of business. This may include the passive storage of inactive or dead business files, supplies, furniture, office equipment and seasonal or occasional stock or merchandise, but shall in no way be deemed to include a transfer and storage business where the use of vehicles or heavy equipment is part of such business.

YARD. The space between the building and the adjoining lot lines. The drawing which is entitled "Height, Yard, Parking Regulations" is adopted by reference and made a part of this chapter as though set out in full in this chapter, and is intended to further clarify the definitions and regulations contained in this chapter as to front, side and rear yards under various conditions.

Front: That portion of the yard extending across the front of a lot between the side lot lines and being measured at the minimum horizontal distance between the street line and the front building line, not including steps, terraces, unenclosed balconies and unenclosed or screened porches.

Rear: That portion of the yard, on the same lot with a building, between the rear building line and the rear line of the lot, for the full width of the lot, provided that in those locations where an alley is platted in the rear of the lots, half the width of the platted alley may be included in the rear yard requirement. The depth of the rear yard is the minimum horizontal distance between the rear lot line or the center of the alley in the rear of the lot where such an alley is platted, and the rear of the main building, not including steps, unenclosed balconies and unenclosed porches.

Side: That portion of the yard along each side of a building between the building line and the side line of the lot extending from the front yard to the rear yard. The width of the side yard is the minimum horizontal distance between the building line and the side lot line."

SECTION 28.04.035 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.035 HOME OCCUPATIONS. Authorization, Definition and Use Limitations.

A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.

B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by subsection C., within a structure that is accessory to a residential building.

C. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. In all districts permitting dwellings:

a. No alteration of the principal building or premises shall be made which changes the character or appearance.

b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.

c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the city clerk and the enforcing officer, approved by the metropolitan area planning commission and titled, "Noise Standards for Home Occupations, October, 1966."

d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.

2. In the "AA" one-family dwelling districts:

a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence.

b. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.

c. The home occupation shall be conducted entirely within the main residential building. No such home occupation shall be conducted in an accessory structure or in a garage, whether attached or detached.

d. No sign shall be permitted except when required by law. When such a sign is required, it shall not be larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

3. In all other districts permitting residences:

a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.

b. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

c. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.

d. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections B. and C. of this section:

1. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen pupils at a time.

2. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.

3. Ministers, rabbis, priests.
 4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.
 5. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.
 6. Office facilities for service type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors, and photographers.
 7. Personal services, such as dressmakers, seamstresses, tailors, barber shops, beauty shops.
 8. Family day care home.
- E. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:
1. Animal hospitals.
 2. Auto and other vehicle repair.
 3. Funeral homes.
 4. Kennels and stables when carried on as a business activity and not as a hobby with coincidental occasional sales and use.
 5. Medical or dental clinics or hospitals.
 6. Nursery schools and child day care centers, having more than seven students at a time.
 7. Renting of trailers, cars or other equipment.
 8. Restaurants.
 9. Tourist homes, unless specifically permitted by the district regulations.

NOISE STANDARDS FOR HOME OCCUPATIONS

OCTOBER 1966

The following noise standards shall be measured with octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6-1960 Preferred Frequencies for Acoustical Measurements) for measuring intensity and frequency of sound using the flat network and fast response of the sound level meter.

Center Frequency Cycles per Second	Maximum Permitted Sound Pressure Level Decibels
31.5	65
63	67
125	66
250	59
500	52
1000	46
2000	37
4000	26
8000	17

Approved by the Wichita-Sedgwick County metropolitan area planning commission on October 20, 1966."

SECTION 28.04.183 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

- "28.04.183 Exceptions to use regulations continued.
1. Exceptions in "LC" districts: The Board of Zoning Appeals may by special permit authorize the following uses as exceptions in "LC" Light Commercial districts subject to the following conditions and requirements:
 - 1.1 Such locations 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 of 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 these uses:

New and used car sales;

New and used boat sales;

New and used truck sales;

Recreational vehicle sales;

Trailer, vehicle and equipment rental, and leasing; in the "LC" light commercial districts subject to the following conditions and requirements:

2.1 Location shall be contiguous to a major street as designated in by the Transportation System Plan as adopted by the Wichita-Sedgwick County Metropolitan Area Planning Commission on December 12, 1985, or amendments thereto.

2.2 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 but in no case less than that required by 28.04.160.K.

2.3 Storage and display areas shall be paved with concrete, asphalt or other comparable material.

2.4 All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.

2.5 Signs as permitted by 28.04.139.

2.6 No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

2.7 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.

2.8 No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

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 forty-eight 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 forty-eight 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 and automatic car wash operations, whether attended or unattended and whether operated inside or outside a building, 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 No structure shall be permitted closer than sixty feet (excluding any street, alley or intervening public way), to the front and/or side of an "AA", "A", "RB", "R-5", "R-6", "B" or "C" residential zoning district; provided, however, that the above shall not apply where the abutting or contiguous property is being used for a light commercial use permitted in the "LC" zoning district and/or where the governing body has formally adopted a policy of looking with favor on the establishment of "LC" zoning for the contiguous area.

4.3 There shall be a minimum lot area of three thousand five hundred square feet for each self-service car-washing stall and/or two thousand five hundred square feet for each twenty lineal feet of the automatic car-washing structure; provided the minimum lot area shall be not less than seven thousand five hundred square feet.

4.4 The car-washing building or facility shall maintain building setbacks as follows:

a. Thirty-five feet from all arterials, expressways or freeways; and

b. For all other streets, one of the following which shall produce the lesser setback distance:

1. Twenty feet from right-of-way line;

2. A setback as may be described on a recorded subdivision plat;

3. A setback based on the following formula of $\frac{20 + X}{2}$

where "X" is either the required setback in a residential district next adjacent to the site proposed for this use; or "X" is the setback of an existing residence in a residential district next adjacent to the use proposed;

4. The same setback as may be required on the lot next adjacent thereto if such lot is not located in a residential district.

4.5 A six-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 provided 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 yard setback, such fence shall not be higher than three feet.

4.6 All of the area to be utilized by the washing and drying operations, 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 adjacent property. No string-type lighting or banners shall be permitted.

4.8 No sign shall exceed twenty-five feet in height or be placed so as to project over any public right-of-way.

4.9 No sound projecting devices or loudspeakers 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 the following ratio:

Automatic Car Wash shall have not less than three parking spaces for each twenty lineal feet of the automatic car washing aisle.

Self-Service Car Wash shall have not less than four parking spaces for each self-service car washing stall.

Off-street drying spaces shall be provided on the property in the following ratio:

Automatic Car Wash shall have not less than two spaces for each automatic car washing aisle.

Self-Service Car Wash shall have not less than two parking spaces for each self-service car washing stall.

4.11 A plot plan showing points of ingress and egress, width of driveways, off-street parking and holding spaces and interior traffic circulation shall be submitted to the traffic engineering division of the department of public works for approval prior to the filing of the application. There shall be no ingress or egress from unpaved public ways.

4.12 All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.

4.13 There shall be no ingress or egress from minor or residential streets having sixty feet of right-of-way or less, unless there are two free-moving lanes at all times. (Example: A thirty foot paved street with parking permitted only on one side would provide for two free-moving lanes.)

4.14 All drainage, both natural and that created by the operation, shall be handled in a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.

4.15 The Board of Zoning Appeals may establish operating hours if the operation is located in close proximity to a residential area.

4.16 The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.

4.17 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

5. The board of zoning appeals may, by special permit, grant exceptions and authorize as a use, self-service storage facilities in the "BB" Office District and the "LC" Light Commercial District, subject to the following conditions and requirements:

5.1 The tract for such use located in the "BB" Office District shall be contiguous or adjacent to either the "OC" Office Commercial, "LC" Light Commercial, "C" Commercial, "E" Light Industrial or "F" Heavy Industrial zoning districts.

5.2 The use must be located contiguous to an arterial street as designated in the transportation plan.

5.3 There shall be a minimum lot area of two acres or more. All buildings shall set back not less than thirty-five feet from arterial street right-of-way line. There shall be a twenty-foot building setback line from all other streets, unless a platted building setback line would require a greater setback.

5.4 Where the lot is adjacent to a residential zoning district a fifteen foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a fifteen foot landscaped front yard shall be provided when within one hundred feet of a residential zoning district or when across the street from a residential zoning district. The landscaping shall be in addition to any architectural screening type fences or face of the structures that shall be designed to screen the use from the residential neighborhood. Such fence, when required, shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than six feet nor more than eight feet in height. The fifteen foot landscaped yard may be reduced in width to not less than the minimum side and rear yard required by the area regulations of the applicable zoning district of the lot, when the adjacent residential zoning district is occupied by any legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy by the governing body is to look with favor on office, commercial or industrial zoning for the area.

5.5 When the development is in close proximity to residential development, the architectural design shall be submitted to the Superintendent of Central Inspection for review and a recommendation to the board as to whether or not the architecture is compatible with the surrounding development, and that adequate screening is being provided. Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Board of Zoning Appeals, may be retained in the BZA case file and by the Superintendent of Central Inspection to ensure that final development plans and construction comply therewith.

5.6 Any side of the building providing doorways to storage areas shall be set back from the property line not less than twenty-five feet when adjacent to a residential zoning district.

5.7 Off-street parking shall be required on the basis of one space for each eight thousand square feet of floor area in the facility plus one space for each employee, but in no case shall the number be less than five spaces.

5.8 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.9 All lights shall be shielded to direct light onto the uses established and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.

5.10 All storage on the property shall be kept within an enclosed building, unless a portion of the property or lot is properly zoned to otherwise permit a designated area for outside storage.

5.11 No activities such as miscellaneous or garage sales shall be conducted on the premises.

5.12 The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

5.13 A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the Traffic Engineering Division, for tentative approval prior to the filing for the exception. Two copies of the approved plan shall accompany the application for consideration by the Board of Zoning Appeals.

5.14 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed fifty square feet in gross surface area. Signs shall not project over any public right-of-way.

5.15 All areas not paved, as required by 5.8 shall be landscaped with deciduous and coniferous plant materials. The landscaping plan shall be approved by the Planning Department. Maintenance of the landscaping shall be sufficient to maintain it in good condition.

5.16 The area shall be properly policed by the owner or operator for removal of trash and debris.

5.17 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.

5.18 A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

5.19 The maximum building coverage may be 45 percent of the total land area regardless of general limitations of the zoning district.

5.20 No individual or business shall lease more than 3,000 square feet of storage spaces.

5.21 Residential storage warehouses, as defined by prior ordinance and approved by the Board of Zoning Appeals, shall by definition be considered as self-service storage facilities. Said facilities shall be permitted the use of storage spaces for business storage, as set forth herein, even though the BZA Resolution may restrict such usage.

5.22 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

6. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use within the "LC" Light Commercial district, all uses as listed in Section 28.04.090.1.3 that exceed six thousand square feet of floor area; uses not purely retail, and including some wholesale; and other similar uses not specifically listed in Section 28.04.090A, when determined by the Board of Zoning Appeals to be of the same general category as those listed therein, subject to the following conditions and requirements:

6.1 Such property shall be contiguous to an arterial or expressway as designated by map 13-A of the transportation plan or be located within a portion of the "LC" Light Commercial or heavier use district that is contiguous to an arterial or expressway.

6.2 All inventory, merchandise and equipment shall be completely within an enclosed building, and any vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by the Board of Zoning Appeals as to adequate screening material and location, within an enclosed compound on the property.

6.3 Due to the nature of the business included in this provision of the code, the Board of Zoning Appeals may determine that the off-street parking demand is less than that normally required for other light commercial uses and may vary the number of spaces in the approval of the exception.

6.4 All parking and vehicle storage area shall be surfaced with concrete, asphalt or other comparable surfacing and marked in accordance with an approved plan.

6.5 Signs shall be limited to that permitted by Section 28.04.139 of the code for the "LC" Light Commercial district.

6.6 A plot plan showing all structures existing and proposed, all ingress, egress, off-street parking, off-street loading and on-site circulation shall be submitted with the application. The applicant shall also submit a statement setting forth the number and type of vehicles to be used with the business and where such vehicles will be stored.

6.7 All lights shall be shielded to reflect or direct light away from adjoining properties.

6.8 No sound-projecting devices shall be used so as to be heard outside of an enclosed building.

6.9 No repair work shall be conducted except within an enclosed building, and provided further, vehicle maintenance shall be limited to lubrication, oil changes, washing, and other normal maintenance items not including body repair or modification.

6.10 The Board of Zoning Appeals may establish other conditions deemed necessary for the protection of adjacent property including maintenance of the required improvements. The Board may also require a periodic report of compliance with all conditions of approval, and upon the recommendation of the Superintendent of Central Inspection, the Board may schedule a hearing for revocation or modification of the condition of the exception.

7. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use within the "LC" Light Commercial District, nurseries and garden centers not complying with the limitations of Section 28.04.090.A-1.2 as a purely retail business within an enclosed building; when determined by the Board of Zoning Appeals that the use would be compatible with all adjacent properties, and subject to the following conditions and requirements:

7.1 Such property shall be contiguous to an arterial or expressway as designated by map 13-A of the Transportation Plan or amendments thereto, or be located within a portion of the "LC" Light Commercial District or a heavier use District that is contiguous to such a street.

7.2 Screening shall be provided as deemed appropriate and necessary to provide protection to adjacent properties, however, under no circumstance shall the screening be less than that required by Section 28.04.160.K of this code or that required by an approved development plan. Growing areas for nursery stock shall be considered a landscaped yard and may be substituted for a screening fence as required by Section 28.04.160.K when deemed appropriate.

7.3 Display and storage of merchandise, nursery stock, landscaping materials and equipment must be within an enclosed building; within an area enclosed by a screening fence deemed necessary for the protection of adjacent properties; or, be displayed in areas immediately adjacent to the buildings, provided any display or storage shall not be located within 25 feet of public right-of-way and shall not occupy required off-street parking spaces.

7.4 All lights shall be shielded to reflect or direct light away from adjoining properties. No string-type lighting shall be permitted.

7.5 No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

7.6 Any repair or servicing of vehicles or equipment shall only be permitted within an enclosed building. Such repair and servicing shall be limited to normal maintenance and not including body repair or modification.

7.7 A plot plan showing all structures, existing and proposed, all ingress, egress, off-street parking, off-street loading, on-site circulation, storage and display areas shall be submitted with the application.

7.8 Areas for the growing of plants and nursery stock may be permitted in greenhouses or in open areas as designated by the applicant and approved by the Board of Zoning Appeals.

7.9 Any vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by the Board of Zoning Appeals as to adequate screening material and location, within an enclosed compound on the property.

7.10 Due to the type of the business, the amount of off-street parking and loading spaces based on the gross floor area of buildings could be inappropriate. The Board of Zoning Appeals may, in the processing of the exception, determine the number of parking and loading spaces required for the use. The number of spaces shall be determined by the Board and shall be based on the amount of building, greenhouse, lathhouse and outside area used primarily for display and

sales area. Consideration shall also be given to the anticipated number of employees and possible temporary parking for peak season business. The determination made by the Board may be adjusted after public notice and hearing if the lack of adequate off-street parking is creating congestion on the streets due to on-street parking by employees or customers. The property owner may also request a reduction in the number of parking spaces by filing a revised application and providing figures justifying said change.

7.11 The Board of Zoning Appeals may establish other conditions deemed necessary for the protection of adjacent property, and including the maintenance of required improvements. The Board may also require a periodic report of compliance with all conditions of approval, and upon the recommendation of the Superintendent of Central Inspection, the Board may schedule a hearing for revocation or modification of the conditions of the exception.

8. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use within the "LC" Light Commercial District, outdoor tennis clubs and miniature golf courses subject to the following conditions and requirements:

8.1 Such property shall be contiguous to an Arterial or Expressway as designated by Map 13-A of the Transportation Plan or amendments thereto, or be located within a portion of the "LC" Light Commercial District or a heavier use District that is contiguous to such a street.

8.2 In addition to the above, the Board shall consider the location in relation to any existing or possible residential development in determining the appropriateness of the location of such use.

8.3 All lights shall be shielded to reflect or direct light away from adjacent property. No string type lighting or banners shall be permitted.

8.4 No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

8.5 Signs shall be limited as set forth in Section 28.04.139 for the "LC" Light Commercial District.

8.6 Accessory uses shall be limited to those uses permitted in the "LC" Light Commercial District. Activities such as ride devices, golf driving range or other similar uses shall not be permitted. Horseshoe pitching, croquet courts, shuffleboard, curling courts, and other outdoor games generally limited to four players at a time may be permitted as accessory uses.

8.7 Off-street parking shall be provided at the rate of one space for each hole of miniature golf, one space for each additional game court, and additional spaces as required by the zoning ordinance for buildings used for office, concession, storage, game rooms or other uses on the property.

8.8 All driveways, parking, loading and vehicle circulation areas shall be surfaced as set forth in Section 28.04.143.

8.9 Screening shall be as deemed necessary by the Board to provide protection to adjacent properties.

8.10 The Board of Zoning Appeals may establish operating hours if the property is located in close proximity to residential areas.

8.11 The area shall be properly policed to insure proper maintenance and removal of trash from the premises to eliminate problems to adjacent or public property.

8.12 The applicant shall submit a detailed site plan showing all uses to be established on the property (present and proposed), all parking, loading, circulation, ingress and egress, for approval prior to filing of the application. There shall be no ingress or egress from unimproved public ways.

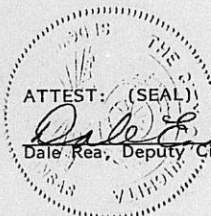
8.13 The Board of Zoning Appeals may establish other conditions deemed necessary to provide for orderly development."

The original Sections 28.04.020 and 28.04.183 of the Code of the City of Wichita, Kansas are hereby repealed.

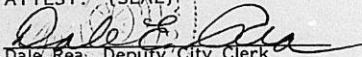
This ordinance shall be included in the Code of the City of Wichita, Kansas and be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 28th day of APRIL, 1987.


Mayor ROBERT G. KNIGHT



ATTEST: (SEAL)


Dale Rea, Deputy City Clerk

APPROVED AS TO FORM:


Thomas R. Powell, Interim City Attorney

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: April 15, 1987

TO: Tom Powell, Interim Director of Law
FROM: Glen E. Lytle, Special Assistant for Zoning
SUBJECT: DR 87-2 - Amendment to the Zoning Ordinance

Attached hereto are two copies of a delineated ordinance and five clean copies for your approval as to form. I have worked with Joe Lang in the preparation of this ordinance and believe it now to be in proper form.

I would appreciate your approval as to form as soon as possible. This ordinance will be on the City Council agenda on April 21, 1987.

Please give me a call at 4421 when you have signed the clean copies.

GEL/lw

Attachments

PL/0112/1

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE April 17, 1987

TO Marvin Krout, Director of Planning

FROM CPO Office *[Handwritten Signature]*

SUBJECT DR 87-2: Possible Amendment
to City Zoning Ordinance -
Self-service Storage Units

Listed below are the CPO Neighborhood Councils responses to the proposed amendments to the zoning ordinance regarding self-service storage units. The amendments were supported by twelve (12) Councils (A, B, D, E, F, G, I, J, L, M, N, O); opposed by two (2), (C, H); and one (1) Council (K) did not consider the item.

- A - Voted 6-0 to support the amendments as proposed.
- B - Voted 5-0 to support the amendments as proposed.
- C - Voted 8-0 to oppose the amendments.
- D - Voted 4-0 to support the changes as proposed.
- E - Voted 7-0 to support the changes as proposed.
- F - Voted 6-0 to support the changes as proposed.
- G - Voted 7-0 to support the changes as proposed.
- H - Voted 5-0 to oppose the amendments. (Council is not opposed "self-service storage units" provisions. Council is opposed to changes to 28.04.183.2 and changes made to allow existing non-conforming practices.)
- I - Voted 5-0 to support the changes with the exception that vehicle sales not be permitted in any storage facility regardless of zoning.
- J - Voted 8-0 to support the changes as proposed.
- K - Did not consider.
- L - Voted 6-0 to support the proposed changes provided "self-service storage units" are not allowed in the "B" Multiple Family Dwelling District.
- M - Voted 6-0 to support the proposed changes including "not permitting self-service storage units in the "B" Multiple Family Dwelling District.
- N - Voted 4-0 to support the amendments as proposed.
- O - Voted 6-0 to support the amendments as proposed.

SJS:SM:dm

Planning Agenda Item # _____

City of Wichita
City Commission Meeting
April 21, 1987

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: DR 87-2 - Possible Amendment to City Zoning Ordinance
RE: Expanding self-service storage units to include business storage --- Expanding type of vehicle sales and rental in "LC" district.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC RECOMMENDATION: Approve the ordinance as submitted.

BACKGROUND: This ordinance amendment was requested by a developer of "Mini-Storage Units," defined as Residential Storage Warehouses" in the zoning ordinance. The limitations of the present ordinance prohibit the use of this type of facilities in the "LC", "BB" and "B" zoning districts for commercial storage of any kind. The developer has indicated that this limitation severely hinders an owner from complying with the regulations.

It should be noted that this amendment only applies to those storage warehouses located in the "LC", "BB" or "B" zoning districts. It does not in anyway affect any storage units or warehouses located in the heavier use districts.

In addition to addressing the request by the developer, the staff also recommended that some changes be made in Section 28.04.183.2 which relates to the sale, rental and leasing of vehicles and equipment in the "LC" Light Commercial District. This amendment related primarily to clarifying the type of vehicles and equipment that had previously been authorized by the Board of Zoning Appeals but had not been specifically listed.

ANALYSIS: The Planning Commission recommends that the ordinance be adopted and includes the following changes in the amendment to the ordinance:

1. Revises the definition of "Commercial Warehouse" to exclude operations designed as "self-service storage facilities."
2. Adds the definition of "Self-service storage facilities" and deleted the definition of "Residential storage warehouses."
3. Adds boats, trucks and recreational vehicles to the list of permitted uses under 28.04.183.2. to be permitted in the "LC" Light Commercial District as an exception.

4. Adds "Self-service storage facilities" as a permitted exception in the "BB" Office and the "LC" Light Commercial Districts replacing "Residential storage warehouses." Eliminates "Residential storage warehouses" from the "B" Multiple-family district.
5. Establishes a uniform building setback of 35 feet from arterial streets.
6. Reduces the required side yard setback from fifteen feet to not less than that required by the zoning district when adjacent to a legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy is to look with favor on office, commercial, or industrial zoning.
7. Establishes a maximum building coverage of 45 percent.
8. Places limitation on the size of the storage units at 600 square feet and limits the amount an individual business may lease at 3,000 square feet.
9. Authorizes the use of previously approved "Residential storage warehouses" to utilize the property for business storage in conformance with the limitations of this ordinance.

LEGAL CONSIDERATIONS: The Planning Commission considered these amendments at a public hearing on April 2, 1987 and recommended unanimously that the ordinance be adopted. Should the City Council disagree with the recommendation, it must be returned to the Planning Commission for reconsideration.

RECOMMENDATION/ACTION:

1. Place the ordinance on first reading; or
2. Return the ordinance to the MAPC with a recommendation for any change as is deemed appropriate.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: April 13, 1987

TO: Chris Cherches, City Manager

FROM: Marvin S. Krout, Director of Planning *MSK*

SUBJECT: DR 87-2 - Possible Amendment to City Zoning Ordinance
RE: Expanding self-service storage units to include business storage
----- Expanding type of vehicle sales and rental in "LC" district.

Attached is a copy of a delineated ordinance, as recommended by the Planning Commission, expanding the permitted storage in self-service storage facilities and the type of vehicle and equipment sales and rental that may be permitted by the BZA in the "LC" Light Commercial District. Please place this on the planning agenda for consideration by the City Council at their meeting of April 21, 1987.

BACKGROUND:

This ordinance amendment was requested by a developer of "Mini-Storage Units," defined as Residential Storage Warehouses" in the zoning ordinance. The limitations of the present ordinance prohibit the use of this type of facilities in the "LC", "BB" and "B" zoning districts for commercial storage of any kind. The developer has indicated that this limitation severely hinders an owner from complying with the regulations.

It should be noted that this amendment only applies to those storage warehouses located in the "LC", "BB" or "B" zoning districts. It does not in anyway affect any storage units or warehouses located in the heavier use districts.

Prior to the introduction of "Residential Storage Warehouses" into the zoning ordinance in 1973, warehouses of any kind were required to locate in the "C" Commercial or heavier use districts. "Residential Storage Warehouses" as defined in the ordinance were restricted to the storage of excess personal property of an individual or family when such property was not stored or located on the lot with their residence. It was not intended to include business storage in such units. In spite of the ordinance limitations such storage has apparently happened in many instances.

This limitation on business storage is the main reason for the requested ordinance change. The developer claims that this restriction is nearly unenforceable on the owners' part, and as such, places the owner in a position of not being able to comply with the code. This then jeopardizes his mortgage financing and his investment in the community.

PL/0103/1

The most recent Planning Advisory Service Report #396, covering self-service storage facilities, indicates that the traffic generation of such facilities is approximately one car per hour for each 100 units in a facility. This is a survey based on a facility of 55,000 square feet in another city with a business usage of approximately 35 percent of the units.

Based on the information in PAS #396, and the request of the developer, the staff recommended that passive business storage be permitted in the "BB" Office and the "LC" Light Commercial Districts. In addition to addressing the request by the developer, the staff also recommended that some changes be made in Section 28.04.183.2 which relates to the sale, rental and leasing of vehicles and equipment in the "LC" Light Commercial District. This amendment related primarily to clarifying the type of vehicles and equipment that had previously been authorized by the Board of Zoning Appeals but had not been specifically listed.

SUMMARY:

The following is a summary of the changes included in the amendment to the zoning ordinance:

1. Revises the definition of "Commercial Warehouse" to exclude operations designed as "self-service storage facilities."
2. Adds the definition of "Self-service storage facilities" and deleted the definition of "Residential storage warehouses."
3. Adds boats, trucks and recreational vehicles to the list of permitted uses under 28.04.183.2. to be permitted in the "LC" Light Commercial District as an exception.
4. Adds "Self-service storage facilities" as a permitted exception in the "BB" Office and the "LC" Light Commercial Districts replacing "Residential storage warehouses." Eliminates "Residential storage warehouses" from the "B" Multiple-family district.
5. Establishes a uniform building setback of 35 feet from arterial streets.
6. Reduces the required side yard setback from fifteen feet to not less than that required by the zoning district when adjacent to a legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy is to look with favor on office, commercial, or industrial zoning.
7. Establishes a maximum building coverage of 45 percent.
8. Places limitation on the size of the storage units at 600 square feet and limits the amount an individual business may lease at 3,000 square feet.

April 13, 1987

9. Authorizes the use of previously approved "Residential storage warehouses" to utilize the property for business storage in conformance with the limitations of this ordinance.

The Planning Commission considered these amendments on April 2, 1987 and recommended unanimously that the ordinance be adopted. The ordinance also was reviewed and endorsed by the Wichita Area Builders Association and the Wichita Metropolitan Area Board of Realtors. Copies of their responses are also attached, including excerpts of the Planning Commission meeting of April 3, 1987. As of this date, 10 of the 14 CPO Councils have concurred in the recommendation of the Planning Commission that the ordinance be adopted.

RECOMMENDED ACTION:

1. Place the ordinance on first reading; or
2. Return the ordinance to the MAPC with a recommendation for any change as is deemed appropriate.

GEL/lw

cc: Don Anderson, Director of Housing & Economic Development
Monty Robson, Superintendent of Central Inspection
Wichita Board of Realtors, c/o Lynda Tousley, 717 N. Emporia, Wichita, 67214
Wichita Area Builders Assn., 730 N. Main, Suite 1, Wichita, 67203
Chamber of Commerce, 350 W. Douglas, Wichita, 67202
John Gist, Planning Development Service, 727 N. Waco, Suite 1, Wichita, 67214
Bill Ard, 201 S. Oliver, Wichita, 67218
Keith Anderson, 1125 S. Rock Rd., Wichita, 67207

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 2, 1987

7. DR 87-2 - Possible Amendment to the City of Wichita Zoning Ordinance.
Re: Sale and rental of vehicles in the "LC" District; and the expansion of self-service storage facilities to include business storage.

GLEN LYTLE, Special Assistant for Zoning, stated that this amendment will allow, what was previously residential storage warehouses, to become self-service storage facilities which will permit the use of passive business storage within the units rather than the limitation restrictive use to strictly household type facilities. He indicated that this was probably one of the few amendments to the ordinance that staff has received nothing but favorable comments from the industry, including response from the Homebuilders and the Board of Realtors.

Copies of their response have been furnished to the Commission.

GARDNER and MOORE left the meeting.

MILES arrived.

BANZER asked Lytle if "passive business storage" had been defined, and what was it.

LYTLE stated that it was not defined in the ordinance, however, when you go to Webster's dictionary, it is defined as not active. It is intended that passive business storage would be storage that was not used daily which would prohibit the operation of a business from such units.

JOHN GIST, Planning Development Services, stated that he has, over the course of the last several months, visited on several occasions with the owners of Security Storage Properties, as well as the owner of the U-Store projects in town, on this proposed amendment, and has also worked with staff on the suggested changes. He said that he really had nothing to add or to offer other than to be available to answer any questions the Commission might have.

PARSONS referred to the term "passive", and asked if there would not have to be a business license issued for that address if someone was going to operate as a business from a unit.

LYTLE said that a business license would not be required for most businesses. He further stated that all future requests would be required to be approved by the Board of Zoning Appeals. He suggested that this matter be clarified as a condition of any future approval by the Board of Zoning Appeals.

MOTION: That the Planning Commission recommend to the City Commission that the amendment be approved as advertised. Parsons moved, Peters seconded and it carried unanimously. Gardner and Moore were not present.



Wichita Metropolitan Area Board of REALTORS®
717 N. Emporia
Wichita, Kansas 67214
Telephone (316) 263-3167

April 2, 1987

Dear Members of the Wichita-Sedgwick County Metropolitan Area Planning Commission:

The Board of Directors of the Wichita Metropolitan Area Board of REALTORS®, Inc., has taken official action to recommend the approval of DR87-2 to amend the City Zoning Ordinance expanding self-service storage units to include business storage.

The Board of REALTORS® thinks these changes are in the best interest of the community and appreciates the opportunity to give input on this issue.

Thank you for providing the information on this item in such a timely fashion so that we were able to discuss it at our Board of Directors meeting and take official action.

Sincerely,

Lynda Tousley
Executive Vice President

LT/lbp

THE WICHITA AREA BUILDERS ASSOCIATION

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*Deceased

March 12, 1987

Mr. Glen E. Lytle
Metropolitan Area Planning
Department
City Hall
455 N. Main
Wichita, KS 67202

Dear Mr. Lytle:

This letter is in reference to a proposed amendment to the existing zoning ordinance and those provisions of the ordinance that relate specifically to mini-storage space rental and uses by business concerns, and expansion of the type of vehicle sales and rental allowed in an "LC" district.

Mr. John Gist of the Planning Development Services, Inc., has discussed the proposed amendments with us in an effort to determine if our organization has any problems with what is being proposed. As a result of his presentation to us and discussion about what is being proposed, we feel it is a proposal that ought to be favorably considered.

Sincerely,

Wesley E. Galyon
Wesley E. Galyon
President/CEO
Wichita Area Builders Association

WG/kk

RECEIVED

MAR 16 1987

METROPOLITAN PLANNING
ROUTE _____



ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 28.04.020, AND 28.04.183 OF THE ZONING CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO THE REVISION OF THE DEFINITION OF WAREHOUSES AND SELF-SERVICE STORAGE FACILITIES; AMENDING THE CONDITIONS FOR APPROVAL, BY EXCEPTION, FOR THE LOCATION OF SELF-SERVICE STORAGE FACILITIES IN THE "BB" OFFICE AND THE "LC" LIGHT COMMERCIAL DISTRICTS; AMENDING THE CONDITIONS FOR APPROVAL, BY EXCEPTION, FOR THE SALE, RENTAL AND LEASING OF VEHICLES AND EQUIPMENT IN THE "LC" LIGHT COMMERCIAL DISTRICT; ESTABLISHING CODIFICATION NUMBERS FOR PORTIONS OF THE DEFINITION SECTIONS, AND MOVING THAT PORTION OF THE DEFINITION OF HOME OCCUPATION RELATED TO AUTHORIZATION AND LIMITATIONS BY CREATING NEW SECTIONS 28.04.021, 28.04.022, 28.04.023, 28.04.024, 28.04.025, 28.04.026, 28.04.027, 28.04.028, AND 28.04.035; AND REPEALING SAID ORIGINAL SECTIONS 28.04.020 AND 28.04.183 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 28.04.020 of the code of the City of Wichita, Kansas shall be amended to read as follows:

"28.04.020 Definitions Generally. For the purpose of this chapter, certain terms and words are defined in Sections 28.04.021 through 28.04.028. ~~as follows:~~ Words used in the present tense shall include the future; words in the singular number shall include the plural; words in the plural shall include the singular number; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; the word "shall" is mandatory and not directory. Any words defined in the building code of the city and not specifically defined herein shall be construed as defined in the building code of the city. Any word not defined herein or in the building code of the city shall have its usual meaning."

SECTION 28.04.021 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.021 Definitions A through C.
ACCESSORY STRUCTURE. Any construction, production or piece of work built up or composed of parts joined together and affixed to the land or real property excluding poles, fences, walks, and other such minor incidental improvements.

ALLEY. A public thoroughfare which ordinarily affords only a secondary means of access to abutting property and which is not over twenty feet wide.

BASEMENT OR CELLAR. A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade, which shall not be included as a story.

BOARDINGHOUSE. A building or place where for compensation and by prearrangement for definite periods, table board is provided for five or more persons, but does not furnish meals to occasional or transient customers without such previous arrangement.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDINGS, HEIGHT OF. The verticle distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch roof, or the average height of a hip roof.

BUILDING LINE. The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built, but shall not include the face of one-story unoccupied gable-roofed areas over open porches, entrances or like appendages.

CHILD CARE CENTER. A building or portion of a building used as a day nursery providing care for seven or more children, for part or all of a day or night, away from the home of the parent or legal guardian; and includes full day child care, nursery schools, play groups, Head Start centers giving emphasis to programming for special children, kindergartens not operated by the public schools, and other establishments offering care to groups of children for part or all of the day or night.

COMMISSION. 'Commission' means the Wichita-Sedgwick County metropolitan area planning commission."

SECTION 28.04.022 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.022 Definitions D through F.

DISTRICT. Any section of the city for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

DWELLING. A building or portion thereof which is designed or used exclusively for residential purposes. (Mobile homes and recreational vehicles shall be considered dwellings only in the sense that they are portable structures designed for long term or short term occupancy as dwelling units; however, under the terms of this title, mobile homes; manufactured homes and recreational vehicles shall be located only where they are specifically listed as a permitted use.)

One family: A detached building used exclusively for residential purposes having suitable accommodations for only one family, which may include not to exceed four lodgers or boarders.

Two family: A detached building used exclusively for residential purposes and designed for or occupied by two families living independently of each other, each of which may include not to exceed four lodgers or boarders.

Four family: A detached building used exclusively for residential purposes and having suitable accommodations for four families living independently of each other, and may include not more than two lodgers or boarders in each family.

Multiple: A building or portion of a building having suitable accommodations for three or more families living independently of each other, who may or may not have joint use of utilities, halls, yards, etc. The term includes premises occupied more or less permanently for residential purposes in which the rooms are occupied in apartments, suites or groups, such as apartments, dormitories, lodging houses, rooming houses, and all other dwellings similarly occupied. For purposes of this chapter, auto courts, hotels, motels, motor hotels, or tourist courts shall not be considered dwellings.

FAMILY. One person living alone or two or more persons living together, related either by birth or marriage, who, together with their servants occupy a single housekeeping unit; or a group of not more than four unrelated persons who, with their servants, occupy a single housekeeping unit. Family does not include a group occupying a club, sorority or fraternity house, etc.

FAMILY DAY CARE HOME. A home occupation, in a dwelling, in which care is given for less than twenty-four hours a day to ten or less children away from their own homes, who are not related to the care provider; provided, however, the number and ages of the children shall not exceed that permitted by the licensing regulations of the Kansas Department of Health and Environment.

FILLING STATION. Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automotive fuels and lubricants and automotive accessories.

FRONTAGE. The length of the property abutting on one side of a street or place measured along the dividing line between the property and the street or place. (For double frontage see REVERSAL OF LOT FRONTAGE and LOT OR PLOT, THROUGH.)"

SECTION 28.04.023 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.023 Definitions G through H.

GARAGE.

Private: An accessory building designed or used for the storage of privately owned, motor driven vehicles, of which not more than one may

be a commercial motor vehicle of not more than two tons' capacity, and with no provision of repairing or equipping such vehicles.

Public: A building or portion thereof used for the housing of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, not including exhibition or showroom for model cars.

Storage: A building or portion thereof designed or used exclusively for housing four or more motor-driven vehicles.

GRADE. Any wall approximately parallel to and not more than five feet from a street line is not to be considered as adjoining the street. Where no sidewalk has been constructed, the city engineer shall establish such sidewalk or its equivalent for the purpose of these regulations.

1. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street.

2. For buildings having walls adjoining more than one street, it is the average of the elevation for the sidewalks at the centers of all walls adjoining the streets.

3. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building.

GOVERNING BODY. The City Council of the city.

GROUP BOARDING HOME FOR CHILDREN. A residential facility for five or more children, who, for various reasons, cannot reside in their natural home and where twenty-four hour adult care and supervision and consultation may be available, and which is licensed by the Kansas State Board of Health.

HALFWAY HOUSE - GROUP HOME. A residential facility for five or more adults who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g., former convicts, alcoholics, drug addicts, mental patients, etc.); provided shelter, supervision and residential rehabilitative services.

HOME FOR THE AGED. A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living in a protected environment.

HOME OCCUPATION. See Section 28.04.035.

~~Home Occupations shall consist of the following:~~

~~HOME OCCUPATIONS:~~

~~A.---Authorization.---Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.---~~

~~B.---Definition.---A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by subsection C., within a structure that is accessory to a residential building.---~~

~~C.---Use Limitations.---In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:---~~

~~1.---In all districts permitting dwellings:~~

~~a.---No alteration of the principal building or premises shall be made which changes the character or appearance.~~

~~b.---The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.~~

~~c.---No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors.---In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the city clerk and the enforcing officer, approved by the metropolitan area planning commission and titled, "Noise Standards for Home Occupations, October, 1966."~~

~~d.---There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.~~

~~2.---In the "AA" one family dwelling districts:~~

~~a.---No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence.~~

~~b.---No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock in trade shall be displayed or sold on the premises.~~

c.---The home-occupation shall be conducted entirely within the main residential building.---No such home-occupation shall be conducted in an accessory structure or in a garage, whether attached or detached.

d.---No sign shall be permitted except when required by law. When such a sign is required, it shall not be larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

---3.---In all other districts permitting residences:

a.---No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.

b.---No stock in trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

c.---The home-occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.

d.---No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

D.---Home Occupations Permitted.---Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections B, and C, of this section:

1.---Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof, provided that instruction shall be limited to not more than five pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen pupils at a time.

2.---Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.

3.---Ministers, rabbis, priests.

4.---Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.

5.---Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.

6.---Office facilities for service type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors, and photographers.

7.---Personal services, such as dressmakers, seamstresses, tailors, barber shops, beauty shops.

8.---Family day care home.

E.---Particular Home Occupations Prohibited.---Permitted home occupations shall not, in any event, be deemed to include:

1.---Animal hospitals.

2.---Auto and other vehicle repair.

3.---Funeral homes.

4.---Kennels and stables when carried on as a business activity and not as a hobby with coincidental occasional sales and use.

5.---Medical or dental clinics or hospitals.

6.---Nursery schools and child day care centers, having more than seven students at a time.

7.---Renting of trailers, cars or other equipment.

8.---Restaurants.

9.---Tourist homes, unless specifically permitted by the district regulations.

NOISE STANDARDS FOR HOME OCCUPATIONS

OCTOBER 1966

The following noise standards shall be measured with octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6-1960 Preferred Frequencies for Acoustical Measurements) for measuring intensity and frequency of sound using the flat network and fast response of the sound level meter.

Center Frequency Cycles per Second	Maximum Permitted Sound Pressure Level-Decibels
31.5	65
63	67
125	66

250	59
500	52
1000	46
2000	37
4000	26
8000	17

Approved by the Wichita-Sedgwick County metropolitan area planning commission on October 20, 1966."

HOTEL. A building which provides a common entrance, lobby, halls, and stairways, and in which lodging is provided with or without meals, to transient guests.

HOUSE TRAILER. See RECREATIONAL VEHICLE.

HOUSEKEEPING UNIT. A building or a portion of a building which is occupied or intended to be occupied as a dwelling, and which has the facilities for cooking and serving meals and for sleeping quarters, and which may or may not include other rooms or facilities."

SECTION 28.04.024 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.024 Definitions I through L.

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects, such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LODGINGHOUSE. A building or place wherein lodging is provided for five or more individuals pursuant to previous arrangement and not open to transients.

LOT OR PLOT. A building site or parcel of land occupied or intended to be occupied by a building and accessory buildings, and including such open spaces as are required under this chapter, and having its principal frontage upon a public street or officially approved place.

Corner: A lot abutting upon two or more streets at their intersection.

Triangular: A lot abutting on two or more streets at their junction, where the angle formed by the intersecting streets is less than forty-five degrees.

Depth of: The mean horizontal distance between the front and rear lot lines.

Interior: A lot other than a corner lot or triangular lot.

Through: An interior lot having frontage on two streets.

LOT FRONTAGE. See FRONTAGE.

LOT LINES. The lines bounding a lot as defined in this section.

LOT OF RECORD. A lot or portion of one or more lots which are a part of a subdivision, the map of which has been recorded in the office of the register of deeds of the county, or a plot described by metes and bounds, the description of which has been recorded in the office of the register of deeds of the county.

LOT, ZONING. A parcel of land that is designated by its owner or developer, at the time of applying for an occupancy certificate as a tract, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirements of the above and the requirements of the subdivision rules and regulations, such lot may consist of:

- (1) A single lot of record; or
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

SECTION 28.04.025 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.025 Definitions M through N.

MANUFACTURED HOME: A structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards generally known as the HUD Code. Such units shall provide all of the accommodations

necessary to be a dwelling unit and be connected to all utilities in conformance with applicable regulations.

MANUFACTURED HOME SUBDIVISION: A subdivision within the "C" Manufactured Home District which is platted for development as individual home sites for manufactured homes or modular homes to be placed on permanent foundations as required for permanent structures.

MOBILE HOME: A movable detached single-family dwelling unit that was manufactured prior to 1976 or is not in conformance to the HUD Code as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to the utilities in conformance with all applicable regulations. A mobile home shall also include a manufactured home as defined herein when located in a mobile home park.

MOBILE HOME PARK: A parcel of land, which has been planned and improved in some manner, and used or intended to be used by one or more occupied mobile homes or manufactured homes not placed on permanent foundations. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of storage, inspection or sale.

MODULAR HOME: A structure consisting of one or more components manufactured off-site in conformance to the standards of the Building Code of the City of Wichita and related technical codes and moved to the construction site for final assembly as a dwelling unit.

MOTEL. A group of attached or detached permanent nonmobile buildings containing four or more individual sleeping or separate living facilities; designed and used for the accommodation of transients or nonpermanent residents. Motels shall include motor courts, auto courts and cabins or tourist courts but shall not include recreational vehicle campgrounds or courts, camp sites or mobile home parks.

NONCONFORMING USE. A building or premises legally occupied by a use that does not conform with the regulations of the district in which it is situated as established by this chapter or any prior zoning ordinance.

NURSING HOMES OR CONVALESCENT HOME. A home providing bed care for persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to care properly for themselves, but not serving or admitting alcoholics, drug addicts, or persons with mental or communicable diseases; a registered nurse on duty at all times, and wherein there is no surgery or other similar activities such as customarily provided in sanitariums and hospitals."

SECTION 28.04.026 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.026 Definitions O through R.

OPEN SPACE. That ground area and the space above which is unimpeded from the ground to the sky by any main structure except that the area may be used for landscaping, recreational purposes such as for swimming, shuffleboard, tennis, etc. Parking lots and storage areas for vehicles and material shall not be considered as open space.

PARKING LOT. A parcel of land devoted to unenclosed parking space, which may include partially enclosed one-story buildings.

PARKING SPACE. A suitable surfaced space either within or outside of a building. The area shall not be less than two hundred square feet, having a minimum width of eight feet six inches and a minimum length of eighteen feet.

PLACE. An open unoccupied space dedicated to purposes of access for abutting property.

PORCH. A roofed structure projecting from a building and separated from the building by the walls thereof and having no enclosing features except roof supports, railing or screen wire.

RECREATIONAL VEHICLE. A unit designed as temporary living quarters for recreational, camping or travel use; units may have their own power, or be designed to be drawn or mounted on an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers camping trailers, converted buses, house boats or other similar units as determined by the Superintendent of Central Inspection.

RECREATIONAL VEHICLE CAMPGROUND. A lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.

REVERSAL OF LOT FRONTAGE. Lots in any block which are platted facing more than two streets so that some of the platted lots

have their frontage approximately at right angles to other platted lots in the same block shall be construed as having a reversal of frontage; provided however, that if a corner lot adjoining lots on either side having this reversal of frontage is platted of sufficient depth on both dimensions to approximately equal the depth of the lots adjacent to each of the interior boundary lines, both street lines of such lot shall be construed as front lines of the lot and front yard requirements shall be required on both street frontages."

SECTION 28.04.027 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.027 Definitions S through T.

SCREENING. ~~Decorative~~ fencing, evergreen vegetation* or landscaped earth berms* maintained for the purpose of concealing from view the area behind such fence, evergreen vegetation or berms. When fencing is used for screening, it shall not be less than six nor more than eight feet in height.

*Whenever evergreen vegetation or landscaped earth berms are used for screening, a plan shall be submitted for approval by the director of planning and the superintendent of central inspection.

SETBACK. The distances between the lot line and the building

line.

SHELTER, FALLOUT. A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

SIGN. Any printed or written text (including letter, word or numeral), pictorial representation (including illustration, decoration or figure), emblem (including device, symbol or trademark), commercial flag (including advertising banner, streamer or pennant), or any other object which:

(a) Is a structure or any part thereof; or is attached to, painted on, or in any other manner represented on a building, fence, wall, post or any other structure or surface; and

(b) Is used to identify, instruct, attract, guide or advertise.

STABLE.

Private: A building with capacity for not more than four horses.

Public: A building with a capacity for more than four horses.

STREET. A public or private thoroughfare more than twenty feet wide which provides the principal means of access to abutting property for persons or vehicles and public utilities.

STREET LINE. The dividing line between a lot, tract or parcel of land and a street.

STORY. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above.

STRUCTURE. A structure is anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and affixed to the property. For the purpose of construing this chapter, it includes buildings, towers, cages for transformer substations, pergolas, billboards, steak ovens, trash burners, but not excluding other assemblies of similar type which are permanently located on a lot, not including poles, fences and such minor incidental improvements.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

SWIMMING CLUB. A private club, a nonprofit organization used exclusively for its membership for the purpose of maintaining the operating of a swimming pool with specified limitations upon the number of members and limited to residents of a block, subdivision, neighborhood or community or other specified area of residence for the exclusive use of members and their guests.

TERRACE. An artificial or natural embankment in the area between a building and lot line.

TRAILER CAMP. See RECREATIONAL VEHICLE CAMPGROUND."

SECTION 28.04.028 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.028 Definitions U through Z.

WAREHOUSES AND STORAGE FACILITIES.

Commercial Warehouse: A building or portion thereof used for the storage of any type of property, merchandise or commodities without limitations as to area or method of operation as required for self-service storage facilities. ~~not permitted in a residential storage warehouse.~~ This shall not be deemed to include the storage area or stock room used in connection with a purely retail business when located on the same property and incidentally accessory thereto.

Self-service Storage Facility: A group of buildings, building, or portion thereof designed or used exclusively for the purpose of renting or leasing individual storage spaces, not exceeding 600 square feet, to tenants who are to have access to such space for the purpose of storing and removing excess personal property of an individual, family or business, when such is not located on the lot with their residence or place of business. This may include the passive storage of inactive or dead business files, supplies, furniture, office equipment and seasonal or occasional stock or merchandise, but shall in no way be deemed to include a transfer and storage business where the use of vehicles or heavy equipment is part of such business.

~~Residential Storage Warehouse:--A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper and other items of personal property generally stored in residential accessory structures.--This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.~~

YARD. The space between the building and the adjoining lot lines. The drawing which is entitled "Height, Yard, Parking Regulations" is adopted by reference and made a part of this chapter as though set out in full in this chapter, and is intended to further clarify the definitions and regulations contained in this chapter as to front, side and rear yards under various conditions.

Front: That portion of the yard extending across the front of a lot between the side lot lines and being measured at the minimum horizontal distance between the street line and the front building line, not including steps, terraces, unenclosed balconies and unenclosed or screened porches.

Rear: That portion of the yard, on the same lot with a building, between the rear building line and the rear line of the lot, for the full width of the lot, provided that in those locations where an alley is platted in the rear of the lots, half the width of the platted alley may be included in the rear yard requirement. The depth of the rear yard is the minimum horizontal distance between the rear lot line or the center of the alley in the rear of the lot where such an alley is platted, and the rear of the main building, not including steps, unenclosed balconies and unenclosed porches.

Side: That portion of the yard along each side of a building between the building line and the side line of the lot extending from the front yard to the rear yard. The width of the side yard is the minimum horizontal distance between the building line and the side lot line."

SECTION 28.04.035 shall be added to the Code of the City of Wichita, Kansas to read as follows:

"28.04.035 HOME OCCUPATIONS. Authorization, Definition and Use Limitations.

A. Authorization. Home occupations shall be permitted in any dwelling unit unless otherwise prohibited or restricted by this section.

B. Definition. A business, profession, occupation or trade conducted for gain or conducted entirely within a residential building or, when permitted by subsection C., within a structure that is accessory to a residential building.

C. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. In all districts permitting dwellings:

a. No alteration of the principal building or premises shall be made which changes the character or appearance.

b. The home occupation shall not occupy more floor area than floor area devoted to the primary use as a residence.

c. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors. In determining what is undue noise, such activity shall not cause or create noise at the lot lines in excess of the sound levels contained in the schedule on file with the city clerk and the enforcing officer, approved by the metropolitan area planning commission and titled, "Noise Standards for Home Occupations, October, 1966."

d. There shall be no outdoor storage of equipment, materials or vehicles used in the home occupation.

2. In the "AA" one-family dwelling districts:

a. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence.

b. No manufacturing or processing or conducting of a trade of any sort whatsoever shall be done and no stock-in-trade shall be displayed or sold on the premises.

c. The home occupation shall be conducted entirely within the main residential building. No such home occupation shall be conducted in an accessory structure or in a garage, whether attached or detached.

d. No sign shall be permitted except when required by law. When such a sign is required, it shall not be larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

3. In all other districts permitting residences:

a. No more than one person other than a person(s) occupying such dwelling unit as their residence shall be employed.

b. No stock-in-trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.

c. The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory structure thereto.

d. No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved.

D. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of subsections B. and C. of this section:

1. Artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than five pupils at a time, excepting dancing instruction, which shall be limited to not more than fifteen pupils at a time.

2. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, appliance repairs, etc.

3. Ministers, rabbis, priests.

4. Office facilities for architects, engineers, lawyers, doctors, dentists, and members of similar professions.

5. Office facilities for salesmen, sales representatives, manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises.

6. Office facilities for service type businesses such as insurance agents, brokers, decorators, painters, business consultants, tax advisors, and photographers.

7. Personal services, such as dressmakers, seamstresses, tailors, barber shops, beauty shops.

8. Family day care home.

E. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:

1. Animal hospitals.

2. Auto and other vehicle repair.

3. Funeral homes.

4. Kennels and stables when carried on as a business activity and not as a hobby with coincidental occasional sales and use.

5. Medical or dental clinics or hospitals.

6. Nursery schools and child day care centers, having more than seven students at a time.

7. Renting of trailers, cars or other equipment.
8. Restaurants.
9. Tourist homes, unless specifically permitted by the district regulations.

NOISE STANDARDS FOR HOME OCCUPATIONS

OCTOBER 1966

The following noise standards shall be measured with octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6-1960 Preferred Frequencies for Acoustical Measurements) for measuring intensity and frequency of sound using the flat network and fast response of the sound level meter.

<u>Center Frequency</u> <u>Cycles per Second</u>	<u>Maximum Permitted Sound</u> <u>Pressure Level Decibels</u>
31.5	65
63	67
125	66
250	59
500	57
1000	46
2000	37
4000	26
8000	17

Approved by the Wichita-Sedgwick County metropolitan area planning commission on October 20, 1966."

SECTION 28.04.183 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

"28.04.183 Exceptions to use regulations continued.

1. ~~Conditional-Uses~~ Exceptions in "LC" districts: The Board of Zoning Appeals may by special permit authorize the following uses specified below as exceptions in "LC" Light Commercial districts subject to the following conditions and requirements:

1.1 Such locations 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 of 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 these uses:

New and used car sales;

New and used boat sales;

New and used truck sales;

Recreational vehicle-trailer sales;

Trailer, vehicle and equipment rental, and leasing; in the "LC" light commercial districts subject to the following conditions and requirements:

2.1 Location shall be contiguous to a major street as designated in the ~~Pattern for Thoroughfares, Wichita, Kansas, 1955,~~ by the Transportation System Plan as adopted by the Wichita-Sedgwick County Metropolitan Area Planning Commission on December 12, 1985, or amendments thereto.

2.2 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 but in no case less than that required by 28.04.160.K.

2.3 Storage and display areas shall be paved with concrete, asphalt or other comparable material.

2.4 All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.

2.5 ~~No projecting signs shall be permitted.~~ Signs as permitted by 28.04.139.

2.6 No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure beyond the property lines.

2.7 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.

2.8 No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

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 forty-eight 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 forty-eight 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 and automatic car wash operations, whether attended or unattended and whether operated inside or outside a building, 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 No structure shall be permitted closer than sixty feet (excluding any street, alley or intervening public way), to the front and/or side of an "AA", "A", "RB", "R-5", "R-6", "B" or "C" residential zoning district; provided, however, that the above shall not apply where the abutting or contiguous property is being used for a light commercial use permitted in the "LC" zoning district and/or where the governing body has formally adopted a policy of looking with favor on the establishment of "LC" zoning for the contiguous area.

4.3 There shall be a minimum lot area of three thousand five hundred square feet for each self-service car-washing stall and/or two thousand five hundred square feet for each twenty lineal feet of the automatic car-washing structure; provided the minimum lot area shall be not less than seven thousand five hundred square feet.

4.4 The car-washing building or facility shall maintain building setbacks as follows:

a. Thirty-five feet from all arterials, expressways or freeways; and

b. For all other streets, one of the following which shall produce the lesser setback distance:

1. Twenty feet from right-of-way line;
2. A setback as may be described on a recorded subdivision plat;
3. A setback based on the following formula of $\frac{20 + X}{2}$

where "X" is either the required setback in a residential district next adjacent to the site proposed for this use; or "X" is the setback of an existing residence in a residential district next adjacent to the use proposed;

4. The same setback as may be required on the lot next adjacent thereto if such lot is not located in a residential district.

4.5 A six-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 provided 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 yard setback, such fence shall not be higher than three feet.

4.6 All of the area to be utilized by the washing and drying operations, 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 adjacent property. No string-type lighting or banners shall be permitted.

4.8 No sign shall exceed twenty-five feet in height or be placed so as to project over any public right-of-way.

4.9 No sound projecting devices or loudspeakers 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 the following ratio:

Automatic Car Wash shall have not less than three parking spaces for each twenty lineal feet of the automatic car washing aisle.

Self-Service Car Wash shall have not less than four parking spaces for each self-service car washing stall.

Off-street drying spaces shall be provided on the property in the following ratio:

Automatic Car Wash shall have not less than two spaces for each automatic car washing aisle.

Self-Service Car Wash shall have not less than two parking spaces for each self-service car washing stall.

4.11 A plot plan showing points of ingress and egress, width of driveways, off-street parking and holding spaces and interior traffic circulation shall be submitted to the traffic engineering division of the department of public works for approval prior to the filing of the application. There shall be no ingress or egress from unpaved public ways.

4.12 All parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces.

4.13 There shall be no ingress or egress from minor or residential streets having sixty feet of right-of-way or less, unless there are two free-moving lanes at all times. (Example: A thirty foot paved street with parking permitted only on one side would provide for two free-moving lanes.)

4.14 All drainage, both natural and that created by the operation, shall be handled in a manner satisfactory to the Superintendent of Maintenance of the Department of Public Works.

4.15 The Board of Zoning Appeals may establish operating hours if the operation is located in close proximity to a residential area.

4.16 The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.

4.17 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

5. The board of zoning appeals may, by special permit, grant exceptions and authorize as a use, self-service storage facilities in the "BB" Office District and the "LC" Light Commercial District,

~~residential storage warehouses in the "B" multiple family dwelling the "BB" office, and the "LC" light commercial districts, subject to the following conditions and requirements:~~

5.1 ~~The tract for such use located in the "B" multiple family dwelling district or the "BB" Office District shall be contiguous or adjacent to either the "OC" Office Commercial, "LC" Light Commercial, "C" Commercial, "E" Light Industrial or "F" Heavy Industrial zoning districts.~~

5.2 ~~The use must be located contiguous to an arterial street as designated in the transportation plan.~~

5.3 ~~There shall be a minimum lot area of two acres or more. All buildings shall set back not less than thirty-five feet from arterial street right-of-way line. when located in the "LC" light commercial district and twenty feet when located in the "B" multiple family dwelling district or the "BB" office district.~~ There shall be a twenty-foot building setback line from all other streets, unless a platted building setback line would require a greater setback.

5.4 ~~Where the lot is adjacent to a residential zoning district a fifteen foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a fifteen foot landscaped front yard shall be provided when within one hundred feet of a residential zoning district or when across the street from a residential zoning district. The landscaping shall be in addition to any architectural screening type fences or face of the structures that shall be designed to screen the use from the residential neighborhood. Such fence, when required, shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than five six feet nor more than eight feet in height. The fifteen foot landscaped yard may be reduced in width to not less than the minimum side and rear yard required by the area regulations of the applicable zoning district of the lot, when the adjacent residential zoning district is occupied by any legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy by the governing body is to look with favor on office, commercial or industrial zoning for the area.~~

5.5 ~~When the development is in close proximity to residential development, the architectural design shall be submitted to the Superintendent of Central Inspection for review and a recommendation to the board as to whether or not the architecture is compatible with the surrounding development, and that adequate screening is being provided. Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Board of Zoning Appeals, may be retained in the BZA case file and by the Superintendent of Central Inspection to ensure that final development plans and construction comply therewith.~~

5.6 ~~Any side of the building providing doorways to storage areas shall be set back from the property line not less than twenty-five feet when adjacent to a residential zoning district.~~

5.7 ~~Off-street parking shall be required on the basis of one space for each eight thousand square feet of floor area in the facility plus one space for each employee, but in no case shall the number be less than five spaces.~~

5.8 ~~All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.~~

5.9 ~~All lights shall be shielded to direct light onto the uses established and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.~~

5.10 ~~All storage on the property shall be kept within an enclosed building, unless a portion of the property or lot is properly zoned to otherwise permit a designated area for outside storage.~~

5.11 ~~No activities such as miscellaneous or garage sales shall be conducted on the premises.~~

5.12 ~~The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.~~

5.13 ~~A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the Traffic Engineering Division, Department of Public Works, for tentative approval prior to the filing for the exception. Two~~

copies of the approved plan shall accompany the application for consideration by the Board of Zoning Appeals.

5.14 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed fifty square feet in gross surface area. Signs shall not project over any public right-of-way.

5.15 All areas not paved, as required by 5.8 shall be landscaped with deciduous and coniferous plant materials. The landscaping plan shall be approved by the Planning Department. Maintenance of the landscaping shall be sufficient to maintain it in good condition.

5.16 The area shall be properly policed by the owner or operator for removal of trash and debris.

5.17 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.

5.18 A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

5.19 The maximum building coverage may be 45 percent of the total land area regardless of general limitations of the zoning district.

5.20 No individual or business shall lease more than 3,000 square feet of storage spaces.

5.21 Residential storage warehouses, as defined by prior ordinance and approved by the Board of Zoning Appeals, shall by definition be considered as self-service storage facilities. Said facilities shall be permitted the use of storage spaces for business storage, as set forth herein, even though the BZA Resolution may restrict such usage.

~~5.19~~ 5.22 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

6. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use within the "LC" Light Commercial district, all uses as listed in Section 28.04.090.1.3 that exceed six thousand square feet of floor area; uses not purely retail, and including some wholesale; and other similar uses not specifically listed in Section 28.04.090A, when determined by the Board of Zoning Appeals to be of the same general category as those listed therein, subject to the following conditions and requirements:

6.1 Such property shall be contiguous to an arterial or expressway as designated by map 13-A of the transportation plan or be located within a portion of the "LC" Light Commercial or heavier use district that is contiguous to an arterial or expressway.

6.2 All inventory, merchandise and equipment shall be completely within an enclosed building, and any vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by the Board of Zoning Appeals as to adequate screening material and location, within an enclosed compound on the property.

6.3 Due to the nature of the business included in this provision of the code, the Board of Zoning Appeals may determine that the off-street parking demand is less than that normally required for other light commercial uses and may vary the number of spaces in the approval of the exception.

6.4 All parking and vehicle storage area shall be surfaced with concrete, asphalt or other comparable surfacing and marked in accordance with an approved plan.

6.5 Signs shall be limited to that permitted by Section 28.04.139 of the code for the "LC" Light Commercial district.

6.6 A plot plan showing all structures existing and proposed, all ingress, egress, off-street parking, off-street loading and on-site circulation shall be submitted with the application. The applicant shall also submit a statement setting forth the number and type of vehicles to be used with the business and where such vehicles will be stored.

6.7 All lights shall be shielded to reflect or direct light away from adjoining properties.

6.8 No sound-projecting devices shall be used so as to be heard outside of an enclosed building.

6.9 No repair work shall be conducted except within an enclosed building, and provided further, vehicle maintenance shall be limited to lubrication, oil changes, washing, and other normal maintenance items not including body repair or modification.

6.10 The Board of Zoning Appeals may establish other conditions deemed necessary for the protection of adjacent property including

maintenance of the required improvements. The Board may also require a periodic report of compliance with all conditions of approval, and upon the recommendation of the Superintendent of Central Inspection, the Board may schedule a hearing for revocation or modification of the conditions of the exception.

7. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use within the "LC" Light Commercial District, nurseries and garden centers not complying with the limitations of Section 28.04.090, A-1.2 as a purely retail business within an enclosed building; when determined by the Board of Zoning Appeals that the use would be compatible with all adjacent properties, and subject to the following conditions and requirements:

7.1 Such property shall be contiguous to an arterial or expressway as designated by map 13-A of the Transportation Plan or amendments thereto, or be located within a portion of the "LC" Light Commercial District or a heavier use District that is contiguous to such a street.

7.2 Screening shall be provided as deemed appropriate and necessary to provide protection to adjacent properties, however, under no circumstance shall the screening be less than that required by Section 28.04.160.K of this code or that required by an approved development plan. Growing areas for nursery stock shall be considered a landscaped yard and may be substituted for a screening fence as required by Section 28.04.160.K when deemed appropriate.

7.3 Display and storage of merchandise, nursery stock, landscaping materials and equipment must be within an enclosed building; within an area enclosed by a screening fence deemed necessary for the protection of adjacent properties; or, be displayed in areas immediately adjacent to the buildings, provided any display or storage shall not be located within 25 feet of public right-of-way and shall not occupy required off-street parking spaces.

7.4 All lights shall be shielded to reflect or direct light away from adjoining properties. No string-type lighting shall be permitted.

7.5 No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

7.6 Any repair or servicing of vehicles or equipment shall only be permitted within an enclosed building. Such repair and servicing shall be limited to normal maintenance and not including body repair or modification.

7.7 A plot plan showing all structures, existing and proposed, all ingress, egress, off-street parking, off-street loading, on-site circulation, storage and display areas shall be submitted with the application.

7.8 Areas for the growing of plants and nursery stock may be permitted in greenhouses or in open areas as designated by the applicant and approved by the Board of Zoning Appeals.

7.9 Any vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by the Board of Zoning Appeals as to adequate screening material and location, within an enclosed compound on the property.

7.10 Due to the type of the business, the amount of off-street parking and loading spaces based on the gross floor area of buildings could be inappropriate. The Board of Zoning Appeals may, in the processing of the exception, determine the number of parking and loading spaces required for the use. The number of spaces shall be determined by the Board and shall be based on the amount of building, greenhouse, lathouse and outside area used primarily for display and sales a.e.a. Consideration shall also be given to the anticipated number of employees and possible temporary parking for peak season business. The determination made by the Board may be adjusted after public notice and hearing if the lack of adequate off-street parking is creating congestion on the streets due to on-street parking by employees or customers. The property owner may also request a reduction in the number of parking spaces by filing a revised application and providing figures justifying said change.

7.11 The Board of Zoning Appeals may establish other conditions deemed necessary for the protection of adjacent property, and including the maintenance of required improvements. The Board may also require a periodic report of compliance with all conditions of approval, and upon the recommendation of the Superintendent of Central Inspection, the Board may schedule a hearing for revocation or modification of the conditions of the exception.

8. The Board of Zoning Appeals may, by special permit, grant exceptions and authorize as a use within the "LC" Light Commercial District, outdoor tennis clubs and miniature golf courses subject to the following conditions and requirements:

8.1 Such property shall be contiguous to an Arterial or Expressway as designated by Map 13-A of the Transportation Plan or amendments thereto, or be located within a portion of the "LC" Light Commercial District or a heavier use District that is contiguous to such a street.

8.2 In addition to the above, the Board shall consider the location in relation to any existing or possible residential development in determining the appropriateness of the location of such use.

8.3 All lights shall be shielded to reflect or direct light away from adjacent property. No string type lighting or banners shall be permitted.

8.4 No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

8.5 Signs shall be limited as set forth in Section 28.04.139 for the "LC" Light Commercial District.

8.6 Accessory uses shall be limited to those uses permitted in the "LC" Light Commercial District. Activities such as ride devices, golf driving range or other similar uses shall not be permitted. Horseshoe pitching, croquet courts, shuffleboard, curling courts, and other outdoor games generally limited to four players at a time may be permitted as accessory uses.

8.7 Off-street parking shall be provided at the rate of one space for each hole of miniature golf, one space for each additional game court, and additional spaces as required by the zoning ordinance for buildings used for office, concession, storage, game rooms or other uses on the property.

8.8 All driveways, parking, loading and vehicle circulation areas shall be surfaced as set forth in Section 28.04.143.

8.9 Screening shall be as deemed necessary by the Board to provide protection to adjacent properties.

8.10 The Board of Zoning Appeals may establish operating hours if the property is located in close proximity to residential areas.

8.11 The area shall be properly policed to insure proper maintenance and removal of trash from the premises to eliminate problems to adjacent or public property.

8.12 The applicant shall submit a detailed site plan showing all uses to be established on the property (present and proposed), all parking, loading, circulation, ingress and egress, for approval prior to filing of the application. There shall be no ingress or egress from unimproved public ways.

8.13 The Board of Zoning Appeals may establish other conditions deemed necessary to provide for orderly development."

The original Sections 28.04.020 and 28.04.183 of the Code of the City of Wichita, Kansas are hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas and be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this ___ day of _____, 1987.

Mayor

ATTEST: (SEAL)

Dale Rea, Deputy City Clerk

APPROVED AS TO FORM:

Thomas R. Powell, Interim City Attorney

PL1-0049

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: April 13, 1987

TO: Chris Cherches, City Manager

FROM: Marvin S. Krout, Director of Planning

SUBJECT: DR 87-2 - Possible Amendment to City Zoning Ordinance
RE: Expanding self-service storage units to include business storage --- Expanding type of vehicle sales and rental in "LC" district.

Attached is a copy of a delineated ordinance, as recommended by the Planning Commission, expanding the permitted storage in self-service storage facilities and the type of vehicle and equipment sales and rental that may be permitted by the BZA in the "LC" Light Commercial District. Please place this on the planning agenda for consideration by the City Council at their meeting of April 21, 1987.

BACKGROUND:

This ordinance amendment was requested by a developer of "Mini-Storage Units," defined as Residential Storage Warehouses" in the zoning ordinance. The limitations of the present ordinance prohibit the use of this type of facilities in the "LC", "BB" and "B" zoning districts for commercial storage of any kind. The developer has indicated that this limitation severely hinders an owner from complying with the regulations.

It should be noted that this amendment only applies to those storage warehouses located in the "LC", "BB" or "B" zoning districts. It does not in anyway affect any storage units or warehouses located in the heavier use districts.

Prior to the introduction of "Residential Storage Warehouses" into the zoning ordinance in 1973, warehouses of any kind were required to locate in the "C" Commercial or heavier use districts. "Residential Storage Warehouses" as defined in the ordinance were restricted to the storage of excess personal property of an individual or family when such property was not stored or located on the lot with their residence. It was not intended to include business storage in such units. In spite of the ordinance limitations such storage has apparently happened in many instances.

This limitation on business storage is the main reason for the requested ordinance change. The developer claims that this restriction is nearly unenforceable on the owners' part, and as such, places the owner in a position of not being able to comply with the code. This then jeopardizes his mortgage financing and his investment in the community.

PL/0103/1

The most recent Planning Advisory Service Report #396, covering self-service storage facilities, indicates that the traffic generation of such facilities is approximately one car per hour for each 100 units in a facility. This is a survey based on a facility of 55,000 square feet in another city with a business usage of approximately 35 percent of the units.

Based on the information in PAS #396, and the request of the developer, the staff recommended that passive business storage be permitted in the "BB" Office and the "LC" Light Commercial Districts. In addition to addressing the request by the developer, the staff also recommended that some changes be made in Section 28.04.183.2 which relates to the sale, rental and leasing of vehicles and equipment in the "LC" Light Commercial District. This amendment related primarily to clarifying the type of vehicles and equipment that had previously been authorized by the Board of Zoning Appeals but had not been specifically listed.

SUMMARY:

The following is a summary of the changes included in the amendment to the zoning ordinance:

1. Revises the definition of "Commercial Warehouse" to exclude operations designed as "self-service storage facilities."
2. Adds the definition of "Self-service storage facilities" and deleted the definition of "Residential storage warehouses."
3. Adds boats, trucks and recreational vehicles to the list of permitted uses under 28.04.183.2. to be permitted in the "LC" Light Commercial District as an exception.
4. Adds "Self-service storage facilities" as a permitted exception in the "BB" Office and the "LC" Light Commercial Districts replacing "Residential storage warehouses." Eliminates "Residential storage warehouses" from the "B" Multiple-family district.
5. Establishes a uniform building setback of 35 feet from arterial streets.
6. Reduces the required side yard setback from fifteen feet to not less than that required by the zoning district when adjacent to a legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy is to look with favor on office, commercial, or industrial zoning.
7. Establishes a maximum building coverage of 45 percent.
8. Places limitation on the size of the storage units at 600 square feet and limits the amount an individual business may lease at 3,000 square feet.

April 13, 1987

9. Authorizes the use of previously approved "Residential storage warehouses" to utilize the property for business storage in conformance with the limitations of this ordinance.

The Planning Commission considered these amendments on April 2, 1987 and recommended unanimously that the ordinance be adopted. The ordinance also was reviewed and endorsed by the Wichita Area Builders Association and the Wichita Metropolitan Area Board of Realtors. Copies of their responses are also attached, including excerpts of the Planning Commission meeting of April 3, 1987. As of this date, 10 of the 14 CPO Councils have concurred in the recommendation of the Planning Commission that the ordinance be adopted.

RECOMMENDED ACTION:

1. Place the ordinance on first reading; or
2. Return the ordinance to the MAPC with a recommendation for any change as is deemed appropriate.

GEL/lw

cc: Don Anderson, Director of Housing & Economic Development
Monty Robson, Superintendent of Central Inspection
Wichita Board of Realtors, c/o Lynda Tousley, 717 N. Emporia, Wichita, 67214
Wichita Area Builders Assn., 730 N. Main, Suite 1, Wichita, 67203
Chamber of Commerce, 350 W. Douglas, Wichita, 67202
John Gist, Planning Development Service, 727 N. Waco, Suite 1, Wichita, 67214
Bill Ard, 201 S. Oliver, Wichita, 67218
Keith Anderson, 1125 S. Rock Rd., Wichita, 67207

THE WICHITA AREA BUILDERS ASSOCIATION

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Third Vice Chairman, M. S. Mitchell • Secretary/Treasurer, Jack Simpson • Past Chairman of the Board, Harold Holding
President/CEO, Wess Galyon

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March 12, 1987

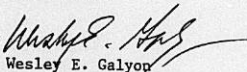
Mr. Glen E. Lytle
Metropolitan Area Planning
Department
City Hall
455 N. Main
Wichita, KS 67202

Dear Mr. Lytle:

This letter is in reference to a proposed amendment to the existing zoning ordinance and those provisions of the ordinance that relate specifically to mini-storage space rental and uses by business concerns, and expansion of the type of vehicle sales and rental allowed in an "LC" district.

Mr. John Gist of the Planning Development Services, Inc., has discussed the proposed amendments with us in an effort to determine if our organization has any problems with what is being proposed. As a result of his presentation to us and discussion about what is being proposed, we feel it is a proposal that ought to be favorably considered.

Sincerely,


Wesley E. Galyon
President/CEO
Wichita Area Builders Association

WC/kk

RECEIVED

MAR 16 1987

METROPOLITAN PLANNING

ROUTE





Wichita Metropolitan Area Board of REALTORS®
717 N. Emporia
Wichita, Kansas 67214
Telephone (316) 263-3167

REALTOR®

April 2, 1987

Dear Members of the Wichita-Sedgwick County Metropolitan Area Planning Commission:

The Board of Directors of the Wichita Metropolitan Area Board of REALTORS®, Inc., has taken official action to recommend the approval of DR87-2 to amend the City Zoning Ordinance expanding self-service storage units to include business storage.

The Board of REALTORS® thinks these changes are in the best interest of the community and appreciates the opportunity to give input on this issue.

Thank you for providing the information on this item in such a timely fashion so that we were able to discuss it at our Board of Directors meeting and take official action.

Sincerely,

A handwritten signature in cursive script that reads 'Lynsa Tousley'.

Lynsa Tousley
Executive Vice President

LT/lbp

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: March 27, 1987

TO: Wichita-Sedgwick County Metropolitan Area Planning Commission

FROM: Glen E. Lytle, Special Assistant for Zoning

SUBJECT: DR 87-2 - Possible Amendment to City Zoning Ordinance
RE: Expanding self-service storage units to include business storage --- Expanding type of vehicle sales and rental in "LC" district.

Attached hereto is a delineated copy of a proposed amendment to the City of Wichita zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of April 2, 1987.

BACKGROUND:

This ordinance amendment has been prepared at the request of a developer of "Residential Storage Warehouses" and commonly called "Mini-Storage Units". This amendment only applies to those units that are permitted in the "B", "RB" and "LC" zoning districts as exceptions by the Board of Zoning Appeals, and does not in anyway affect those units that are located in the "C" Commercial or the "E" and "F" Industrial Districts.

Prior to 1973, when "Residential Storage Warehouses" were added to the ordinance, the only warehouses of any kind were limited to the "C" Commercial or heavier use districts. "Residential Storage Warehouses" as defined in the ordinance limit the usage of the property to "excess personal property of an individual or family when such property is not located on the lot with their residence." This has been construed to be boats, campers, recreational vehicles, etc., and other personal property that are generally stored in residential accessory structures. The ordinance presently prohibits the use of Residential Storage Warehouses for any type of business storage.

All Residential Storage Warehouses, that have received approval through the Board of Zoning Appeals, are not permitted to rent spaces to any business of any kind. This limitation on business storage is the main reason for the requested ordinance change. The developer claims that this restriction is nearly unenforceable on the owner's part, and as such places the owner in a position of not being able to comply with the code. This then jeopardizes his mortgage financing and his investment in the community.

The most recent Planning Advisory Service Report #396, covering self-service storage facilities, indicates that the traffic generation of such facilities is approximately one car per hour for each 100 units in a facility. This is a survey based on a facility of 55,000 square feet in another city with a business usage of approximately 35 percent of the units.

Based on the information in PAS #396, and the request of the developer, the staff is recommending that passive business storage be permitted in the "BB" Office and the "LC" Light Commercial Districts. With the introduction of business storage into self-service storage facilities, it is recommended that this use not be permitted in the "B" Multiple-family Dwelling District.

In addition to addressing the specific request for the amendment, the staff has included an amendment to 28.04.183.2 that is related to the sale, rental and leasing of vehicles and equipment in the "LC" Light Commercial District. This amendment is primarily related to setting forth the other types of vehicles and equipment that have been authorized by the Board of Zoning Appeals but have not been specifically listed.

SUMMARY:

The following is a summary of the changes included in the proposed amendment to the zoning ordinance:

1. Revised the definition of "Commercial Warehouse" to exclude operations designed as "self-service storage facilities."
2. Added the definition of "Self-service storage facilities" and deleted the definition of "Residential storage warehouses."
3. Added boats, trucks and recreational vehicles to the list of permitted uses under 28.04.183.2. to be permitted in the "LC" Light Commercial District as an exception.
4. Added "Self-service storage facilities" as a permitted exception in the "BB" Office and the "LC" Light Commercial Districts replacing "Residential storage warehouses." Eliminated "Residential storage warehouses" from the "B" Multiple-family district.
5. Established a uniform building setback of 35 feet from arterial streets.
6. Reduced the required side yard setback from fifteen feet to not less than that required by the zoning district when adjacent to a legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy is to look with favor on office, commercial, or industrial zoning.
7. Establish a maximum building coverage of 45 percent.
8. Places limitation on the size of the storage units at 600 square feet and limits the amount an individual business may lease at 3,000 square feet.
9. Authorizes the use of previously approved "Residential storage warehouses" to utilize the property for business storage in conformance with the limitations of this ordinance.

RECOMMENDATION:

Make any changes in the proposed amendment deemed to be in the best interests of the community and make a recommendation to the Board of City Commissioners that the amendment be adopted.

Glen E. Lytle
Special Assistant for Zoning

GEL/lw

cc: Marvin S. Krout, Director of Planning
Don Anderson, Director of Housing & Economic Development
Monty Robson, Superintendent of Central Inspection
Wichita Board of Realtors, c/o Lynda Tousley, 717 N. Emporia, Wichita, 67214
Wichita Area Builders Assn., 730 N. Main, Suite 1, Wichita, 67203
Chamber of Commerce, 350 W. Douglas, Wichita, 67202
John Gist, Planning Development Service, 727 N. Waco, Suite 1, Wichita, 67214
Bill Ard, 201 S. Oliver, Wichita, 67218
Keith Anderson, 1125 S. Rock Rd., Wichita, 67207

RE: ACENDA ITEM NO 7

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: March 27, 1987

TO: Wichita-Sedgwick County Metropolitan Area Planning Commission

FROM: Glen E. Lytle, Special Assistant for Zoning

SUBJECT: DR 87-2 - Possible Amendment to City Zoning Ordinance
RE: Expanding self-service storage units to include business storage --- Expanding type of vehicle sales and rental in "LC" district.

Attached hereto is a delineated copy of a proposed amendment to the City of Wichita zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of April 2, 1987.

BACKGROUND:

This ordinance amendment has been prepared at the request of a developer of "Residential Storage Warehouses" and commonly called "Mini-Storage Units". This amendment only applies to those units that are permitted in the "B", "BB" and "LC" zoning districts as exceptions by the Board of Zoning Appeals, and does not in anyway affect those units that are located in the "C" Commercial or the "E" and "F" Industrial Districts.

Prior to 1973, when "Residential Storage Warehouses" were added to the ordinance, the only warehouses of any kind were limited to the "C" Commercial or heavier use districts. "Residential Storage Warehouses" as defined in the ordinance limit the usage of the property to "excess personal property of an individual or family when such property is not located on the lot with their residence." This has been construed to be boats, campers, recreational vehicles, etc., and other personal property that are generally stored in residential accessory structures. The ordinance presently prohibits the use of Residential Storage Warehouses for any type of business storage.

All Residential Storage Warehouses, that have received approval through the Board of Zoning Appeals, are not permitted to rent spaces to any business of any kind. This limitation on business storage is the main reason for the requested ordinance change. The developer claims that this restriction is nearly unenforceable on the owner's part, and as such places the owner in a position of not being able to comply with the code. This then jeopardizes his mortgage financing and his investment in the community.

The most recent Planning Advisory Service Report #396, covering self-service storage facilities, indicates that the traffic generation of such facilities is approximately one car per hour for each 100 units in a facility. This is a survey based on a facility of 55,000 square feet in another city with a business usage of approximately 35 percent of the units.

PL/0058/1

Based on the information in PAS #396, and the request of the developer, the staff is recommending that passive business storage be permitted in the "BB" Office and the "LC" Light Commercial Districts. With the introduction of business storage into self-service storage facilities, it is recommended that this use not be permitted in the "B" Multiple-family Dwelling District.

In addition to addressing the specific request for the amendment, the staff has included an amendment to 28.04.183.2 that is related to the sale, rental and leasing of vehicles and equipment in the "LC" Light Commercial District. This amendment is primarily related to setting forth the other types of vehicles and equipment that have been authorized by the Board of Zoning Appeals but have not been specifically listed.

SUMMARY:

The following is a summary of the changes included in the proposed amendment to the zoning ordinance:

1. Revised the definition of "Commercial Warehouse" to exclude operations designed as "self-service storage facilities."
2. Added the definition of "Self-service storage facilities" and deleted the definition of "Residential storage warehouses."
3. Added boats, trucks and recreational vehicles to the list of permitted uses under 28.04.183.2. to be permitted in the "LC" Light Commercial District as an exception.
4. Added "Self-service storage facilities" as a permitted exception in the "BB" Office and the "LC" Light Commercial Districts replacing "Residential storage warehouses." Eliminated "Residential storage warehouses" from the "B" Multiple-family district.
5. Established a uniform building setback of 35 feet from arterial streets.
6. Reduced the required side yard setback from fifteen feet to not less than that required by the zoning district when adjacent to a legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy is to look with favor on office, commercial, or industrial zoning.
7. Establish a maximum building coverage of 45 percent.
8. Places limitation on the size of the storage units at 600 square feet and limits the amount an individual business may lease at 3,000 square feet.
9. Authorizes the use of previously approved "Residential storage warehouses" to utilize the property for business storage in conformance with the limitations of this ordinance.

March 6, 1987

RECOMMENDATION:

Make any changes in the proposed amendment deemed to be in the best interests of the community and make a recommendation to the Board of City Commissioners that the amendment be adopted.



Glen E. Lytle
Special Assistant for Zoning

GEL/lw

cc: Marvin S. Krout, Director of Planning
Don Anderson, Director of Housing & Economic Development
Monty Robson, Superintendent of Central Inspection
Wichita Board of Realtors, c/o Lynda Tousley, 717 N. Emporia, Wichita, 67214
Wichita Area Builders Assn., 730 N. Main, Suite 1, Wichita, 67203
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John Gist, Planning Development Service, 727 N. Waco, Suite 1, Wichita, 67214
Bill Ard, 201 S. Oliver, Wichita, 67218
Keith Anderson, 1125 S. Rock Rd., Wichita, 67207

Additions - underlined
Deletions - ~~marked thru~~

Possible Amendments to the
City of Wichita Zoning Ordinance Scheduled for
Public Hearing before the MAPC - Thursday, April 2, 1987

Recommended that Section 28.04.020 (Definition of Warehouses) be amended to read as follows:

WAREHOUSES AND STORAGE FACILITIES.

Commercial Warehouse: A building or portion thereof used for the storage of any type of property, merchandise or commodities without limitations as to area or method of operation as required for self-service storage facilities. ~~not permitted in a residential storage warehouse.~~ This shall not be deemed to include the storage area or stock room used in connection with a purely retail business when located on the same property and incidentally accessory thereto.

Self-service Storage Facility: A group of buildings, building, or portion thereof designed or used exclusively for the purpose of renting or leasing individual storage spaces, not exceeding 600 square feet, to tenants who are to have access to such space for the purpose of storing and removing excess personal property of an individual, family or business, when such is not located on the lot with their residence or place of business. This may include the passive storage of inactive or dead business files, supplies, furniture, office equipment and seasonal or occasional stock or merchandise, but shall in no way be deemed to include a transfer and storage business where the use of vehicles or heavy equipment is part of such business.

~~Residential Storage Warehouse:--A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle;~~

~~boat, camper and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.~~

Recommended that Section 28.04.183.2 be amended to read as follows:

2. The board of zoning appeals may by special permit grant exceptions and authorize these uses:

New and used car sales;

New and used boat sales;

New and used truck sales;

Recreational vehicle-trailer sales;

Trailer, vehicle and equipment rental, and leasing;

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

2.1 Location shall be contiguous to a major street as designated ~~in the Pattern For Thoroughfares, Wichita, Kansas, 1955, by the~~ Transportation System Plan as adopted by the Wichita-Sedgwick County Metropolitan Area Planning Commission on December 12, 1985, or amendments thereto.

2.2 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 but in no case less than that required by 28.04.160.K.

2.3 Storage and display areas shall be paved with concrete, asphalt or other comparable material.

2.4 All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.

2.5 ~~No projecting signs shall be permitted.~~ Signs as permitted by 28.04.139.

2.6 No sound projecting devices or loudspeakers shall be used so as to be heard ~~outside of any structure~~ beyond the property lines.

2.7 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.

2.8 No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

Recommended that Section 28.04.183.5 be amended to read as follows:

5. The board of zoning appeals may, by special permit, grant exceptions and authorize as a use, self-service storage facilities in the "BB" Office District and the "LC" Light Commercial District, ~~residential storage warehouses in the "B" multiple family dwelling the "BB" office, and the "LC" light commercial districts,~~ subject to the following conditions and requirements:

5.1 The tract for such use located in the ~~"B" multiple family dwelling district or the~~ "BB" Office District shall be contiguous or adjacent to either the "OC" Office Commercial, "LC" Light Commercial, "C" Commercial, "E" Light Industrial or "F" Heavy Industrial zoning districts.

5.2 The use must be located contiguous to an arterial street as designated in the transportation plan.

5.3 There shall be a minimum lot area of two acres or more. All buildings shall set back not less than thirty-five feet from arterial street right-of-way line. ~~when located in the "LC" light commercial district and twenty feet when located in the "B" multiple family dwelling district or the "BB" office district--.~~ There shall be a twenty-foot building setback line from all other streets, unless a platted building setback line would require a greater setback.

5.4 Where the lot is adjacent to a residential zoning district a fifteen foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a fifteen foot landscaped front yard shall be provided when within one hundred feet of a residential zoning district or when across the street from a residential zoning district. The landscaping shall be in addition to any architectural screening type

fences or face of the structures that shall be designed to screen the use from the residential neighborhood. Such fence, when required, shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than ~~five~~ six feet nor more than eight feet in height. The fifteen foot landscaped yard may be reduced in width to not less than the minimum side and rear yard required by the area regulations of the applicable zoning district of the lot, when the adjacent residential zoning district is occupied by any legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy by the governing body is to look with favor on office, commercial or industrial zoning for the area.

5.5 When the development is in close proximity to residential development, the architectural design shall be submitted to the Superintendent of Central Inspection for review and a recommendation to the board as to whether or not the architecture is compatible with the surrounding development, and that adequate screening is being provided. Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Board of Zoning Appeals, may be retained in the BZA case file and by the Superintendent of Central Inspection to ensure that final development plans and construction comply therewith.

5.6 Any side of the building providing doorways to storage areas shall be set back from the property line not less than twenty-five feet when adjacent to a residential zoning district.

5.7 Off-street parking shall be required on the basis of one space for each eight thousand square feet of floor area in the facility plus one space for each employee, but in no case shall the number be less than five spaces.

5.8 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.9 All lights shall be shielded to direct light onto the uses established and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.

5.10 All storage on the property shall be kept within an enclosed building, unless a portion of the property or lot is properly zoned to otherwise permit a designated area for outside storage.

5.11 No activities such as miscellaneous or garage sales shall be conducted on the premises.

5.12 The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

5.13 A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the Traffic Engineering Division, ~~Department of Public Works~~, for tentative approval prior to the filing for the exception. Two copies of the approved plan shall accompany the application for consideration by the Board of Zoning Appeals.

5.14 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed fifty square feet in gross surface area. Signs shall not project over any public right-of-way.

5.15 All areas not paved, as required by 5.8 shall be landscaped with deciduous and coniferous plant materials. The landscaping plan shall be approved by the Planning Department. Maintenance of the landscaping shall be sufficient to maintain it in good condition.

5.16 The area shall be properly policed by the owner or operator for removal of trash and debris.

5.17 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.

5.18 A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

5.19 The maximum building coverage may be 45 percent of the total land area regardless of general limitations of the zoning district.

5.20 No individual or business shall lease more than 3,000 square feet of storage spaces.

5.21 Residential storage warehouses, as defined by prior ordinance and approved by the Board of Zoning Appeals, shall by definition be considered as self-service storage facilities. Said facilities shall be permitted the use of storage spaces for business storage, as set forth herein, even though the BZA Resolution may restrict such usage.

5.22 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

April 3, 1987

John Gist
Planning Development Services
727 North Waco
Wichita, Kansas 67203

Re: DR 87-2 Zoning Ordinance Amendment - Expanding self-service storage units to include business storage; Expanding type of vehicle sales and rental in "LC" Light Commercial District.

Dear Mr. Gist:

At its regular meeting on April 2, 1987, the Metropolitan Area Planning Commission considered the above-captioned zone change request. The action of the Planning Commission was to recommend that this amendment be approved as advertised.

This matter will be forwarded to the City Council for consideration at their regular meeting on April 21, 1987. This meeting will be held in the City Council Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas. We would remind you that Planning items are considered after all other matters of business.

If you have any questions concerning this matter, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG/lw

cc: Bill Ard, 201 S. Oliver, Wichita, KS 67218
Keith Anderson, 1125 S. Rock Rd., Wichita, KS 67207

PL/9500/1A

March 9, 1987

Keith Anderson
1125 South Rock Road
Wichita, Kansas 67207

RE: Zoning Ordinance Amendment DR 87-2

Dear Keith:

Enclosed is a copy of the information that is to be considered by the Planning Commission at a public hearing on April 2, 1987. It is also to be discussed informally on March 19, 1987.

This is an amendment that I mentioned to you last year and I assume that you concur with the contents. As nearly as I can remember, this amendment would only affect those units constructed at 6115 West Central, 5240 East 21st, and 2935 West 13th, as these are the only ones in the "LC" district, the rest being in "C" or "E" districts. I would appreciate a response from you by March 19, so this may be forwarded to the MAPC on that date, or you may wish to appear in person.

If you have any questions, please give me a call at 268-4421.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL/iw

PL/0061/1

March 9, 1987

John Gist
Planning Development Services
727 North Waco
Wichita, Kansas 67203

RE: DR 87-2

Dear John:

Attached is a copy of the information going to the MAPC this Friday in their mailout. I am also sending Bill Ard a copy of this letter and the text amendment.

I do not know if you or Bill plan to respond, but hope that this can be done at the informal discussion on March 19. I would assume one of you will appear at the public hearing also.

Hope this accomplishes what is needed and apologize for the time it has taken.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL/lw

cc: Bill Ard, 201 S. Oliver, Wichita, KS 67218

PL/0061/1

March 10, 1987

Lynda Tousley, Executive Director
Wichita Metropolitan Area Board of Realtors
717 North Emporia
Wichita, Kansas 67214

RE: DR 87-2 and DR 87-3

Dear Lynda:

Enclosed are the proposed amendments to the zoning regulations of the City of Wichita and the Sedgwick County Zoning Resolution. This material is being mailed out this Friday to the members of the Planning Commission.

I believe the amendments will resolve the problems that are apparent within the industry due to the restrictions in the present regulations. It might be that you would like to discuss DR 87-2 with either Bill Ard or John Gist and get their point of view. It is my understanding that this satisfies their concern on the limited business storage that has been a problem.

If you cannot provide input from your organization by March 19, 1987, I would appreciate same by the public hearing on April 2, 1987. If you have any questions, please give me a call.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL/lw

PL/0064/1

March 10, 1987

Mr. Wesley Galyon, Executive Director
Wichita Area Builders Association
730 North Main, Suite 1
Wichita, Kansas 67203

RE: DR 87-2 and DR 87-3

Dear Wes:

Enclosed are copies of the two zoning amendments that have been advertised for public hearing on April 2, 1987. I understand that John Gist has discussed the amendment related to self-service storage facilities with your group and has received their concurrence.

The amendment to the county regulations relative to wind generating units is to eliminate any need for a height variance on large tracts. It is hoped that this amendment will resolve the majority of cases administratively without a public hearing by the Board of Zoning Appeals.

If you have any questions on either of these amendments, please give me a call.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL/Iw

PL/0064/1

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: March 6, 1987

TO: Wichita-Sedgwick County Metropolitan Area Planning Commission

FROM: Glen E. Lytle, Special Assistant for Zoning

SUBJECT: DR 87-2 - Possible Amendment to City Zoning Ordinance
RE: Expanding self-service storage units to include business storage --- Expanding type of vehicle sales and rental in "LC" district.

Attached hereto is a delineated copy of a proposed amendment to the City of Wichita zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of April 2, 1987. The Planning Commission will discuss this item informally at the conclusion of the regular meeting on March 19, 1987.

BACKGROUND:

This ordinance amendment has been prepared at the request of a developer of "Residential Storage Warehouses" and commonly called "Mini-Storage Units". This amendment only applies to those units that are permitted in the "B", "BB" and "LC" zoning districts as exceptions by the Board of Zoning Appeals, and does not in anyway affect those units that are located in the "C" Commercial or the "E" and "F" Industrial Districts.

Prior to 1973, when "Residential Storage Warehouses" were added to the ordinance, the only warehouses of any kind were limited to the "C" Commercial or heavier use districts. "Residential Storage Warehouses" as defined in the ordinance limit the usage of the property to "excess personal property of an individual or family when such property is not located on the lot with their residence." This has been construed to be boats, campers, recreational vehicles, etc., and other personal property that are generally stored in residential accessory structures. The ordinance presently prohibits the use of Residential Storage Warehouses for any type of business storage.

All Residential Storage Warehouses, that have received approval through the Board of Zoning Appeals, are not permitted to rent spaces to any business of any kind. This limitation on business storage is the main reason for the requested ordinance change. The developer claims that this restriction is nearly unenforceable on the owner's part, and as such places the owner in a position of not being able to comply with the code. This then jeopardizes his mortgage financing and his investment in the community.

The most recent Planning Advisory Service Report #396, covering self-service storage facilities, indicates that the traffic generation of such facilities is approximately one car per hour for each 100 units in a facility. This is a survey based on a facility of 55,000 square feet in another city with a business usage of approximately 35 percent of the units.

PL/0058/1

Based on the information in PAS #396, and the request of the developer, the staff is recommending that passive business storage be permitted in the "BB" Office and the "LC" Light Commercial Districts. Since the introduction of any business storage into the "B" Multiple-family Dwelling District would be totally inappropriate, it is recommended that self-service storage facilities be eliminated from that district.

In addition to addressing the specific request for the amendment, the staff has included an amendment to 28.04.183.2 that is related to the sale, rental and leasing of vehicles and equipment in the "LC" Light Commercial District. This amendment is primarily related to setting forth the other types of vehicles and equipment that have been authorized by the Board of Zoning Appeals but have not been specifically listed.

SUMMARY:

The following is a summary of the changes included in the proposed amendment to the zoning ordinance:

1. Revised the definition of "Commercial Warehouse" to exclude operations designed as "self-service storage facilities."
2. Added the definition of "Self-service storage facilities" and deleted the definition of "Residential storage warehouses."
3. Added boats, trucks and recreational vehicles to the list of permitted uses under 28.04.183.2. to be permitted in the "LC" Light Commercial District as an exception.
4. Added "Self-service storage facilities" as a permitted exception in the "BB" Office and the "LC" Light Commercial Districts replacing "Residential storage warehouses." Eliminated "Residential storage warehouses" from the "B" Multiple-family district.
5. Established a uniform building setback of 35 feet from arterial streets.
6. Reduced the required side yard setback from fifteen feet to not less than that required by the zoning district when adjacent to a legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy is to look with favor on office, commercial, or industrial zoning.
7. Establish a maximum building coverage of 45 percent.
8. Places limitation on the size of the storage units at 600 square feet and limits the amount an individual business may lease at 3,000 square feet.
9. Authorizes the use of previously approved "Residential storage warehouses" to utilize the property for business storage in conformance with the limitations of this ordinance.

RECOMMENDATION:

Make any changes in the proposed amendment deemed to be in the best interests of the community and make a recommendation to the Board of City Commissioners that the amendment be adopted.

Glen E. Lytle
Special Assistant for Zoning

GEL/Iw

cc: Marvin S. Krout, Director of Planning
Don Anderson, Director of Housing & Economic Development
Monty Robson, Superintendent of Central Inspection
Wichita Board of Realtors, c/o Lynda Tousley, 717 N. Emporia, Wichita, 67214
Wichita Area Builders Assn., 730 N. Main, Suite 1, Wichita, 67203
Chamber of Commerce, 350 W. Douglas, Wichita, 67202
John Gist, Planning Development Service, 727 N. Waco, Suite 1, Wichita, 67214
Bill Ard, 201 S. Oliver, Wichita, 67218
Keith Anderson, 1125 S. Rock Rd., Wichita, 67207

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: March 6, 1987

TO: Wichita-Sedgwick County Metropolitan Area Planning Commission

FROM: Glen E. Lytle, Special Assistant for Zoning *[Signature]*

SUBJECT: DR 87-2 - Possible Amendment to City Zoning Ordinance
RE: Expanding self-service storage units to include business storage --- Expanding type of vehicle sales and rental in "LC" district.

Attached hereto is a delineated copy of a proposed amendment to the City of Wichita zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of April 2, 1987. The Planning Commission will discuss this item informally at the conclusion of the regular meeting on March 19, 1987.

BACKGROUND:

This ordinance amendment has been prepared at the request of a developer of "Residential Storage Warehouses" and commonly called "Mini-Storage Units". This amendment only applies to those units that are permitted in the "B", "BB" and "LC" zoning districts as exceptions by the Board of Zoning Appeals, and does not in anyway affect those units that are located in the "C" Commercial or the "E" and "F" Industrial Districts.

Prior to 1973, when "Residential Storage Warehouses" were added to the ordinance, the only warehouses of any kind were limited to the "C" Commercial or heavier use districts. "Residential Storage Warehouses" as defined in the ordinance limit the usage of the property to "excess personal property of an individual or family when such property is not located on the lot with their residence." This has been construed to be boats, campers, recreational vehicles, etc., and other personal property that are generally stored in residential accessory structures. The ordinance presently prohibits the use of Residential Storage Warehouses for any type of business storage.

All Residential Storage Warehouses, that have received approval through the Board of Zoning Appeals, are not permitted to rent spaces to any business of any kind. This limitation on business storage is the main reason for the requested ordinance change. The developer claims that this restriction is nearly unenforceable on the owner's part, and as such places the owner in a position of not being able to comply with the code. This then jeopardizes his mortgage financing and his investment in the community.

The most recent Planning Advisory Service Report #396, covering self-service storage facilities, indicates that the traffic generation of such facilities is approximately one car per hour for each 100 units in a facility. This is a survey based on a facility of 55,000 square feet in another city with a business usage of approximately 35 percent of the units.

PLJ/0058/1

Based on the information in PAS #396, and the request of the developer, the staff is recommending that passive business storage be permitted in the "BB" Office and the "LC" Light Commercial Districts. Since the introduction of any business storage into the "B" Multiple-family Dwelling District would be totally inappropriate, it is recommended that self-service storage facilities be eliminated from that district.

In addition to addressing the specific request for the amendment, the staff has included an amendment to 28.04.183.2 that is related to the sale, rental and leasing of vehicles and equipment in the "LC" Light Commercial District. This amendment is primarily related to setting forth the other types of vehicles and equipment that have been authorized by the Board of Zoning Appeals but have not been specifically listed.

SUMMARY:

The following is a summary of the changes included in the proposed amendment to the zoning ordinance:

1. Revised the definition of "Commercial Warehouse" to exclude operations designed as "self-service storage facilities."
2. Added the definition of "Self-service storage facilities" and deleted the definition of "Residential storage warehouses."
3. Added boats, trucks and recreational vehicles to the list of permitted uses under 28.04.183.2. to be permitted in the "LC" Light Commercial District as an exception.
4. Added "Self-service storage facilities" as a permitted exception in the "BB" Office and the "LC" Light Commercial Districts replacing "Residential storage warehouses." Eliminated "Residential storage warehouses" from the "B" Multiple-family district.
5. Established a uniform building setback of 35 feet from arterial streets.
6. Reduced the required side yard setback from fifteen feet to not less than that required by the zoning district when adjacent to a legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy is to look with favor on office, commercial, or industrial zoning.
7. Establish a maximum building coverage of 45 percent.
8. Places limitation on the size of the storage units at 600 square feet and limits the amount an individual business may lease at 3,000 square feet.
9. Authorizes the use of previously approved "Residential storage warehouses" to utilize the property for business storage in conformance with the limitations of this ordinance.

RECOMMENDATION:

Make any changes in the proposed amendment deemed to be in the best interests of the community and make a recommendation to the Board of City Commissioners that the amendment be adopted.

Glen E. Lytle
Special Assistant for Zoning

GEL/lw

cc: Marvin S. Krout, Director of Planning
Don Anderson, Director of Housing & Economic Development
Monty Robson, Superintendent of Central Inspection
Wichita Board of Realtors, c/o Lynda Tousley, 717 N. Emporia, Wichita, 67214
Wichita Area Builders Assn., 730 N. Main, Suite 1, Wichita, 67203
Chamber of Commerce, 350 W. Douglas, Wichita, 67202
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Bill Ard, 201 S. Oliver, Wichita, 67218
Keith Anderson, 1125 S. Rock Rd., Wichita, 67207

Additions - underlined
Deletions - ~~marked thru~~

Possible Amendments to the
City of Wichita Zoning Ordinance Scheduled for
Public Hearing before the MAPC - Thursday, April 2, 1987

Recommended that Section 28.04.020 (Definition of Warehouses) be amended to read as follows:

WAREHOUSES AND STORAGE FACILITIES.

Commercial Warehouse: A building or portion thereof used for the storage of any type of property, merchandise or commodities without limitations as to area or method of operation as required for self-service storage facilities. ~~not permitted in a residential storage warehouse.~~ This shall not be deemed to include the storage area or stock room used in connection with a purely retail business when located on the same property and incidentally accessory thereto.

Self-service Storage Facility: A group of buildings, building, or portion thereof designed or used exclusively for the purpose of renting or leasing individual storage spaces, not exceeding 600 square feet, to tenants who are to have access to such space for the purpose of storing and removing excess personal property of an individual, family or business, when such is not located on the lot with their residence or place of business. This may include the passive storage of inactive or dead business files, supplies, furniture, office equipment and seasonal or occasional stock or merchandise, but shall in no way be deemed to include a transfer and storage business where the use of vehicles or heavy equipment is part of such business.

~~Residential Storage Warehouse:-- A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence; such as passenger motor vehicle; house trailer; motorcycle;~~

~~boat, camper and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.~~

Recommended that Section 28.04.183.2 be amended to read as follows:

2. The board of zoning appeals may by special permit grant exceptions and authorize these uses:

New and used car sales;

New and used boat sales;

New and used truck sales;

Recreational vehicle-trailer sales;

Trailer, vehicle and equipment rental, and leasing;

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

2.1 Location shall be contiguous to a major street as designated ~~in the Pattern For Thoroughfares, Wichita, Kansas, 1955,~~ by the Transportation System Plan as adopted by the Wichita-Sedgwick County Metropolitan Area Planning Commission on December 12, 1985, or amendments thereto.

2.2 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 but in no case less than that required by 28.04.160.K.

2.3 Storage and display areas shall be paved with concrete, asphalt or other comparable material.

2.4 All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.

~~2.5 No projecting signs shall be permitted.~~ Signs as permitted by 28.04.139.

~~2.6 No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure~~ beyond the property lines.

2.7 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.

2.8 No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

Recommended that Section 28.04.183.5 be amended to read as follows:

5. The board of zoning appeals may, by special permit, grant exceptions and authorize as a use, self-service storage facilities in the "BB" Office District and the "LC" Light Commercial District, ~~residential storage warehouses in the "B" multiple family dwelling the "BB" office, and the "LC" light commercial districts,~~ subject to the following conditions and requirements:

5.1 The tract for such use located in the ~~"B" multiple family dwelling district or the~~ "BB" Office District shall be contiguous or adjacent to either the "OC" Office Commercial, "LC" Light Commercial, "C" Commercial, "E" Light Industrial or "F" Heavy Industrial zoning districts.

5.2 The use must be located contiguous to an arterial street as designated in the transportation plan.

5.3 There shall be a minimum lot area of two acres or more. All buildings shall set back not less than thirty-five feet from arterial street right-of-way line. ~~when located in the "LC" light commercial district and twenty feet when located in the "B" multiple family dwelling district or the "BB" office district.~~ There shall be a twenty-foot building setback line from all other streets, unless a platted building setback line would require a greater setback.

5.4 Where the lot is adjacent to a residential zoning district a fifteen foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a fifteen foot landscaped front yard shall be provided when within one hundred feet of a residential zoning district or when across the street from a residential zoning district. The landscaping shall be in addition to any architectural screening type

fences or face of the structures that shall be designed to screen the use from the residential neighborhood. Such fence, when required, shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than ~~five~~ six feet nor more than eight feet in height. The fifteen foot landscaped yard may be reduced in width to not less than the minimum side and rear yard required by the area regulations of the applicable zoning district of the lot, when the adjacent residential zoning district is occupied by any legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy by the governing body is to look with favor on office, commercial or industrial zoning for the area.

5.5 When the development is in close proximity to residential development, the architectural design shall be submitted to the Superintendent of Central Inspection for review and a recommendation to the board as to whether or not the architecture is compatible with the surrounding development, and that adequate screening is being provided. Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Board of Zoning Appeals, may be retained in the BZA case file and by the Superintendent of Central Inspection to ensure that final development plans and construction comply therewith.

5.6 Any side of the building providing doorways to storage areas shall be set back from the property line not less than twenty-five feet when adjacent to a residential zoning district.

5.7 Off-street parking shall be required on the basis of one space for each eight thousand square feet of floor area in the facility plus one space for each employee, but in no case shall the number be less than five spaces.

5.8 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.9 All lights shall be shielded to direct light onto the uses established and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.

5.10 All storage on the property shall be kept within an enclosed building, unless a portion of the property or lot is properly zoned to otherwise permit a designated area for outside storage.

5.11 No activities such as miscellaneous or garage sales shall be conducted on the premises.

5.12 The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

5.13 A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the Traffic Engineering Division, ~~Department of Public Works~~; for tentative approval prior to the filing for the exception. Two copies of the approved plan shall accompany the application for consideration by the Board of Zoning Appeals.

5.14 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed fifty square feet in gross surface area. Signs shall not project over any public right-of-way.

5.15 All areas not paved, as required by 5.8 shall be landscaped with deciduous and coniferous plant materials. The landscaping plan shall be approved by the Planning Department. Maintenance of the landscaping shall be sufficient to maintain it in good condition.

5.16 The area shall be properly policed by the owner or operator for removal of trash and debris.

5.17 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.

5.18 A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

5.19 The maximum building coverage may be 45 percent of the total land area regardless of general limitations of the zoning district.

5.20 No individual or business shall lease more than 3,000 square feet of storage spaces.

5.21 Residential storage warehouses, as defined by prior ordinance and approved by the Board of Zoning Appeals, shall by definition be considered as self-service storage facilities. Said facilities shall be permitted the use of storage spaces for business storage, as set forth herein, even though the BZA Resolution may restrict such usage.

5.22 Such other conditions as the Board of Zoning Appeals shall deem necessary to provide for orderly development.

(Published in The Daily Record on March 6, 1987.)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED.

NOTICE IS HEREBY GIVEN, that on April 2, 1987, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas, in a meeting beginning at 1:30 p.m., will consider the following changes in Title 28, the Code of the City of Wichita, Kansas:

An Amendment to Section 28.04.020 of the zoning ordinance pertaining to the definition of "Warehouses" and amending said definition to include "Self-Service Storage Facilities" and deleting the definition of "Residential Storage Warehouses".

An amendment to Section 28.04.183.2 of the zoning ordinance pertaining to the sale and rental of vehicles in the "LC" Light Commercial District is expanded to include boats and recreational vehicles.

An amendment to Section 28.04.183.5 of the zoning ordinance pertaining to "Residential Storage Warehouses" is being amended to permit limited business storage in the "BB" Office and the "LC" Light Commercial Districts within "Self-Service Storage Facilities"; and deleting said use in the "B" Multiple-family Dwelling District.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

The proposed amendment will there be discussed and considered by the 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, and any protest against any of the provisions of the proposed change of the zoning ordinance will be considered by the Commission as law provided.

WITNESS MY HAND this 2nd day of March, 1987.

MARVIN S. KROUT, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

Additions - underlined
Deletions - ~~marked thru~~

Possible Amendments to the
City of Wichita Zoning Ordinance Scheduled for
Public Hearing before the MAPC - Thursday, April 2, 1987

Recommended that Section 28.04.020 (Definition ^{of Warehouse}) ~~be~~ be amended to read
as follows:

WAREHOUSES AND STORAGE FACILITIES.

Commercial Warehouse: A building or portion thereof used for the storage of any type of property, merchandise or commodities without limitations as to area or method of operation as required for self service storage facilities. ~~not permitted in a residential storage warehouse.~~ This shall not be deemed to include the storage area or stock room used in connection with a purely retail business when located on the same property and incidentally accessory thereto.

Self-service Storage Facility: A group of buildings, building, or portion thereof designed or used exclusively for the purpose of renting or leasing individual storage spaces, not exceeding 600 square feet, to tenants who are to have access to such space for the purpose of storing and removing excess personal property of an individual, family or business, when such is not located on the lot with their residence or place of business. This may include the passive storage of inactive or dead business files, supplies, furniture, office equipment and seasonal or occasional stock or merchandise, but shall in no way be deemed to include a transfer and storage business where the use of vehicles or heavy equipment are part of such business.

~~Residential Storage Warehouse: -- A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence; such as passenger motor vehicle, house trailer, motorcycle;~~

~~boat, camper and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.~~

Recommended that Section 28.04.183.2 be amended to read as follows:

2. The board of zoning appeals may by special permit grant exceptions and authorize these uses:

New and Used car sales,
~~New and used boat sales,~~

~~New and used truck sales,~~

~~Recreational vehicle-trailer sales,~~

more to be. ~~Trailer, vehicle and equipment rental, and leasing,~~ in the "LC" light commercial districts subject to the following conditions and requirements:

2.1 Location shall be contiguous to a major street as designated ~~in the Pattern For Thoroughfares, Wichita, Kansas, 1955, by the Transportation System Plan as adopted by the Wichita-Sedgwick County Metropolitan Area Planning Commission on December 12, 1985, or amendments thereto.~~

2.2 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 but in no case less than that required by 28.04.160.K.

2.3 Storage and display areas shall be paved with concrete, asphalt or other comparable material.

2.4 All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.

2.5 ~~No projecting signs shall be permitted.~~ Signs as permitted by 28.04.139.

2.6 No sound projecting devices or loudspeakers shall be used so as to be heard ~~outside of any structure~~ beyond the property lines.

2.7 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.

2.8 No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

Recommended that Section 28.04.183.5 be amended to read as follows:

5. The board of zoning appeals, may by special permit, grant exceptions and authorize as a use, self-service storage facilities, in the "BB" Office District and the "LC" Light Commercial District, residential storage warehouses in the "B" multiple family dwelling the "BB" office, and the "LC" light commercial districts, subject to the following conditions and requirements:

5.1 The tract for such use located in the ~~"B" multiple family dwelling district or the "BB" Office district~~ shall be contiguous or adjacent to either the "OC" Office Commercial, "LC" Light Commercial, "C" Commercial, "E" Light Industrial or "F" Heavy Industrial zoning districts.

5.2 The use must be located contiguous to an arterial street as designated in the transportation plan.

5.3 There shall be a minimum lot area of two acres or more. All buildings shall set back not less than thirty-five feet from arterial street right-of-way ^{line} ~~when located in the "LC" light commercial district, and twenty feet when located in the "B" multiple family dwelling district or the "BB" office district~~. There shall be a twenty-foot building setback line from all other streets, unless a platted building setback line would require a greater setback.

5.4 Where the lot is adjacent to a residential zoning district a fifteen-foot landscaped yard shall be provided on the lot adjacent to the residential zoning district ^{and} a fifteen-foot landscaped front yard shall be provided when within ^A one hundred feet of a residential zoning district or when across the street from a residential zoning district. The landscaping shall be in addition to any architectural screening type

fences or face of the structures that shall be designed to screen the use from the residential neighborhood. Such fence, when required, shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than ~~five~~ six feet nor more than eight feet in height. The fifteen-foot landscaped yard may be reduced in width to not less than the minimum side and rear yard required by the area regulations of the applicable zoning district of the lot, when the adjacent residential zoning district is occupied by any legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted zoning policy by the governing body¹² to look with favor on office, commercial or industrial zoning for the area.

5.5 When the development is in close proximity to residential development, the architectural design shall be submitted to the Superintendent of Central Inspection for review and a recommendation to the board as to whether or not the architecture is compatible with the surrounding development, and that adequate screening is being provided. Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the Board of Zoning Appeals, may be retained in the BZA case file and by the Superintendent of Central Inspection to ensure that final development plans and construction comply therewith.

5.6 Any side of the building providing doorways to storage areas shall be set back from the property line not less than twenty-five feet when adjacent to a residential zoning district.

5.7 Off-street parking shall be required on the basis of one space for each eight thousand square feet of floor area in the facility plus one space for each employee, but in no case shall the number be less than five spaces.

5.8 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.9 All lights shall be shielded to direct light onto the uses established and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.

5.10 All storage on the property shall be kept within an enclosed building, unless a portion of the property or lot is properly zoned to otherwise permit a designated area for outside storage.

5.11 No activities such as miscellaneous or garage sales shall be conducted on the premises.

5.12 The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

5.13 A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the ~~Traffic Engineering Division~~, ~~Department of Public Works~~, for tentative approval prior to the filing for the exception. Two copies of the approved plan shall accompany the application for consideration by the ~~Board of Zoning Appeals~~.

5.14 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed fifty feet in gross surface area. Signs shall not project over any public right-of-way.

5.15 All areas not paved, as required by 5.8 shall be landscaped with deciduous and ~~coniferous~~ ~~plant~~ materials. The landscaping plan shall be approved by the ~~Planning Department~~. Maintenance of the landscaping shall be sufficient to maintain it in good condition.

5.16 The area shall be properly policed by the owner or operator for removal of trash and debris.

5.17 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

5.18 A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

5.19 The maximum building coverage may be 45 percent of the total land area regardless of general limitations of the zoning district.

5.20 No individual or business shall lease more than 3,000 square feet of storage spaces.

5.21 Residential storage warehouses, as defined by prior ordinance and approved by the Board of Zoning Appeals, shall by definition be considered as self-service storage facilities. Said facilities shall be permitted the use of storage spaces for business storage, as set forth herein, even though the BZA Resolution may restrict such usage.

~~5.19~~ 5.22 Such other conditions as the board of zoning appeals shall deem necessary to provide for orderly development.

FROM LYTLE

DATE 2/19/87

ADMINISTRATION

- ~~Kest~~
- Lopez
- Eubanks
- Henderson
- Kelly
- Wasko
- Wimbley

ADVANCE PLANS

- Stockwell
- Young
- Bechtel
- Hart
- Kelley
- Kidd
- Mitchell
- Shen
-
-
-

CURRENT PLANS

- Galbraith
- Lytle
- Harris
- Losew
- Nagley
- Olivarez
-

GRAPHICS

- Pierce
- Commer
- Crook
- Jones

REMARKS

*I'm not strongly opposed to
"self-promoting" in BB by spel
exception / do have some
other As. M*

- Note & Return
- Handle
- All Staff
- Comment
- Signature
- Library
- Information
- Files
- Type
- Initial

Additions - underlined
Deletions - ~~marked thru~~

DR-87-2

Possible Amendments to the
City of Wichita Zoning Ordinance Scheduled for
Public Hearing before the MAPC - Thursday, April 2, 1987

Recommended that Section 22.04.020 (Definitions) be
amended to read as follows:

WAREHOUSES and STORAGE FACILITIES.

Commercial Warehouse: A building or portion thereof used for the
storage of any type of property, merchandise or commodities without
limitations as to area or method of operation as required
for self service storage facilities and residential
storage facilities. ~~not permitted in a residential storage warehouse.~~

This shall not be deemed to include the storage area or stock room
used

in connection with a
purely retail business when located on the same property and incidentally
accessory thereto.

Self-Service Storage Facility: A group of buildings, building, or
portion thereof designed or used exclusively for the purpose of renting
or leasing individual storage spaces, ^{not exceeding 600 square feet.} to tenants who are to have access
to such space for the purpose of storing and removing excess personal
property of an individual, family or business, when such is not located
on the lot with their residence or place of business. This ~~shall~~ ^{may} include
the passive storage of inactive or dead business files, supplies, furniture,
^{office} equipment and seasonal or occasional stock or merchandise, but shall in no
way be deemed to include a transfer and storage business where the use of
vehicles ^{or heavy equipment} are part of such business.

speculative
improvement

Residential Storage Warehouse Facility: A group of buildings,
building or portion thereof designed or used exclusively for storing the
excess personal property of an individual or family when such is not

2.

located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

Recommended that Section 28.04, 1985, 2 be amended to read as follows:

2. The board of zoning appeals may by special permit grant exceptions and authorize these uses:

New and used car sales,

New and used boat sales,

New and used truck sales,

Trailer and camping vehicle sales;

Recreational vehicle

Trailer, vehicle and equipment rental, and leasing.

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

2.1 Location ^{shall be} contiguous to a major street as designated in the Pattern-For-Thoroughfares, Wichita, Kansas, 1955, or amendments thereto.

by the Transportation System Plan as adopted
by the Wichita-Sedgewick County Metropolitan Area
Planning Commission on December 12, 1985;

2.2 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, but in no case less than that required by 28.04.160, K.

2.3 All storage and display areas shall be paved with concrete, asphalt or other comparable material.

2.4 All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.

2.5 No projecting signs shall be permitted.

2.6 No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure, beyond the property lines.

2.7 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.

2.8 No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

Recommended that Section 28.04.183.5 ~~shall~~ be amended to read as follows:

5. The board of zoning appeals may, by special permit, grant exceptions and authorize as a use, self-service storage facilities, in ~~the "LC" light commercial districts;~~ and, residential storage-warehouses facilities, in the "B" multiple-family dwelling ^{and} the "BB" office ~~and the "LC" light commercial districts,~~ subject to the following conditions and requirements:

← BB docs make some sense to me, apply if limited as below

~~Subsequent self-storage shall be amended to read as follows:~~

5.1 The tract for such use ^S located in the "B" multiple-family dwelling district or the "B" "BB" office district shall be contiguous or adjacent to either the "OC" office commercial, "LC" light commercial, "C" commercial, "E" light industrial or "F" heavy industrial zoning districts.

←

5.2 The use must be located contiguous to an arterial street as designated in the transportation plan.

(w/ access only to arterial)

5.3 There shall be a minimum lot area of two acres or more. All buildings shall set back not less than thirty-five feet from arterial street right-of-way when ~~located in the "LC" light commercial district,~~ and twenty feet when ~~located in the "B" multiple-family dwelling district or the "BB" office district.~~ There shall be a twenty foot building setback line from all other streets, unless a platted building setback line would require a greater setback.

5.4 Where the lot is adjacent to a residential zoning district a fifteen-foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a fifteen-foot landscaped front yard shall be provided when within one hundred feet of a residential zoning district or when across the street from a residential zoning district. The landscaping shall be in addition to any architectural screening type fences or face of the structures that shall be designed to screen the

4.

use from the residential neighborhood. Such fence, when required, shall be solid or semisolid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than ~~five~~^{six} feet nor more than eight feet in height.

← ?
Consideration of structure without openings be the same
I like
← 6'

15' yard and back

The fifteen-foot landscaped yard may be reduced in width to not less than the minimum side and rear yard required by the area regulations of the applicable zoning district of the lot, when the adjacent residential zoning district is occupied by any legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted ^{zoning} policy ~~exists~~^{is} to look with favor on office, commercial or industrial zoning for the area.

← (Adapted by City Commission)

5.5 When the development is in close proximity to residential development, the architectural design shall be submitted to the superintendent of central inspection for review and a recommendation to the board as to whether or not the architecture is compatible with the surrounding development, and that adequate screening is being provided. Sufficient copies of the preliminary design plans shall be provided so that a copy of such plans, after having been approved by the board of zoning appeals, may be retained in the BZA case file and by the superintendent of central inspection to ensure that final development plans and construction comply therewith.

← CID + MAPD? what stds?
= local plan adopted by board

5.6 Any side of the building providing doorways to storage areas shall be set back from the property line not less than twenty-five feet when adjacent to a residential zoning district.

5.7 Off-street parking shall be required on the basis of one space for each eight thousand square feet of floor area in the facility plus one space for each employee, but in no case shall the number be less than five spaces.

5.8 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.

5.9 All lights shall be shielded to direct light onto the uses established and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.

5.10 All storage on the property shall be kept within an enclosed building, unless a portion of the property or lot is properly zoned to otherwise permit a designated area for outside storage.

← what exactly does this mean?

5.11 No activities such as miscellaneous or garage sales shall be conducted on the premises.

5.12 The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

5.13 A plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the traffic engineering division, department of public works, for tentative approval prior to the filing for the exception. Two copies of the approved plan shall accompany the application for consideration by the board of zoning appeals.

5.14 Signs shall be limited to one per arterial street frontage. Signs shall not exceed twenty feet in height nor exceed fifty feet in gross surface area. Signs shall not project over any public right-of-way.

5.15 All areas not paved, as required by 5.8 shall be landscaped with deciduous and coniferous plant materials. The landscaping plan shall be approved by the planning department. Maintenance of the landscaping shall be sufficient to maintain it in good condition.

(prior to issuance of building permit)

5.16 The area shall be properly policed by the owner or operator for removal of trash and debris.

5.17 The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

5.18 A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

*

OK

5.19 The maximum building coverage may be 45 percent of the total land area regardless of general limitations of the zoning district.

5.20 Residential storage warehouses ^{as defined by prior ordinance and} approved prior to the adoption of this ordinance and located in the "B" Multiple-family Dwelling District or the "BB" Office District shall by definition be considered as residential storage facilities and be subject to the limitations set forth herein.

*

5.21 Residential storage warehouses as defined by prior ordinance and ^{as defined by prior ordinance and} approved prior to the adoption of this ordinance and located in the ^{BB} "LC" Light Commercial District, or when the property is rezoned to the ^{BB} "LC" Light Commercial District, shall by definition be considered as self service storage facilities. Such property shall then be permitted the use for business storage, as set forth herein, even though the BZA Resolution restricts such usage.

*but not constructed?
(see Int 5 6 same)*

*andward
section*

5.22 Such other conditions as the board of zoning appeals shall deem necessary to provide for orderly development.



PDS
INCORPORATED

PLANNING DEVELOPMENT SERVICES, INC.

River Park Place, 727 North Waco, Suite 125, Wichita, Kansas 67203 / (316) 262-0451

December 31, 1986

Mr. Glen E. Lytle
Wichita-Sedgwick County Metropolitan
Area Planning Department
City Hall - Tenth Floor
455 North Main Street
Wichita, Kansas 67202

RECEIVED

DEC 31 1986

METROPOLITAN PLANNING

ROUTE

RE: Possible Amendment to the Wichita Zoning
Ordinance Regarding Residential Storage
Warehouses

Dear Glen:

In accordance with previous correspondence submitted by Mr. Bill Ard of Security Storage Properties and our subsequent discussions regarding same, transmitted herewith is our suggested draft of possible amendments to the Wichita Zoning Ordinance pertaining to residential storage warehouses. The suggested changes are in no way intended to materially alter existing operations, but are intended to allow passive business storage and provide a means for existing facilities to comply with the ordinance. Other existing safeguard restrictions prohibiting any vehicle or equipment repair, sales, outside storage, or transfer and storage business would be retained.

Other comments and items for consideration, are as follows:

1. Suggested wording for Section 28.04.183.5 would allow residential storage facilities by special permit in the "B", "BB" and "LC" districts. While this does not seem inappropriate, perhaps you would prefer to limit the granting of exceptions for residential storage facilities to only the "B" district.
2. Would it be appropriate to provide for the granting of exceptions by special permit for residential storage facilities and/or self-service storage facilities, in the "OC" district.
3. The intent behind adding our suggested new subsection 5.20 could perhaps better be accomplished by expanding the suggested definition for warehouses and storage facilities.

4. Our only reason for including an amendment to subsection 5.1 is to correct what appears to be a typing error in my copy of the zoning ordinance which contains amendments thru December 31, 1984.

Both Mr. Ard and myself would welcome the opportunity to visit further with you and other staff on this matter, and to assist wherever possible. The staff's consideration of the suggested amendments to the zoning ordinance is greatly appreciated.

Sincerely,

PLANNING DEVELOPMENT SERVICES, INC.



John D. Gist

JDG:mb

CC: Jack H. Galbraith
Marvin Krout
Bill Ard

POSSIBLE AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF WICHITA, KANSAS

Additions underlined

Deletions ~~marked thru~~

Section 28.04.020 Definitions.

WAREHOUSES. Shall be amended to read as follows:

WAREHOUSES - AND STORAGE FACILITIES.

Commercial Warehouse: A building or portion thereof used for the storage of any property not permitted in a self-service storage facility or a residential storage warehouse facility. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

Self-Service Storage Facility: A group of buildings, building, or portion thereof designed or used exclusively for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing excess personal property of an individual, family or business, when such is not located on the lot with their residence or place of business. This shall include the passive storage of inactive or dead business files, supplies, furniture, equipment and seasonal or occasional stock or merchandise, but shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business.

Residential Storage Warehouse+ Facility: A group of buildings, building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not

located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper and other items of personal property generally stored in residential accessory structures. This shall not include the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.

Section 28.04.183.5. Shall be amended to read as follows:

5. The board of zoning appeals may, by special permit, grant exceptions and authorize as a use, self-service storage facilities, in the "BB" office and the "LC" light commercial districts; and, residential storage warehouses facilities, in the "B" multiple family dwelling, the "BB" office, and the "LC" light commercial districts, subject to the following conditions and requirements:

Subsection 5.1 shall be amended to read as follows:

5.1 The tract for such use located in the "B" multiple family dwelling district or the "BB" office district shall be contiguous or adjacent to either the "OC" office commercial, "LC" light commercial, "C" commercial, "E" light industrial or "F" heavy industrial zoning districts.

Subsection 5.3 shall be amended to read as follows:

5.3 There shall be a minimum lot area of two acres or more. All buildings shall set back not less than thirty-five feet from arterial street right-of-way ~~when located in the "LC" light commercial district, and twenty feet when located in the "B" multiple family dwelling district or the "BB" office district.~~ There shall be a twenty foot building setback line from all other streets, unless a platted building setback line would require a greater setback.

Subsection 5.4 shall be amended to read as follows:

5.4 Where the lot is adjacent to a residential zoning district a fifteen-foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a fifteen-foot landscaped front yard shall be provided when within one hundred feet of a residential zoning district or when across the street from a residential zoning district. The landscaping shall be in addition to any architectural screening type fences or face of the structures that shall be designed to screen the use from the residential neighborhood. Such fence, when required, shall be solid or semisolid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than five feet nor more than eight feet in height. The fifteen-foot landscaped yard may be reduced in width to not less than the minimum side and rear yard required by the area regulations of the applicable zoning district of the lot, when the adjacent residential zoning district is occupied by any legal nonconforming office, commercial or industrial use; or, when adjacent to a property where an adopted policy exists to look with favor on office, commercial or industrial zoning for the area.

Subsection 5.10 shall be amended to read as follows:

5.10 All storage on the property shall be kept within an enclosed building, unless a portion of the property or lot is properly zoned to otherwise permit a designated area for outside storage.

Subsection 5.19 shall be renumbered and become Subsection 5.21.

Add a new subsection 5.19 to read as follows:

5.19 The maximum building coverage of land area for self-service storage facilities, and residential storage facilities, located in the "BB" office district may exceed more than one-third of the lot, but in no instance shall the maximum building coverage for said facilities in any of the permitted zoning district exceed more than 45 percent of the total land area.

Add a new subsection 5.20 to read as follows:

5.20 Residential storage warehouses approved prior to _____, 1987, and existing in the "B" multiple family dwelling district shall by definition be considered as residential storage facilities; and, existing in the "BB" office and the "LC" light commercial districts shall by definition be considered as self-service storage facilities.

Res. Stor. Warehouse Amendment

Amend Defin. of Res. Stor. Whse. or Self Service Storage Facilities
Define Mini Storage Whses.

Limit size of units

Permit passive storage of office & business,
files and equipment,
seasonal merchandise,
salesman supplies, etc.

? Elim. Res. Stor. Whses in "B" Dist.
" " " " "BB" Dist.

or. Permit Mini Stor. in "LC" only

Make change applicable to previously appr. B2A cases
w/o further hearing.

5.4 Permit setback at less than 15 feet when adjacent to
an area occupied by any legal nonconforming
office, commercial or industrial use located in
a residential zoning district, - or when adjacent
to a property where an adopted policy is to
look with favor for office, commercial or industrial
zoning for the area.

5.3 Revise setbacks on all properties to be 35 feet adjacent
to all arterial or expressways and 20 feet adjacent
to all other streets or as shown by the plat.

GAVE copy to
John Gist
DEC 86



201 South Oliver, Wichita, Kansas 67218 • (316) 685-9331

July 25, 1986

Mr. Glen E. Lytle
Wichita-Sedgwick County
Metropolitan Area Planning Commission
455 North Main Street
Wichita, Kansas 67202

RE: Request to Amend Zoning Ordinance, Section
28.04.183.5 Code of City of Wichita regarding
allowed storage uses, residential mini-
warehouse.

Dear Mr. Lytle:

This letter is a formal request to amend the existing Wichita zoning ordinance and definitions prohibiting all business storage in the "B", "BB", and "LC" districts where mini-storage exceptions are allowed. Our request is to alter the code to allow passive business storage in otherwise conforming mini-storage facilities.

This requested change in no way is intended to materially alter existing operations, but is intended to provide a means for existing facilities to comply with code. This is particularly true for the "LC" district, as we feel original definitions exceeded the intent of the ordinance.

Current zoning exceptions contain the following stipulation - "Nor shall storage space be rented or leased to any commercial business, individual, or corporation for the storage of any merchandise, stock, furnishings, or vehicles of a business of any kind". This restriction is in addition to other specified safeguard restrictions prohibiting any vehicle or equipment repair, sales, outside storage, or transfer and storage business. We

Page 2
July 25, 1986
Mr. Glen E. Lytle

believe the safeguard restrictions should be retained. However, the restriction prohibiting all passive business storage is unenforceable on the owners part, and totally unnecessary, as passive business storage is generally less obtrusive than most household storage. Passive business storage is typically dead business files, unused office furniture and equipment, church chairs and tables, salesman samples, and excess seasonal inventory. All are relative small storage users, being limited by the small storage spaces available at the properties.

As currently written, the subject business restrictions can not be policed, and are not enforceable for the mini-storage owner. The owner is placed in a position of not being able to comply with code which jeopardizes his operations, his mortgage financing, and his good faith investment with the community.

Your consideration of this requested amendment of the zoning ordinance is greatly appreciated.

Sincerely,

SECURITY STORAGE PROPERTIES



Bill Ard

BA/sp

West 50'
of Sec Stor on
Denver is LC
Rock Road - BE
"LC" a.k.

6-23-86

10:30 am

Bill Ard -

- * Brought these in as examples of problems/Re: Res. Stor. Warehouses.
- * Wants consideration of a change in the zoning ordinance to permit commercial use of same.
- * Advised him I would be amenable to change in "LC" only - "B" & "BB" - no.
- * Advised him I would discuss this with HHK. - He will call me next week.

subject to the following conditions:

1. Prior to the release of the Resolution authorizing the construction of Residential Storage Warehouses, the applicant shall complete the plat of Security Storage Properties Addition which is necessary to establish "BB" Office Zoning on the property.
2. A 15' landscaped yard shall be provided along all property lines that are adjacent to any Residential zoning district. A landscape plan shall be submitted to the Secretary for approval.
3. A six to eight foot screening fence, constructed to prevent the passage of light and debris shall be erected along the south, north and west property lines at the required 15' setback line wherever the buildings do not provide the screening. Said fence shall be constructed of either brick, stone, architectural tile, masonry, wood or other similar material (not including woven wire).
4. The remainder of the property shall be fenced in some manner for security and control provisions, preferably of a material compatible with the design of the building, but at the option of the applicant.
5. Any side of the buildings providing access to storage areas shall maintain a 25' setback from any property line.
6. Off-street parking shall be provided by ordinance on the basis of the total square feet of floor area in the facility.
7. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
8. All lights shall be shielded to direct light onto the uses established and directed away from adjacent property.
9. No activities such as miscellaneous or garage sales shall be conducted on the premises.
10. The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.
11. On-site ground or pole signs shall be limited to one per arterial street frontage and in this case, one sign would be permitted. This sign shall not exceed 20' in height nor exceed 50 square feet in gross surface area and shall not project over any public right-of-way.
12. The area shall be properly policed by the owner or operator for removal of trash and debris.
13. The operation of this facility shall in no way be deemed to include a transfer and storage business where the use of vehicles are part of such business, nor shall storage space be rented or leased to any commercial business, individual or corporation for the storage of any merchandise, stock, furnishings or vehicles of a business of any kind.
14. No outdoor storage of any kind shall be permitted on the premises.
15. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
16. A copy of this resolution shall be maintained in the office for the convenience of the manager and the tenants. In addition, a log of all tenants shall be maintained on the premises for review by the Central Inspection Superintendent to assure compliance that no commercial storage is occurring in violation of this resolution.

TYPICAL LOAN DOCUMENT

10. At all times after prior notice is given to Borrower by Lender and after Borrower is given a reasonable time to pay any of the following, Lender shall have the right to pay or cause to be paid and discharged any claims, liens, charges, costs or expenses arising out of, or claimed with respect to the construction, including all sums due or claimed to be due for labor, materials, equipment or furnishings performed or furnished with respect to the construction.

11. The Borrower will comply with and keep in effect all permits and approvals obtained from any governmental bodies that relate to the lawful construction of the Improvements. The Borrower will comply with all existing and future laws, regulations, orders and requirements of all governmental, judicial or legal authorities having jurisdiction over the Property or Improvements, and with all recorded restrictions affecting the Property. The Borrower will provide evidence satisfactory to Lender that the existing zoning for the premises will permit the development proposed by Borrower.

12. If at any time prior to the issuance of a Certificate of Occupancy permit or its equivalent, the property or the building, or any materials, equipment or furnishings therein or thereon, are damaged as a result of fire or other casualty, or in the event that all, or any part, of the property, or any materials, equipment or furnishings is taken by condemnation by any public or quasi-public authority, this agreement may be terminated by the Lender, at its election, and all outstanding indebtedness of Borrower to Lender under the Note (Exhibit B), at the option of Lender, shall immediately become due and payable with notice as required in the Note and without affecting the validity of the Note and the Mortgage.

Lender shall have the sole right to the proceeds of all insurance policies paid as a result of the damage resulting from fire or other casualty, and Lender shall have the sole right to any and all award monies made for the taking by condemnation; provided, however, all such proceeds or award money shall be applied to the indebtedness evidenced by the Note or the reconstruction of the subject property and improvements and any proceeds or award money remaining after satisfaction and discharge of all indebtedness to Lender shall become the property of the Borrower.

13. This agreement shall not be assigned or transferred by Borrower or by operation of law or otherwise, without the prior written consent of Lender.

14. Borrower agrees to comply with any and all reasonable requirements of Lender hereafter made by Lender during the term of this agreement and Borrower agrees to make, execute and deliver to Lender any and all further instruments, documents and agreements as may be required by Lender, but only if such requirements, instruments, documents, and agreements are reasonably necessary to carry out the intended transaction contemplated by this agreement.

15. Lender shall have the right to pledge this agreement, the Note and the Deed of Trust/Mortgage and all other instruments securing the Note as collateral for the purpose of obtaining funds to make the construction loan to Borrower.

16. Borrower and Lender agree that notwithstanding the provisions of this agreement, Lender shall be entitled to all rights and privileges contained in the Note, Mortgage and

TYPICAL SALES CONTRACT

EXHIBIT II

Seller's Agreements, Representations, and Warranties

Pursuant to the provisions of the Agreement of which this Exhibit is a part, Seller agrees with and warrants and represents to and for the benefit of Purchaser, its partners, successors, and assigns, as follows:

- (1) Pending the Closing, Seller shall make all repairs and replacements to the improvements which are necessary to maintain them in the same condition as at the present time, ordinary wear and tear and insured casualty loss only excepted.
- (2) Without limitation on any other representation or warranty contained in this Exhibit II:
 - (a) To the best of Seller's knowledge, there is no plan, study, or effort by any governmental authority or agency which in any way affects or would affect the present use or zoning of the Property and there is no existing, proposed, or contemplated plan to widen, modify, or realign any street or highway or any existing, proposed, or contemplated eminent domain proceedings that would affect the Land in any way whatsoever. In the event any such notice or information is received by Seller, Seller will immediately notify Purchaser thereof.
 - (b) Seller has received no notice nor does it have any knowledge of any violation of any laws, ordinances, rules, and regulations of any government or any agency, body, or subdivision thereof with jurisdiction bearing on the construction, maintenance, repair, or operation of the Property. In the event any such notice or information is received by Seller, Seller will immediately notify Purchaser thereof. All such violations shall be corrected by Seller at its sole cost and expense prior to Closing.
 - (c) Neither the Agreement nor anything provided to be done thereunder, including, but not limited to, the conveyance of the Property, will violate any contract, agreement, or instruments to which Seller is a party and which affects the Property.
 - (d) To the best of Seller's knowledge, the Property is not located in areas designated by the Secretary of Housing and Urban Development or any other Governmental authority or Agency as having special flood or mudslide hazards.
- (3) Seller agrees to use its best efforts between now and the Closing Date to maintain all of its obligations or liabilities with respect to the Property free from default. In the event there is any such default at the Closing Date, except to the extent provided in this Agreement, such default shall not constitute a failure to satisfy a condition for Closing nor shall Seller have any liability with respect thereto.