

DR 73-25 Possible Amendment to  
Zoning Ordinance RE: Screening  
requirements for commercial and  
industrial uses.

# ACTION

DATE

COMMITTEE

M.A.P.C. *app. recommended 4-25-74*

B.C.C./B. CO. C. *Approved 5-14-74*  
*Recommndd*

POSSIBLE AMENDMENT TO THE ZONING ORDINANCE TO REQUIRE SCREENING FOR ALL OFFICE, COMMERCIAL AND INDUSTRIAL DEVELOPMENT WHEN ADJACENT TO ANY RESIDENTIAL ZONING DISTRICT: AND PROVIDE FOR THE MAINTENANCE OF ALL PROVISIONS OF THE ZONING ORDINANCE, PARTICULARLY THE SPECIAL REQUIREMENTS, SUCH AS LANDSCAPING, FENCING, SCREENING, AND PARKING IMPROVEMENTS.

SECTION 28.04.020 of the Code of the City of Wichita, Kansas, shall be amended to include the following definitions:

**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.

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

SECTION 28.04.160 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

K. SCREENING OF OFFICE, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL DEVELOPMENT.

Screening shall be provided on all properties developed for office, commercial, institutional and industrial uses when such are established on property adjacent to residentially zoned property in accordance with the following conditions:

- (1) Where a side or rear lot line coincides with a side or rear lot line of an adjacent residence district, then screening shall be provided along such lot line.
- (2) Where the rear or side wall of any structure used for office, commercial, institutional or industrial use lies across the street from the front yard or the side yard of a residential zoning district, then screening shall be provided along such rear or side wall and shall be not less than 20 feet from the street right-of-way line. The 20-foot setback shall be landscaped.
- (3) Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a landscaped yard equal

in depth to the minimum front yard required by this ordinance on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least 50 feet, including the width of any intervening alley.

- (4) Landscaped yards shall not be used for storage, display, parking, loading or signs.
- (5) Screening shall not be located closer to the street right-of-way than 20 feet or be higher than permitted by other ordinances.

(L) MAINTENANCE.

It shall be the responsibility of the owner to maintain in good condition all of the required improvements on his property. This shall include, but not be limited to, fences, screening, landscaping, off-street parking and off-street loading areas.

When it is determined by the Superintendent of Central Inspection that improvements required by this ordinance are not being maintained, it is his duty to give notice in writing to the property owner. Such notice shall specify in what manner the improvements are in need of maintenance and a date for compliance. The property owner shall have not less than 30 days to comply with the notice; provided, however, that any person aggrieved by any such order and disagreeing with

any of the requirements of the notice, may file an appeal, within the 30-day period, with the Secretary of the Board of Zoning Appeals.

If the owner of the land has failed, refused or neglected to make the necessary maintenance repairs within the time of the notice or time designated by the Board of Zoning Appeals, then the Superintendent of Central Inspection shall cause such maintenance to be done to the property. The cost of maintenance shall be certified by the Superintendent of Central Inspection to the City Clerk, who shall cause the costs to be assessed against the property on which the maintenance repairs were made.

May 31, 1974

Robert B. Feldner, Superintendent of Central  
Inspection  
Glen Lytle, Special Assistant for Zoning

Zoning Ordinance Revision

Attached hereto are 10 copies of the zoning ordinance amendment that has been adopted by the Board of City Commissioners and was published on May 24, 1974. Additional copies will be furnished after we receive them back from the printer. I have also included copies of a diagram showing typical applications of the requirements for screening and landscaping of commercial, industrial, institutional and office uses when development is adjacent to residentially zoned property.

The application of these regulations will not apply to providing any protection to residences located in any commercial or industrial zoned areas. It will however, be particularly applicable to properties where such is completely surrounded by residentially zoned property, whether the adjacent property is occupied by residences or not. It will also be more difficult to develop what we consider spot zoned properties without providing the required protection to adjacent properties. This would particularly be applicable to a small commercial, office or industrial development occurring in the middle of a block where the requirement for the extension of a landscaped yard would essentially be across the entire front of the development. This would require the front yard to be landscaped and would not permit any use except for access through same to the use established. I hope that you and your staff will encourage the location of access driveways away from the required landscaped areas and definitely away from the adjacent residential properties.

Screening defined by this ordinance must be continuous to be effective. This will practically eliminate all possibility of access driveways serving the rear or side of a building when such is across the street from a front yard in a residential zoning district. I would assume that it could be accomplished by some method of location that would screen direct visibility into the rear or side of the building. I would again attempt to discourage access through such screening, particularly where access would be to a residential street.

Also included is a requirement for a plan to be submitted for approval when the screening is to consist of evergreen vegetation or landscaped earth berms. I would envision that the

May 31, 1974  
Page 2

procedure would be similar to the approval that is now made on landscaping requirements for Community Unit Plans. Sufficient copies should be required so that we may retain one copy in our file and whatever might be required for your office.

The provision of the ordinance requiring the maintenance of the improvements of the zoning ordinance was inserted to help in the administration of the ordinance. It would hope that such can be used to expedite compliance in minor maintenance situations where it is not feasible to process same through the courts. I would hope that where such notices for compliance are given that it be sufficiently itemized and adequate time be allowed for compliance to the notice. Where vegetation is involved, or paving is needed to be repaired, the time for compliance should be sufficiently adequate to include the type of weather to permit such maintenance. This would reduce the possibility of a lot of appeals to the Board of Zoning Appeals.

Should you have any questions or problems develop, please let Jack Galbraith or I know.

GEL:ras  
Attachments

cc: Ray Bruggeman, Director of Public Works  
Paul Graves, Traffic Engineer  
George Wilton, Superintendent of Public Works-Maintenance  
Jack Galbraith, Chief Planner

May 31, 1974

John Firsching, Superintendent, Landscape  
and Forestry  
Glen E. Lytle, Special Assistant for Zoning

Zoning Ordinance Revision

Attached hereto is a copy of the ordinance you requested that was published on May 24, 1974 relating to screening of commercial and industrial uses when the development occurs adjacent to any residential zoning district. I have also included a copy of a diagram that shows the typical application of these regulations.

If you have any questions about this ordinance, please let me know.

GEL:rme  
Attachment

May 8, 1974

Ralph Wulz, City Manager

Robert A. Lakin, Director of Planning

DR 73-25 - Amendment to Zoning Ordinance Re:  
Screening of Office, Commercial and Industrial  
Development from Residential Areas

The attached proposed amendment to the City of Wichita zoning ordinance was prepared at the request of the Board of City Commissioners. This proposed amendment was considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission at their meeting of April 25, 1974 and is recommended for adoption by the Governing Body. Copies of the Planning Commission minutes are attached.

The screening and landscaping that will be required by this proposed ordinance should provide protection to adjacent residential properties. The Planning Commission suggested a change in the proposed ordinance that was made. This will permit the use of landscaped earth berms as a method of screening in addition to fences and evergreen vegetation. Although berms will require more land than a fence or evergreen vegetation, developers would have the option to use the method best suited to the development.

The proposed amendment also includes a provision for the administration of the ordinance relating to the maintenance of the improvements required by the zoning ordinance. It sets forth a procedure for notification by the Superintendent of Central Inspection of any violation or need for maintenance of the required improvements. The owner shall have the right to appeal the conditions of the notice to the Board of Zoning Appeals. Failure to comply with the notice within the specified time will permit the Superintendent of Central Inspection to cause the necessary maintenance to be done, and the cost of same to be certified to the City Clerk for assessment against the property as a special assessment.

This should provide a quicker method of obtaining compliance when there is need for replacing or maintaining landscaping, minor fence repairs and other conditions that are many times neglected by the owners.

We have attempted to diagram the majority of examples that would require screening and landscaping on the attached sheet. This method of screening and landscaping is similar to that which is to be included in the new zoning ordinance.

RAL:GEL:ber  
Attachment

cc: John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Supt. of Central Inspection

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

May 8, 1974

TO Ralph Wulz, City Manager  
FROM Robert A. Lakin, Director of Planning  
SUBJECT DR 73-25 - Amendment to Zoning Ordinance Re:  
Screening of Office, Commercial and Industrial  
Development from Residential Areas

The attached proposed amendment to the City of Wichita zoning ordinance was prepared at the request of the Board of City Commissioners. This proposed amendment was considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission at their meeting of April 25, 1974 and is recommended for adoption by the Governing Body. Copies of the Planning Commission minutes are attached.

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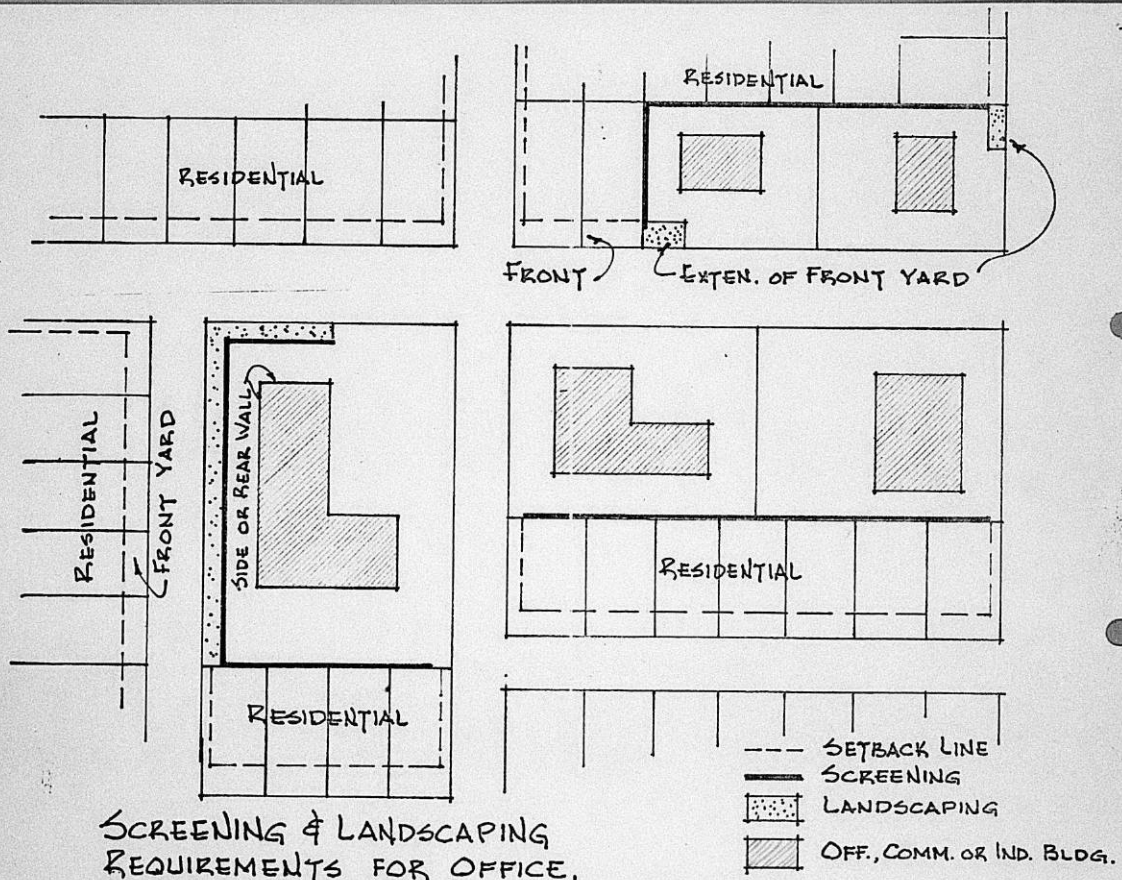
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RAL:GEL:ber  
Attachment

cc: John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Supt. of Central Inspection



SCREENING & LANDSCAPING  
 REQUIREMENTS FOR OFFICE,  
 COMMERCIAL & INDUSTRIAL DEVELOPMENT  
 ADJACENT TO RESIDENTIAL -- DR-73-25

4-17-74

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 25, 1974:

26. DR 73-25 - Public Hearing Re: Amendment to City Zoning Ordinance concerning screening requirements for offices, commercial and industrial uses.

GLEN LYTLE, Special Assistant for Zoning, reviewed the following staff report which had been submitted to the Commissioners prior to the meeting:

In recent discussions with the Board of City Commissioners when considering zoning change requests, they have expressed their concern over the lack of protection afforded residential properties when office, commercial or industrial uses are developed adjacent to or in close proximity. The Board of Commissioners has requested the preparation of an amendment to the zoning ordinance that will require screening of such uses. This possible amendment has been advertised for public hearing at the Planning Commission meeting of April 25, 1974.

A copy of the legal notice and the possible amendment to the text is attached. Examples of the application of the screening and landscaping provisions of the possible amendment are also attached.

Although the existing zoning ordinance contains provisions for screening and landscaping, they are limited to Community Unit Plans, off-street parking lots for commercial and industrial uses when the parking is located in the "B" or "BB" zoning districts, and is included as a condition or requirement for approval in a number of "exceptions" that may be permitted by action of the Board of Zoning Appeals.

This suggested ordinance revision should provide reasonable protection to adjacent residential properties. The extension of the required front yard for the residential district into the office or commercial district will create a more desirable transition between the two uses. The requirement for screening and a landscaped yard, when a rear or side wall of a development is across the street from a front or side yard of a residential zoning district, should also maintain the character of a residential area.

HILL brought up the possibility of including earthen berms so far as fencing or screening, and LYTLE said such could be included in the definition of screening.

**MOTION:** That the Planning Commission recommend to the City Commission that the proposed amendment to the zoning ordinance be approved as submitted by the staff, except that earthen berms be included as a possibility for screening. Hill moved and Graert seconded.

HOPPER thought any requirement for berms would be a handicap to the operators of small developments, and KAMEN pointed out that it is not intended that berms be a requirement, but only another acceptable method of screening or fencing.

In the discussion, it was brought out that there is difficulty in enforcing screening requirements so far as proper maintenance of either shrubbery or solid fencing. And there is no remedial method of enforcing such screening, such as that by which the City can mow weeds on a vacant lot and assess the cost thereof to the property.

HILL suggested that the City should comply with the screening ordinance on some of its facilities, such as the Water Works or prime sewage treatment plant. Other Commissioners agreed.

VOTE ON THE ABOVE MOTION was unanimous.  
(Blakey, Gardenhire, Hennessy and Taylor  
absent.)

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 28.04.020 OF THE CODE OF THE CITY OF WICHITA, KANSAS, BY ADDING THERETO CERTAIN DEFINITIONS; AND AMENDING SECTION 28.04.160 OF THE CODE OF THE CITY OF WICHITA, KANSAS, BY ADDING THERETO SUBSECTIONS K AND L RELATING TO THE LANDSCAPING AND SCREENING OF OFFICE, INSTITUTIONAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT WHEN ADJACENT TO ANY RESIDENTIAL ZONING DISTRICT; AND PROVIDING FOR THE MAINTENANCE OF THE IMPROVEMENTS REQUIRED BY THE ZONING ORDINANCE.

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 include the following definitions:

"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.

"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."

Section 28.04.160 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"K. SCREENING OF OFFICE, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL DEVELOPMENT.

"Screening and landscaping shall be provided on all properties developed for office, commercial, institutional and industrial uses when such are established on property adjacent to the "AA", "A", "RB", "R-5", "R-6", "B" and "G" residential zoning districts. EXCEPTION: Office and institutional uses

"established in any of the residential districts need not provide the screening, but shall provide the landscaping.

"Screening and landscaping shall be in accordance with the following:

"(1) Where a side or rear lot line coincides with a side or rear lot line of an adjacent residence district, then screening shall be provided along such lot line.

"(2) Where the rear or side wall of any structure used for office, commercial, institutional or industrial use lies across the street from the front yard or the side yard of a residential zoning district, then screening shall be provided along such rear or side wall and shall be not less than 20 feet from the street right-of-way line. The 20-foot setback shall be landscaped.

"(3) Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a landscaped yard equal in depth to the minimum front yard required by this ordinance on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least 50 feet, including the width of any intervening alley.

"(4) Landscaped yards shall not be used for storage, display, parking, loading or signs.

"(5) Screening shall not be located closer to the street right-of-way than 20 feet or be higher than permitted by other ordinances.

"L. MAINTENANCE.

"It shall be the responsibility of the owner to maintain in good condition all of the required improvements on his property. This shall include, but not be limited to, fences, screening, landscaping, off-street parking and off-street loading areas.

"When it is determined by the Superintendent of Central Inspection that improvements required by this ordinance are not being maintained, it is his duty to give notice in writing to the property owner. Such notice shall specify in what manner the improvements are in need of maintenance and a date for compliance. The property owner shall have not less than 30 days to comply with the notice; provided, however, that any person aggrieved by any such order and disagreeing with any of the requirements of the notice, may file an appeal, within the 30-day period, with the Secretary of the Board of Zoning Appeals.

"If the owner of the land has failed, refused or neglected to make the necessary maintenance repairs within the time of the notice or time designated by the Board of Zoning Appeals, then the Superintendent of Central Inspection shall cause such maintenance to be done to the property. The cost of maintenance shall be certified by the Superintendent of Central Inspection to the City Clerk, who shall cause the costs to be assessed against the property on which the maintenance repairs were made."

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 \_\_\_\_\_ day of \_\_\_\_\_, 1974.

\_\_\_\_\_  
Garry L. Porter, Mayor

ATTEST:

\_\_\_\_\_  
Ralph C. Eberly, City Clerk

Approved as to form:

\_\_\_\_\_  
John Dekker, Director of Law

EXCERPT FROM PLANNING COMMISSION MINUTES OF APRIL 25, 1974:

26. DR 73-25 - Public Hearing Re: Amendment to City Zoning Ordinance concerning screening requirements for offices, commercial and industrial uses.

GLEN LYTLE, Special Assistant for Zoning, reviewed the following staff report which had been submitted to the Commissioners prior to the meeting:

In recent discussions with the Board of City Commissioners when considering zoning change requests, they have expressed their concern over the lack of protection afforded residential properties when office, commercial or industrial uses are developed adjacent to or in close proximity. The Board of Commissioners has requested the preparation of an amendment to the zoning ordinance that will require screening of such uses. This possible amendment has been advertised for public hearing at the Planning Commission meeting of April 25, 1974.

A copy of the legal notice and the possible amendment to the text is attached. Examples of the application of the screening and landscaping provisions of the possible amendment are also attached.

Although the existing zoning ordinance contains provisions for screening and landscaping, they are limited to Community Unit Plans, off-street parking lots for commercial and industrial uses when the parking is located in the "B" or "BB" zoning districts, and is included as a condition or requirement for approval in a number of "exceptions" that may be permitted by action of the Board of Zoning Appeals.

This suggested ordinance revision should provide reasonable protection to adjacent residential properties. The extension of the required front yard for the residential district into the office or commercial district will create a more desirable transition between the two uses. The requirement for screening and a landscaped yard, when a rear or side wall of a development is across the street from a front or side yard of a residential zoning district, should also maintain the character of a residential area.

HILL brought up the possibility of including earthen berms so far as fencing or screening, and LYTLE said such could be included in the definition of screening.

**MOTION:** That the Planning Commission recommend to the City Commission that the proposed amendment to the zoning ordinance be approved as submitted by the staff, except that earthen berms be included as a possibility for screening. Hill moved and Gragert seconded.

HOPPER thought any requirement for berms would be a handicap to the operators of small developments, and KAMEN pointed out that it is not intended that berms be a requirement, but only another acceptable method of screening or fencing.

In the discussion, it was brought out that there is difficulty in enforcing screening requirements so far as proper maintenance of either shrubbery or solid fencing. And there is no remedial method of enforcing such screening, such as that by which the City can mow weeds on a vacant lot and assess the cost thereof to the property.

HILL suggested that the City should comply with the screening ordinance on some of its facilities, such as the Water Works or prime sewage treatment plant. Other Commissioners agreed.

VOTE ON THE ABOVE MOTION was unanimous.  
(Blakey, Gardenhire, Hennessy and Taylor  
absent.)

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**RE: AGENDA ITEM NO.**

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

April 17, 1974

TO Wichita-Sedgwick County Metropolitan  
Area Planning CommissionFROM Jack H. Galbraith, Chief Planner *JHG*SUBJECT DR 73-25 - Amendment to the Zoning Ordinance  
Re: Screening of Commercial and Industrial  
Development adjacent to Residential Properties

In recent discussions with the Board of City Commissioners when considering zoning change requests, they have expressed their concern over the lack of protection afforded residential properties when office, commercial or industrial uses are developed adjacent to or in close proximity. The Board of Commissioners has requested the preparation of an amendment to the Zoning Ordinance that will require screening of such uses. This possible amendment has been advertised for public hearing at the Planning Commission meeting of April 25, 1974.

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JHG:GEL:ber

Attachments

POSSIBLE AMENDMENT TO THE ZONING ORDINANCE TO REQUIRE SCREENING FOR ALL OFFICE, COMMERCIAL AND INDUSTRIAL DEVELOPMENT WHEN ADJACENT TO ANY RESIDENTIAL ZONING DISTRICT: AND PROVIDE FOR THE MAINTENANCE OF ALL PROVISIONS OF THE ZONING ORDINANCE, PARTICULARLY THE SPECIAL REQUIREMENTS, SUCH AS LANDSCAPING, FENCING, SCREENING, AND PARKING IMPROVEMENTS.

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

SECTION 28.04.160 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

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in depth to the minimum front yard required by this ordinance on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least 50 feet, including the width of any intervening alley.

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any of the requirements of the notice, may file an appeal, within the 30-day period, with the Secretary of the Board of Zoning Appeals.

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( ) Published in The Daily Record on April 3, 1974

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on THURSDAY, APRIL 25, 1974, the WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at 1:30 p.m., will consider the following change to Title 28, the Code of the City of Wichita, Kansas:

That Section 28.04.020 DEFINITIONS, be amended by adding definitions for landscaping and screening.

That Section 28.04.160 GENERAL REGULATIONS, be amended by adding a provision to require screening of all office, commercial and industrial development when such development is adjacent to any residential zoning district. Provide for the maintenance of all provisions of the zoning ordinance, particularly the maintenance of special requirements, such as landscaping, fencing, screening and parking improvements.

Copies of the proposed amendments are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department.

The proposed amendment will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 1st day of April, 1974.

Robert A. Lakin, Secretary  
Wichita-Sedgwick County Metro-  
politan Area Planning Commission

(SEAL)

April 12, 1974

Wichita Board of Realtors  
230 South Market  
Wichita, Kansas 67202

Re: DR 73-25

Gentlemen:

Enclosed herewith is a copy of a proposed change to the Zoning Ordinance for the City of Wichita. This proposed change has been advertised for public hearing before the Planning Commission at their meeting of April 25, 1974. This meeting will be held in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, and will begin at 1:30 p.m.

The proposed change to the Zoning Ordinance relates to the requirements of screening and landscaping office, commercial and industrial developments when such are located in close proximity to residential properties. This has been prepared at the request of the Board of City Commissioners due to their concern of being able to provide some protection to residential properties when development occurs in areas where residential property would be affected.

Should you or any member of your organization wish to comment on the proposed change, comments will be welcomed and heard at the meeting of April 25, 1974.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL:ber

Attachment

April 17, 1974

Wichita-Sedgwick County Metropolitan  
Area Planning Commission

Jack H. Galbraith, Chief Planner

DR 73-25 - Amendment to the Zoning Ordinance  
Re: Screening of Commercial and Industrial  
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This suggested ordinance revision should provide reasonable protection to adjacent residential properties. The extension of the required front yard for the residential district into the office or commercial district will create a more desirable transition between the two uses. The requirement for screening and a landscaped yard, when a rear or side wall of a development is across the street from a front or side yard of a residential zoning district, should also maintain the character of a residential area.

JHG:GEL:ber

Attachments

April 12, 1974

Mr. Tim Hurley, Executive Director  
Wichita Association of Homebuilders  
730 North Main  
Wichita, Kansas 67203

Re: DR 73-25

Dear Mr. Hurley:

Enclosed herewith is a copy of a proposed change to the Zoning Ordinance for the City of Wichita. This proposed change has been advertised for public hearing before the Planning Commission at their meeting of April 25, 1974. This meeting will be held in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, and will begin at 1:30 p.m.

The proposed change to the Zoning Ordinance relates to the requirements of screening and landscaping office, commercial and industrial developments when such are located in close proximity to residential properties. This has been prepared at the request of the Board of City Commissioners due to their concern of being able to provide some protection to residential properties when development occurs in areas where residential property would be affected.

Should you or any member of your organization wish to comment on the proposed change, comments will be welcomed and heard at the meeting of April 25, 1974.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL:ber

Attachment

THE CITY OF WICHITA  
OFFICE OF LAW DEPARTMENT

DATE March 22, 1974



TO GLEN E. LYTLE, Special Assistant for Zoning  
FROM H. R. KUHN, Assistant City Attorney

SUBJECT Amendment to Zoning Ordinance  
Re: Screening Requirements.  
DR-73-25

We have discussed this matter previously and informally, and I cannot, at the moment, think of anything that could improve upon the language you have employed in the proposed Amendment.

If I can be of further assistance, please advise.

HRK:jae

A handwritten signature in cursive script, appearing to read "H. R. Kuhn".



March 20, 1974

H. R. Kuhn, Assistant City Attorney

Glen E. Lytle, Special Assistant for Zoning

Amendment to zoning ordinance.  
Re: Screening requirements. DR-73-25

Attached hereto is a copy of a proposed amendment to the City of Wichita zoning ordinance. This proposed amendment has been prepared at the request of the Board of City Commissioners and will be advertised for public hearing before the Metropolitan Area Planning Commission at their meeting of April 25, 1974.

In discussing this matter the concern that has been expressed by this Department and the Central Inspection Division is the problem of maintenance of the provisions of the zoning ordinance relating to fences, landscaping and other required improvements. As you will note I have included as a part of the General Regulations (28.04.160) a provision to require the owner of a property to maintain in good condition the required improvements on his property. It also sets forth the provision of notification and the method for compliance should the owner fail to comply. This provision would be administered similar to other ordinances requiring maintenance of requirements such as weed mowing and sidewalk maintenance.

I would appreciate your comments by Monday, March 25, 1974 so that we may make any necessary changes prior to advertising same for public hearing.

GEL:rme

cc: John Dekker, Director of Law  
Robert A. Lakin, Director of Planning  
Jack H. Galbraith, Chief Planner  
Robert Feldner, Superintendent of Central Inspection

POSSIBLE AMENDMENT TO THE ZONING ORDINANCE TO REQUIRE SCREENING FOR ALL OFFICE, COMMERCIAL AND INDUSTRIAL DEVELOPMENT WHEN ADJACENT TO ANY RESIDENTIAL ZONING DISTRICT: AND PROVIDE FOR THE MAINTENANCE OF ALL PROVISIONS OF THE ZONING ORDINANCE, PARTICULARLY THE SPECIAL REQUIREMENTS, SUCH AS LANDSCAPING, FENCING, SCREENING, AND PARKING IMPROVEMENTS.

SECTION 28.04.020 of the Code of the City of Wichita, Kansas, shall be amended to include the following definitions:

**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.

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

SECTION 28.04.160 of the Code of the City of Wichita, Kansas, shall be amended by adding the following:

K. SCREENING OF OFFICE, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL DEVELOPMENT.

Screening shall be provided on all properties developed for office, commercial, institutional and industrial uses when such are established on property adjacent to residentially zoned property in accordance with the following conditions:

- (1) Where a side or rear lot line coincides with a side or rear lot line of an adjacent residence district, then screening shall be provided along such lot line.
- (2) Where the rear or side wall of any structure used for office, commercial, institutional or industrial use lies across the street from the front yard or the side yard of a residential zoning district, then screening shall be provided along such rear or side wall and shall be not less than 20 feet from the street right-of-way line. The 20-foot setback shall be landscaped.
- (3) Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a landscaped yard equal

in depth to the minimum front yard required by this ordinance on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least 50 feet, including the width of any intervening alley.

- (4) Landscaped yards shall not be used for storage, display, parking, loading or signs.
- (5) Screening shall not be located closer to the street right-of-way than 20 feet or be higher than permitted by other ordinances.

(L) <sup>1</sup>MAINTENANCE.  
A

It shall be the responsibility of the owner to maintain in good condition all of the required improvements on his property. This shall include, but not be limited to, fences, screening, landscaping, off-street parking and off-street loading areas.

When it is determined by the Superintendent of Central Inspection that improvements required by this ordinance are not being maintained, it is his duty to give notice in writing to the property owner. Such notice shall specify in what manner the improvements are in need of maintenance and a date for compliance. The property owner shall have not less than 30 days to comply with the notice; provided, however, that any person aggrieved by any such order and disagreeing with

any of the requirements of the notice, may file an appeal, within the 30-day period, with the Secretary of the Board of Zoning Appeals.

If the owner of the land has failed, refused or neglected to make the necessary maintenance repairs within the time of the notice or time designated by the Board of Zoning Appeals, then the Superintendent of Central Inspection shall cause such maintenance to be done to the property. The cost of maintenance shall be certified by the Superintendent of Central Inspection to the City Clerk, who shall cause the costs to be assessed against the property on which the maintenance repairs were made.

**THE CITY OF WICHITA**

**OFFICE OF CITY MANAGER**

**DATE** January 8, 1974



**ON SAFETY  
PHASE II**

**TO** Robert A. Lakin, Director of Planning

**FROM** Ralph Wulz, City Manager

**SUBJECT** Ordinance Requiring Screening

On January 8, 1974, the City Commission directed the preparation of an amendment to the zoning ordinance which will require screening between residential and non-residential properties and with provisions for maintenance of the screening.

Please bring this matter to the attention of the MAPC for the necessary hearing and other action.

  
Ralph Wulz  
City Manager

RW:fjh

cc: John Dekker, Director of Law



WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

December 12, 1973

TO Ralph Wulz, City Manager

FROM Robert A. Lakin, Director of Planning *RL*

SUBJECT Screening Requirements for Commercial and Industrial Zoning

**BACKGROUND:** Over the years, several methods have been attempted to provide adequate protection to residential properties from commercial and industrial uses when such uses are established adjacent to each other.

One method that was used on several occasions was the use of zoning districts such as the "B" Multiple-family dwelling district as a buffer zone between the low density residential development and the commercial development. This method does not provide any protection to any residential development that might occur in the "B" Multiple-family district from the commercial zoning.

The use of the "B" zoning for off-street parking in conjunction with a commercial or industrial development is required to be --

"effectively screened on each side that adjoins any property in a residential district (excluding alleys, streets or intervening publicways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chainlink fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback,"---

This is a relatively new provision and most off-street parking areas in the "B" district are not so screened. Within commercial or industrial zoning, there are no screening requirements for either parking or building areas, except for CUP's in the "LC" and "C" zoning districts.

Commercial development on properties of 6 acres or more located in the "LC" or "C" zoning districts, are regulated by the provisions of a Community Unit Plan. The conditions of approval of a CUP include a 5 to 8 foot high fence adjacent to the residential areas. It also requires that -- "low shrubbery not less than ten feet in width shall be provided on the perimeter of the planned commercial development when such area is adjacent to residential districts." Over the past year to 18 months, the MAPC has required the submission of landscaping plans to assure reasonable screening to adjacent properties.

In the development of the new zoning ordinance, there is within most commercial and industrial zoning districts a transitional yard. This is in addition to the normal front, side or rear yard requirements that we have in the existing ordinance, and was inserted specifically to provide a buffer between commercial, industrial and residential development. (See attachments Plates 6 and 11).

As an example, the following provisions for transitional yards are from the new zoning ordinance applicable to the B-2 Community Retail District which is the most comparable to the existing "LC" Light Commercial district.

Transitional yards:

- (a) Where a side lot line coincides with a side or rear lot line in an adjacent residence district, then a landscaped side yard shall be provided along such side lot line that is 20 feet in width.
- (b) Where a rear lot line coincides with a side lot line in an adjacent residence district, then a landscaped yard shall be provided along such rear lot line that is 20 feet in depth.
- (c) Where a rear lot line coincides with a rear lot line in an adjacent residence district, then a yard shall be provided along such rear lot line that is not less than 20 feet in depth.
- (d) Where the rear or side wall of any structure used for a use permitted in the B-2 District lies across the street from the front yard of a residential structure located in a residence district, then a landscaped yard shall be provided along such rear or side wall that is not less than 20 feet in depth.
- (e) Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residence district, then a landscaped yard equal in depth to the minimum front yard required by this ordinance on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least 50 feet, including the width of any intervening alley.

During review of this provision by the Zoning Advisory Committee, there was considerable concern of the amount of land that would be consumed by the transitional yards, particularly on a small site. The following provision was inserted to permit the use of the transitional yard for off-street parking.

Page 3 - Ralph Wulz  
December 12, 1973

- (f) In lieu of the above required landscaped transitional yards, screening may be substituted along the side and rear yards. Structures, signs and access drive-ways shall not occupy any of the space previously designated as transitional yards.

The definition of screening is as follows:

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

As drafted, the above provision of the proposed zoning ordinance for the transitional yard or screening would not be required on commercial development unless it is immediately adjacent to a residential zoning district. Thus, dwellings in a commercial district (North and South Broadway) would not be protected from adjacent commercial development.

Another provision of the proposed ordinance requires screening of all parking areas of six or more parking spaces on each side that adjoins any property situated in a residential district. (See Plate 6.)

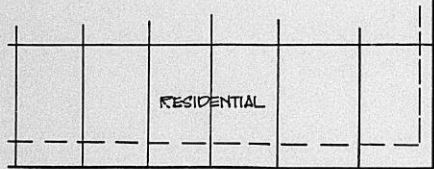
RECOMMENDATION:

Provide comments of the City Commission on screening requirements to the Zoning Advisory Committee and to the MAPC for possible recommendation on an amendment to the existing zoning ordinance.

RAL:GEL:ber

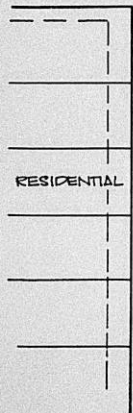
Attachments

PLATE II



RESIDENTIAL

REAR OR SIDE  
OF BUILDING



RESIDENTIAL

BUSINESS

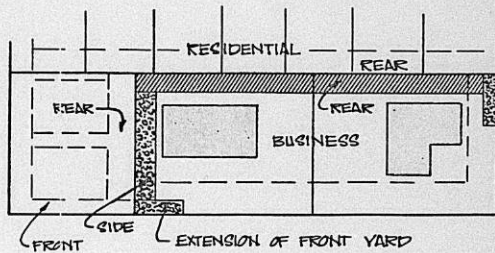
BUSINESS

BUSINESS

BUSINESS

BUSINESS

### TRANSITIONAL YARDS



RESIDENTIAL

REAR

REAR

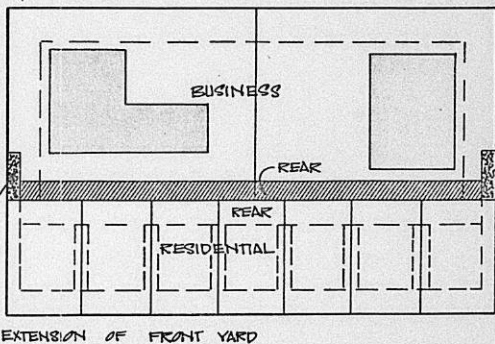
REAR

BUSINESS

FRONT

SIDE

EXTENSION OF FRONT YARD



BUSINESS

REAR

BUSINESS

REAR

BUSINESS

BUSINESS

BUSINESS

EXTENSION OF FRONT YARD

--- SETBACK LINE

LANDSCAPED  
TRANSITIONAL YARDS

REQUIRED YARD AREA

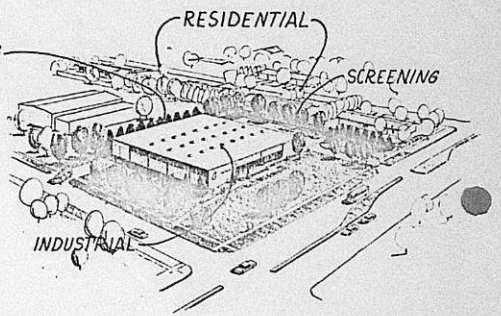
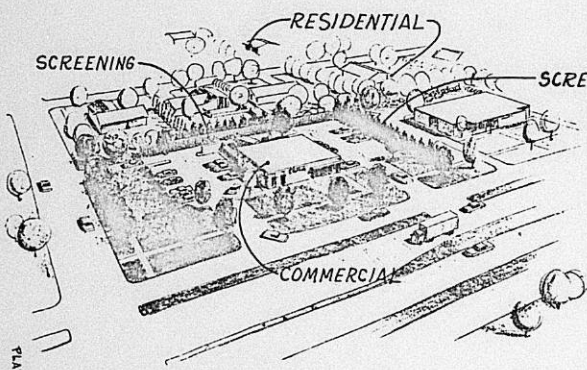
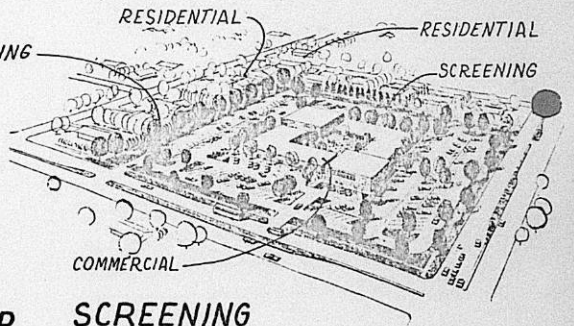


PLATE 6



LANDSCAPING AND SCREENING

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

December 12, 1973

TO Ralph Wulz, City Manager

FROM Robert A. Lakin, Director of Planning *RL*

SUBJECT Screening Requirements for Commercial and Industrial Zoning

BACKGROUND: Over the years, several methods have been attempted to provide adequate protection to residential properties from commercial and industrial uses when such uses are established adjacent to each other.

One method that was used on several occasions was the use of zoning districts such as the "B" Multiple-family dwelling district as a buffer zone between the low density residential development and the commercial development. This method does not provide any protection to any residential development that might occur in the "B" Multiple-family district from the commercial zoning.

The use of the "B" zoning for off-street parking in conjunction with a commercial or industrial development is required to be --

"effectively screened on each side that adjoins any property in a residential district (excluding alleys, streets or intervening publicways), by a solid wall, constructed of masonry, architectural tile, wood or other similar material (excluding chainlink fence) not less than six feet, or more than eight feet in height; however, the solid wall shall be reduced to three feet in height when adjacent to a street and shall not be placed closer to the front property line than the required front setback,"---

This is a relatively new provision and most off-street parking areas in the "B" district are not so screened. Within commercial or industrial zoning, there are no screening requirements for either parking or building areas, except for CUP's in the "LC" and "C" zoning districts.

Commercial development on properties of 6 acres or more located in the "LC" or "C" zoning districts, are regulated by the provisions of a Community Unit Plan. The conditions of approval of a CUP include a 5 to 8 foot high fence adjacent to the residential areas. It also requires that -- "low shrubbery not less than ten feet in width shall be provided on the perimeter of the planned commercial development when such area is adjacent to residential districts." Over the past year to 18 months, the MAPC has required the submission of landscaping plans to assure reasonable screening to adjacent properties.

In the development of the new zoning ordinance, there is within most commercial and industrial zoning districts a transitional yard. This is in addition to the normal front, side or rear yard requirements that we have in the existing ordinance, and was inserted specifically to provide a buffer between commercial, industrial and residential development. (See attachments Plates 6 and 11).

As an example, the following provisions for transitional yards are from the new zoning ordinance applicable to the B-2 Community Retail District which is the most comparable to the existing "LC" Light Commercial district.

Transitional yards:

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During review of this provision by the Zoning Advisory Committee, there was considerable concern of the amount of land that would be consumed by the transitional yards, particularly on a small site. The following provision was inserted to permit the use of the transitional yard for off-street parking.

Page 3 - Ralph Wulz  
December 12, 1973

- (f) In lieu of the above required landscaped transitional yards, screening may be substituted along the side and rear yards. Structures, signs and access drive-ways shall not occupy any of the space previously designated as transitional yards.

The definition of screening is as follows:

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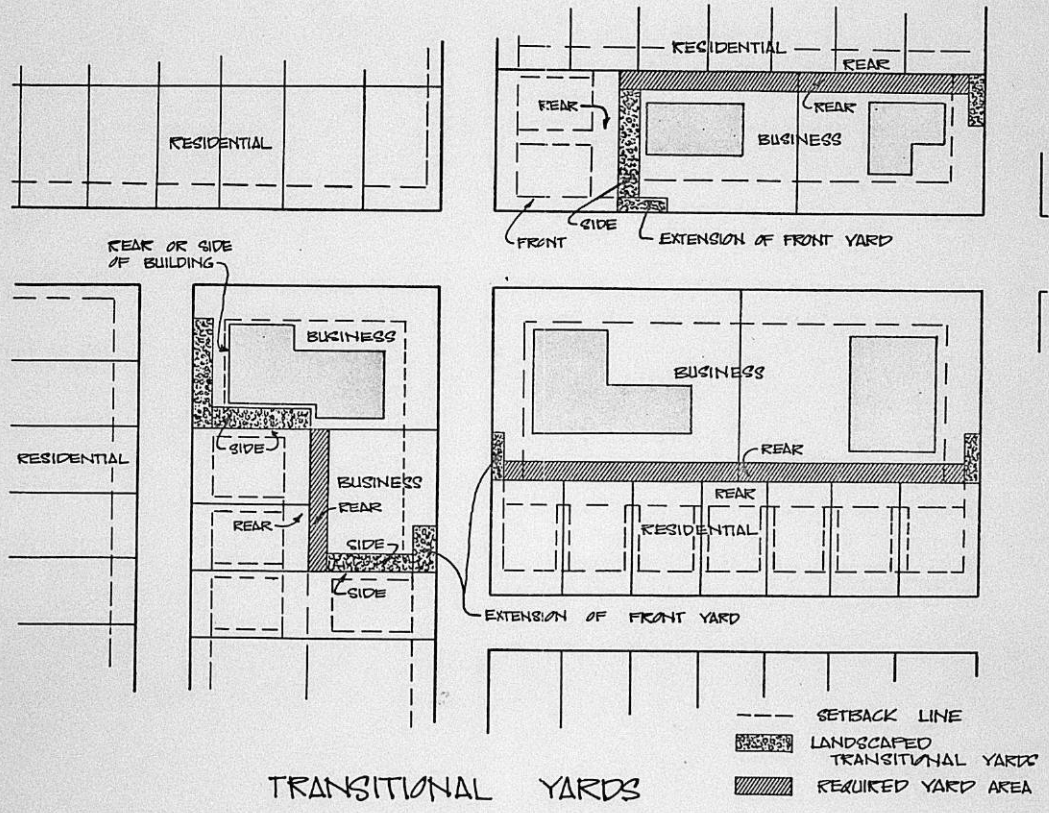
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RECOMMENDATION:

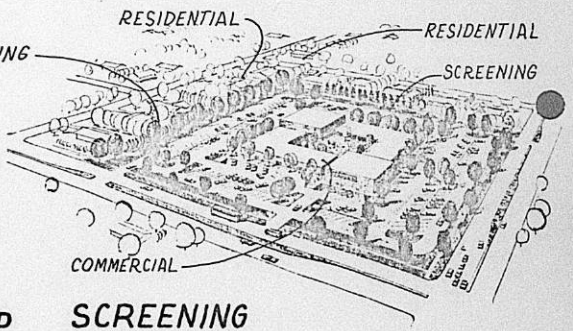
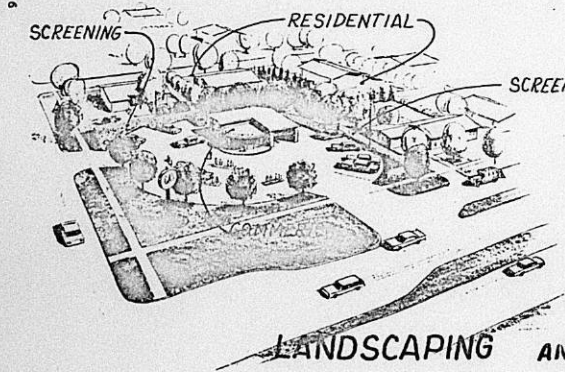
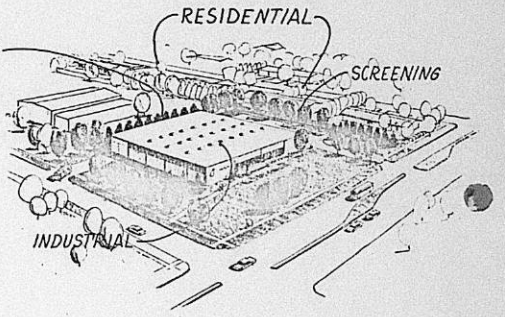
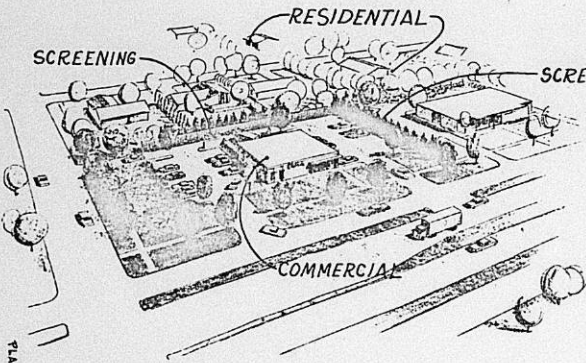
Provide comments of the City Commission on screening requirements to the Zoning Advisory Committee and to the MAPC for possible recommendation on an amendment to the existing zoning ordinance.

RAL:GEL:ber

Attachments



TRANSITIONAL YARDS



LANDSCAPING AND SCREENING

PLATE 6

December 12, 1973

Ralph Wulz, City Manager

Robert A. Lakin, Director of Planning

Screening Requirements for Commercial and Industrial Zoning

**BACKGROUND:** Over the years, several methods have been attempted to provide adequate protection to residential properties from commercial and industrial uses when such uses are established adjacent to each other.

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Page 3 - Ralph Wulz  
December 12, 1973

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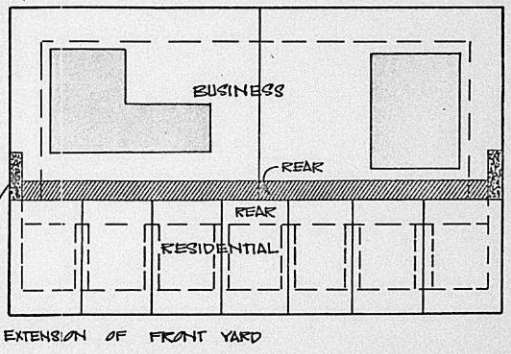
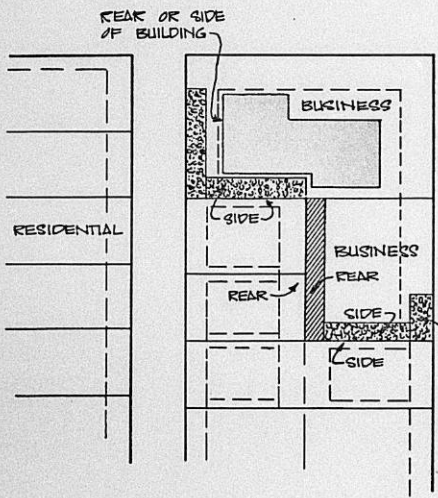
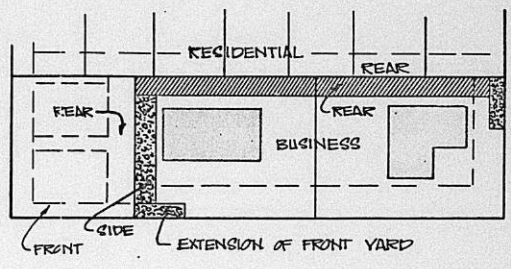
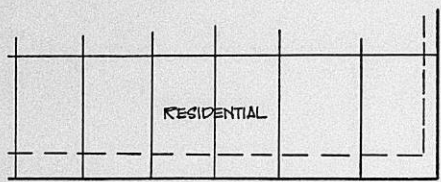
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RECOMMENDATION:

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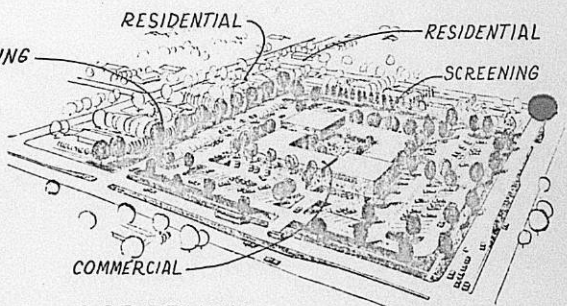
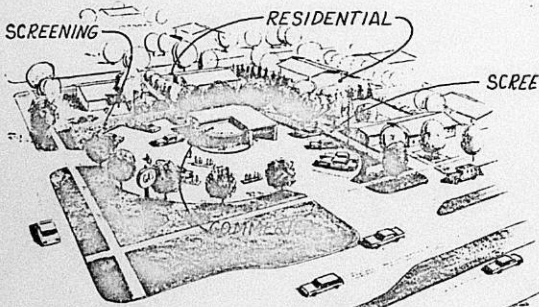
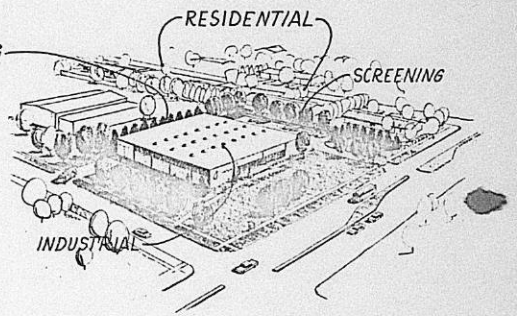
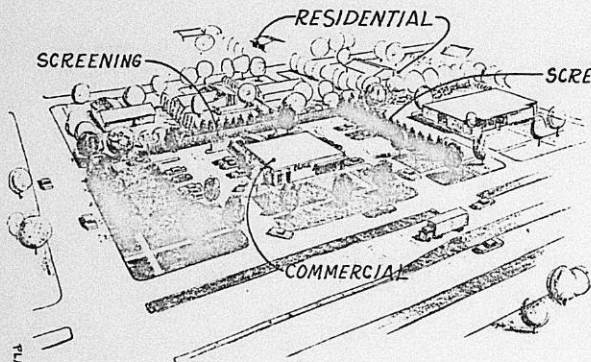
RAL:GEL:ber

Attachments



### TRANSITIONAL YARDS

- SETBACK LINE
- ▨ LANDSCAPED TRANSITIONAL YARD
- ▩ REQUIRED YARD AREA



LANDSCAPING AND SCREENING

**THE CITY OF WICHITA**

**OFFICE OF CITY MANAGER**

**DATE** November 21, 1973



**TO** Robert A. Lakin, Director of Planning

**FROM** Ralph Wulz, City Manager

**SUBJECT** Screening Requirements in  
Connection with Commercial  
Zoning

Commissioner Garry L. Porter has requested that the above subject be discussed at a future City Commission meeting.

Accordingly the matter is being scheduled for the Commission agenda for December 18, 1973.

Please provide a report and recommendation for consideration at that time.

Ralph Wulz  
City Manager

RW:fjh

cc: John Dekker, Director of Law