

DR 82-26 - Amendment to the Light  
Commercial District re: Printing  
Shops and other uses.

# ACTION

M.A.P.C. INFORMAL  
COMMITTEE

DATE  
4/28/83

M.A.P.C. *Approved as amended 5/19/83*  
*(one additional change)*

B.C.C./B.C.C. *Approved on 6-14-83*  
*reworded*



8-THE DAILY RECORD  
July 5, 1963

commercial, "E" light industrial or "F" heavy industrial zoning districts.

5.7 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 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 feet nor more than eight feet in height.

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.

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, law 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 engineer 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 Such other conditions as the board of zoning appeals shall deem necessary to provide for orderly development.

SECTION 28.04.183 of the Code of the City of Wichita, Kansas shall be amended by adding the following §§ Sections 28.04.183.6, 28.04.183.7 and 28.04.183.8 to the code:

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 5,000 square feet of floor area; uses not purely retail, and including some wholesales; and other similar uses not specifically listed in Section 28.04.090 A, 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 businesses 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 such minor 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 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 of the property 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 28.04.090-A and 28.04.183.5 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 24<sup>th</sup> day of JUNE, 1963.  
MARGALEE WRIGHT, Mayor  
ATTEST: (SEAL)  
DONALD C. GISICK, City Clerk

(Published in the Daily Record July 5, 1983)

ORDINANCE NO. 38-382

AN ORDINANCE AMENDING SECTION 28.04.090-A OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE USES PERMITTED IN THE "LC" LIGHT COMMERCIAL DISTRICT; AMENDING THE PROVISIONS OF SECTION 28.04.183.5 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE PROVISIONS FOR ESTABLISHING RESIDENTIAL STORAGE WAREHOUSES BY EXCEPTION; AND ADDING SECTIONS 28.04.183.6, 28.04.183.7 AND 28.04.183.8 TO THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE INCLUSION OF NURSERIES AND GARDEN CENTERS, AND LIMITED OUTDOOR RECREATIONAL USES AS EXCEPTIONS IN THE "LC" LIGHT COMMERCIAL DISTRICT AND ESTABLISHING THE CONDITIONS THEREFOR; AND REPEALING THE ORIGINAL OF SAID SECTIONS 28.04.090-A AND 28.04.183.5 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 28.04.090-A of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"A. USE REGULATIONS.

1. Permitted Uses.

1.1 In those portions of the "LC" Light Commercial District which are less than six hundred feet in continuous length, any use permitted in the adjoining dwelling district shall be permitted. In all other portions of the "LC" Light Commercial District, any use permitted in the "B" Multiple-family Dwelling District shall be permitted.

1.2 All purely retail businesses, provided that all articles for sale, rent, display, storage or hire, must be kept within an enclosed building; except that merchandise which is for sale within the building may be displayed in areas immediately adjacent to and within 10 feet of the building, provided that:

- a. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained appropriate approval for such use from the Board of City Commissioners;
- b. No required off-street parking space or loading area will be utilized for display, storage or dispensing;

c. Food or drink may be displayed outside the building except in accordance with standards and prior written approval of the Wichita-Sedgwick County Department of Public Health;

d. These provisions shall in no way be deemed to authorize the outdoor display of automobiles, both trailer and equipment rental or the sale of used furniture, used appliances, used plumbing, used housewares, used building material or similar display in the "LC" Light Commercial Zoning District, except as such may otherwise be authorized by the Board of Zoning Appeals or the governing body under an appropriate section of the code;

e. Christmas tree and associated sales may be conducted on property zoned "LC" even though no building shall exist.

1.3 Bakeries; Commercial Laundries and Dry Cleaning Establishments; Printing Shops; Service Businesses that deal primarily with the maintenance or servicing of equipment or furnishings used in residences, offices or retail businesses; food vending businesses; and sales offices for personal or household products when such products are sold by individuals directly to the consumers at the consumers residence; provided, however, no individual business shall occupy more than 6,000 square feet of floor area. (Exception: Garage space used solely for vehicle storage shall not be included in the square foot limitation.) All vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by Director of Planning as to adequate screening material and location, within an enclosed compound.

1.4 Banks, Savings and Loan Associations, and Credit Unions.

1.5 Hair Stylists (Barber and Beauty Shops).

1.6 Child Day Care Centers.

1.7 Business or commercial schools.

1.8 Catering establishments.

1.9 Filling stations.

1.10 Food locker plants with a capacity of not more than five hundred lockers.

1.11 Public garage, provided no body or fender work is done.

1.12 Storage garage, parking lots.

1.13 Picture framing shops, ceramic studios, and stained glass studios, including instructional classes and the sale of supplies both retail and wholesale; provided, however, wholesale sales shall not exceed 10% of the business by volume.

1.14 Motels and hotels.

1.15 Offices.

1.16 Health Spas and Indoor Recreational uses such as racquetball courts, tennis courts and bowling alleys.

1.17 Taverns and private clubs, subject to applicable licensing regulations.

1.18 Restaurants.

1.19 Self-service laundries and Self-service Dry Cleaning establishments.

1.20 Shoe shops for repairing of shoes, not including manufacturing.

1.21 Studios (Art, Dance, Music, Photographic, Broadcasting and Recording).

1.22 Tailor shops, provided such shops are limited to alterations or custom tailoring, but not including the mass production of garments.

1.23 Indoor Theaters or places of public entertainment.

1.24 Signs, as permitted by Section 28.04.139 of this code.

1.25 Mortuaries or funeral homes may be permitted within the light commercial districts provided the buildings are located not less than two hundred feet from the boundary of the "AA", "A", "RB", "R-5" and "R-6" districts, or provided that the conditions of the "BB" district shall be complied with.

1.26 Small animal clinic for treatment and boarding of dogs, cats, and other pets, provided that all animals shall be harbored indoors. No noise or odors from such use shall be discernible at any building line.

1.27 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

1.28 Storage of merchandise available for retail sales may be outside of an enclosed building subject to the following conditions:

a. The area used for storage shall be enclosed by a fence or wall not less than six feet in height nor less than the height of the merchandise.

b. Fence or wall shall be of material capable of providing screening to hide the storage from view. One opening, not exceeding ten feet in width, may be left open during business hours. When the material of the enclosure is not of the same general material as the main building, landscaping as approved by the Superintendent of Central Inspection shall be provided and maintained outside the enclosure. For outside storage areas within a Community Unit Plan, the fence or wall screening provisions may be modified provided that:

(1) A design plan is submitted to the Planning Director for review and recommendation;

(2) Such plan shall provide an acceptable environment for the surrounding area, based on the physical characteristics of the property, distances from adjacent properties and public streets, and the type of merchandise to be displayed or stored; and

(3) Such plan shall be approved by the Director of Planning and the Superintendent of Central Inspection, with the right to appeal to the Board of City Commissioners within forty-five days.

c. The enclosure around the storage area shall be attached to the main building and the area within such enclosure shall not exceed ten percent of the floor area occupied by the main use within the building. Such enclosure shall comply with the same setback as is required for the main building.

d. The area within the enclosure shall be calculated as floor area in determining the number of required off-street parking spaces.

e. The display of merchandise within the enclosure shall not be deemed to violate the provisions of Section 28.04.090(1,2) or Section 28.04.183(3) unless such display is intentionally placed to be continuously viewed from outside the enclosure contrary to the provisions of this chapter.

f. The provisions of this section shall not be deemed to prevent the display of merchandise required in the servicing of vehicles when located on service islands at filling stations, nor shall it supersede any of the conditions required by the Board of Zoning Appeals under other sections of this code.

2. Prohibited Uses.

2.1 Uses not listed as a permitted use or not determined by the Superintendent of Central Inspection to be the same as those listed are prohibited in this district.

2.2 Outdoor storage of vehicles, equipment, merchandise for sale or rent, and other similar uses outside of an enclosed building are regulated in this district. Such uses are prohibited except where expressly permitted as set forth in the list of permitted uses or when permitted as an exception by the Board of Zoning Appeals."

SECTION 28.04.183.5 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"5. The board of zoning appeals may, by special permit, grant exceptions and authorize as a use, 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 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 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 feet nor more than eight feet in height.

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.

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 Lot plan showing ingress and egress, width of driveways, off-street parking, loading areas and on-site traffic circulation shall be submitted to the traffic engineer 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 Such other conditions as the board of zoning appeals shall deem necessary to provide for orderly development."

SECTION 28.04.183 of the Code of the City of Wichita, Kansas, shall be amended by adding the following as Sections 28.04.183.6, 28.04.183.7 and 28.04.183.8 to the code:

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6.1 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 businesses 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 Board of Zoning Appeals may establish 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 All 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. 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 there-to, 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 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 28.04.090-A and 28.04.183.5 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 21st day of June, 1983.

Margalee Wright, Mayor

ATTEST: (SEAL)

Donald C. Gistick, City Clerk

R. Lakin

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE June 9, 1983

TO E.H. Denton, City Manager  
FROM Clemencia L. Prieto, Administrative Aide III

SUBJECT [redacted] to the "LC"  
Light Commercial District

Listed below are additional recommendations and comments on the possible amendments to "LC" District from Councils that did not have the opportunity to do so prior to the May 19th MAPC meeting.

Recommendations/Comments

- A - Voted 6-0 to support the amendments.
- B - Received and filed.
- H - Voted 7-0 to support the possible amendments with the following changes:
  - 1.3 (page 2) Bakeries; commercial laundries and dry cleaning establishments etc...delete the last two lines which read "or when approved by Director of Planning as to adequate screening material and location, within an enclosed compound."
  - 1.16 (page 3) Health spas and indoor recreational uses such as racquetball courts, tennis courts, and bowling alleys. The Council recommended that 1.16 be deleted because these uses are too large for the 6000 square foot limitation.
  - 1.17 (page 3) Taverns and private clubs, subject to applicable licensing regulations. The Council recommended that 1.17 be deleted.
  - 2.2 (page 6) Outdoor storage of vehicles...delete last sentence that reads "or when permitted as an exception by the Board of Zoning Appeals."
  - Leave the 5.4 (page 7) use regulation as is, instead of lowering to fifteen feet the required landscaped yard.
  - 6.2 (page 10) All inventory, merchandise...delete last sentence which reads "or when approved by the Board of Zoning Appeals as to adequate screening material and location within an enclosed compound on the property."
  - 7.2 (page 12) Delete last sentence which reads "Growing areas for nursery stock shall be considered a landscaped yard and may be substituted for a screening fence as required by Section 28.04.160K when deemed appropriate."
- J - Voted 5-0 to support the amendments.
- K - Voted 5-2 to support the amendments.

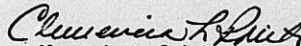
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JUN 10 1983  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
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E.H. Denton, City Manager  
Light Commercial District  
Page 2

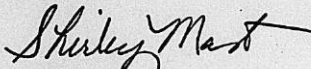
0 - Opposed amendments #1, 2, 4, 5, 6, 8. Endorsed amendments 3, 7. (Please refer to SUMMARY on page 2 of Director of Planning's memorandum to the City Manager.

The recommendations of other CPD Councils were provided to you by the Director of Planning. Please provide the Councils' recommendations and comments to the Board of City Commissioners for its consideration on June 14, 1983.

  
Clemencia L. Prieto  
Administrative Aide III

CLP:dm

Noted:

  
Shirley Mast  
Interim CP Coordinator

WICHITA-SEDGWICK COUNTY

17

DATE

June 3, 1983

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** E. H. Denton, City Manager  
**FROM** Robert A. Lakin, Director of Planning  
**SUBJECT** DR 82-26 - Amendment to the "LC" Light Commercial District.

*Approved*  
4-D

Attached hereto is a delineated copy of an amendment to the City of Wichita zoning ordinance that has been recommended by the Planning Commission for adoption. Please place this on the agenda for City Commission consideration at the meeting of June 14, 1983.

BACKGROUND

This amendment was developed at the request of the Planning Commission at the time a recent zone change request was made for "C" zoning to accommodate the proposed expansion of a printing shop in the "LC" Light Commercial District. The printing shop had legally been established in the "LC" district under the provision of "not to exceed 5 employees engaged in the mechanical operations in production of printed matter".

In review of the "LC" district, the list of uses, based on the 5 employee limitation, dates back to 1932 when the district was created, included bakeries, laundries, print shops and shoe shops. Tailor shops were added in 1946 and are probably a use that would be far less objectionable than most retail businesses as a neighbor. Over the years it has been determined that the limitation based on the number of employees is extremely difficult to administer. Once a business is established at a location, and becomes successful and needs to expand, a zoning change or move to a new location are the only two alternatives. As proposed, this amendment would eliminate the limitation based on the number of employees, and place a maximum square footage for such uses in the "LC" district as a use by right. At a time a use needs to exceed that limitation, the Board of Zoning Appeals may grant such expansion with conditions to maintain the integrity of the "LC" district.

Additional uses have also been added to the list of permitted uses. Also several minor amendments have been made to clarify the intent and purpose of the district relative to outside display and storage of merchandise and equipment.

In addition, several new uses will be permitted as exceptions by the Board of Zoning Appeals, when it can be determined by their location and proximity to other development that they would be compatible, similar to the provisions for new and used car agencies, and trailer and equipment rental. In addition, nurseries and large garden centers that cannot comply with the outdoor limitations of the "LC" district would also be permitted as exceptions.

An amendment to the section permitting residential storage warehouses is also included. This will reduce the number of off-street parking spaces which have been determined to be very excessive. At the Planning Commission meeting, some minor adjustments were made in the setbacks for such uses when adjacent to a residential zoning district.

Favorable comments on this amendment have been received from the Wichita Board of Realtors, representatives of the nursery-men's group and also from several developers of residential storage warehouses.

#### SUMMARY

The amendments as proposed would provide the following changes to the "LC" Light Commercial District:

1. Deletes the 5 employee limitation on Bakeries, Laundries and Dry Cleaning Establishments, Printing Shops and puts such uses under a 6,000 square foot floor area limitation. X
2. Deletes the 5 employee limitation on Shoe Shops and Tailor Shops and limits the uses primarily to repair or alteration and custom tailoring.
3. Adds a number of service type business, food vending businesses and sales offices to the list of permitted uses provided the floor area does not exceed 6,000 square feet.
4. Permits those uses listed in 1 and 3 above that exceed 6,000 square feet of floor area, and other uses similar to those listed as permitted uses to be located in the "LC" District as exceptions by the Board of Zoning Appeals.
5. Permits garden centers and nurseries, not complying with the outdoor storage and display provisions of the purely retail business limitations, to be permitted as exceptions by the Board of Zoning Appeals. X
6. Permits the establishment of outdoor miniature golf courses, tennis courts and similar recreational uses as exceptions by the Board of Zoning Appeals.

7. Includes minor amendments to clarify the use limitations of the "LC" district related to outdoor display and storage.
8. Amends the requirements to reduce the off-street parking for residential storage warehouses as an exception by the Board of Zoning Appeals. X

After public hearing, the Planning Commission recommended unanimously that the ordinance be forwarded to the City Commission for adoption. An excerpt of the Planning Commission minutes and the recommendations from the CPO's is attached for your information.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.
2. Return the amendment to the Planning Commission for reconsideration. The City Commission states the following reasons for such reconsideration.



Robert A. Lakin  
Director of Planning

RAL:GEL:el  
Attachments

cc: Board of City Commissioners  
Robert B. Feldner, Superintendent of Central Inspection  
Don Anderson, Director of Housing and Economic Development  
Wichita Area Board of Realtors, 717 N. Emporia, Wichita  
67214  
Wichita Area Builders Association, Attention: John Oliphant,  
730 North Main, Wichita 67203  
Wichita Area Chamber of Commerce, 350 W. Douglas, Wichita  
67202  
CPO, City  
Robert E. McHenry, 2200 S. Hillside, Wichita 67211  
Heil C. Pettit, 1202 E. 1st, Wichita 67214  
Colby Sandlian, 435 N. Broadway, Wichita 67202  
Keith Anderson, 1175 S. Rock Road, Wichita 67207

WICHITA-SEDGWICK COUNTY

DATE

June 3, 1983

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** E. H. Denton, City Manager  
**FROM** Robert A. Lakin, Director of Planning  
**SUBJECT** DR 82-26 - Amendment to the "LC" Light Commercial District.

Attached hereto is a delineated copy of an amendment to the City of Wichita zoning ordinance that has been recommended by the Planning Commission for adoption. Please place this on the agenda for City Commission consideration at the meeting of June 14, 1983.

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In review of the "LC" district, the list of uses, based on the 5 employee limitation, dates back to 1932 when the district was created, included bakeries, laundries, print shops and shoe shops. Tailor shops were added in 1946 and are probably a use that would be far less objectionable than most retail businesses as a neighbor. Over the years it has been determined that the limitation based on the number of employees is extremely difficult to administer. Once a business is established at a location, and becomes successful and needs to expand, a zoning change or move to a new location are the only two alternatives. As proposed, this amendment would eliminate the limitation based on the number of employees, and place a maximum square footage for such uses in the "LC" district as a use by right. At a time a use needs to exceed that limitation, the Board of Zoning Appeals may grant such expansion with conditions to maintain the integrity of the "LC" district.

Additional uses have also been added to the list of permitted uses. Also several minor amendments have been made to clarify the intent and purpose of the district relative to outside display and storage of merchandise and equipment.

In addition, several new uses will be permitted as exceptions by the Board of Zoning Appeals, when it can be determined by their location and proximity to other development that they would be compatible, similar to the provisions for new and used car agencies, and trailer and equipment rental. In addition, nurseries and large garden centers that cannot comply with the outdoor limitations of the "LC" district would also be permitted as exceptions.

An amendment to the section permitting residential storage warehouses is also included. This will reduce the number of off-street parking spaces which have been determined to be very excessive. At the Planning Commission meeting, some minor adjustments were made in the setbacks for such uses when adjacent to a residential zoning district.

Favorable comments on this amendment have been received from the Wichita Board of Realtors, representatives of the nursery-men's group and also from several developers of residential storage warehouses.

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1. Deletes the 5 employee limitation on Bakeries, Laundries and Dry Cleaning Establishments, Printing Shops and puts such uses under a 6,000 square foot floor area limitation.
2. Deletes the 5 employee limitation on Shoe Shops and Tailor Shops and limits the uses primarily to repair or alteration and custom tailoring.
3. Adds a number of service type business, food vending businesses and sales offices to the list of permitted uses provided the floor area does not exceed 6,000 square feet.
4. Permits those uses listed in 1 and 3 above that exceed 6,000 square feet of floor area, and other uses similar to those listed as permitted uses to be located in the "LC" District as exceptions by the Board of Zoning Appeals.
5. Permits garden centers and nurseries, not complying with the outdoor storage and display provisions of the purely retail business limitations, to be permitted as exceptions by the Board of Zoning Appeals.
6. Permits the establishment of outdoor miniature golf courses, tennis courts and similar recreational uses as exceptions by the Board of Zoning Appeals.

7. Includes minor amendments to clarify the use limitations of the "LC" district related to outdoor display and storage.
8. Amends the requirements to reduce the off-street parking for residential storage warehouses as an exception by the Board of Zoning Appeals.

After public hearing, the Planning Commission recommended unanimously that the ordinance be forwarded to the City Commission for adoption. An excerpt of the Planning Commission minutes and the recommendations from the CPO's is attached for your information.

RECOMMENDED ACTION

1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.
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Robert A. Lakin  
Director of Planning

RAL:GEL:el  
Attachments

cc: Board of City Commissioners  
Robert B. Feldner, Superintendent of Central Inspection  
Don Anderson, Director of Housing and Economic Development  
Wichita Area Board of Realtors, 717 N. Emporia, Wichita  
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Colby Sandlian, 435 N. Broadway, Wichita 67202  
Keith Anderson, 1175 S. Rock Road, Wichita 67207

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 28.04.090-A OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE USES PERMITTED IN THE "LC" LIGHT COMMERCIAL DISTRICT; AMENDING THE PROVISIONS OF SECTION 28.04.183.5 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE PROVISIONS FOR ESTABLISHING RESIDENTIAL STORAGE WAREHOUSES BY EXCEPTION; AND ADDING SECTIONS 28.04.183.6, 28.04.183.7 AND 28.04.183.8 TO THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE INCLUSION OF NURSERIES AND GARDEN CENTERS, AND LIMITED OUTDOOR RECREATIONAL USES AS EXCEPTIONS IN THE "LC" LIGHT COMMERCIAL DISTRICT AND ESTABLISHING THE CONDITIONS THEREFOR; AND REPEALING THE ORIGINAL OF SAID SECTIONS 28.04.090-A AND 28.04.183.5 OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 28.04.090-A of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"A. USE REGULATIONS.

1. Permitted Uses.

1.1 In those portions of the "LC" Light Commercial District which are less than six hundred feet in continuous length, any use permitted in the adjoining dwelling district shall be permitted. In all other portions of the "LC" Light Commercial District, any use permitted in the "B" Multiple-family Dwelling District shall be permitted.

1.2 All purely retail businesses, provided that all articles for sale, rent, display, storage or hire, must be kept within an enclosed building; except that merchandise which is for sale within the building may be displayed in areas immediately adjacent to and within 10 feet of the building, provided that:

- a. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained appropriate approval for such use from the Board of City Commissioners;
- b. No required off-street parking space or loading area will be utilized for display, storage or dispensing;
- c. No food or drink may be displayed outside the building except in accordance with standards and prior written approval of the Wichita-Sedgwick County Department of Public Health;

d. These provisions shall in no way be deemed to authorize the outdoor display of automobiles, both trailer and equipment rental or the sale of used furniture, used appliances, used plumbing, used housewares, used building material or similar display in the "LC" Light Commercial Zoning District, except as such may otherwise be authorized by the Board of Zoning Appeals or the governing body under an appropriate section of the code;

e. Christmas tree and associated sales may be conducted on property zoned "LC" even though no building shall exist.

~~1.3 Bakeries employing not more than five persons in preparing and baking its products.~~

1.3 Bakeries; Commercial Laundries and Dry Cleaning Establishments; Printing Shops; Service Businesses that deal primarily with the maintenance or servicing of equipment or furnishings used in residences, offices or retail businesses; food vending businesses; and sales offices for personal or household products when such products are sold by individuals directly to the consumers at the consumers residence; provided, however, no individual business shall occupy more than 6,000 square feet of floor area. (Exception: Garage space used solely for vehicle storage shall not be included in the square foot limitation.) All vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by Director of Planning as to adequate screening material and location, within an enclosed compound.

1.4 Banks, Savings and Loan Associations, and Credit Unions.

1.5 ~~Barbershops-~~ Hair Stylists (Barber and Beauty Shops).

1.6 ~~Beauty parlors-~~ Child Day Care Centers.

1.7 Business or commercial schools.

1.8 Catering establishments.

1.9 Filling stations.

1.10 Food locker plants with a capacity of not more than five hundred lockers.

1.11 Public garage, provided no body or fender work is done.

1.12 Storage garage, parking lots.

~~1.13 Laundry or dry cleaning establishment employing not more than five persons who are actually engaged in laundry and dry cleaning work.~~

d. These provisions shall in no way be deemed to authorize the outdoor display of automobiles, both trailer and equipment rental or the sale of used furniture, used appliances, used plumbing, used housewares, used building material or similar display in the "LC" Light Commercial Zoning District, except as such may otherwise be authorized by the Board of Zoning Appeals or the governing body under an appropriate section of the code;

e. Christmas tree and associated sales may be conducted on property zoned "LC" even though no building shall exist.

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1.4 Banks, Savings and Loan Associations, and Credit Unions.

1.5 Barbershops; Hair Stylists (Barber and Beauty Shops).

1.6 Beauty parlors. Child Day Care Centers.

1.7 Business or commercial schools.

1.8 Catering establishments.

1.9 Filling stations.

1.10 Food locker plants with a capacity of not more than five hundred lockers.

1.11 Public garage, provided no body or fender work is done.

1.12 Storage garage, parking lots.

~~1.13 Laundry or dry cleaning establishment employing not more than five persons who are actually engaged in laundry and dry cleaning work.~~

1.13 Picture framing shops, ceramic studios, and stained glass studios, including instructional classes and the sale of supplies both retail and wholesale; provided, however, wholesale sales shall not exceed 10% of the business by volume.

1.14 Motels and hotels.

1.15 Offices.

~~1.16 Printing shops employing not more than five persons engaged in the mechanical operations ordinarily used in production of printed matter.~~

1.16 Health Spas and Indoor Recreational uses such as racquetball courts, tennis courts and bowling alleys.

~~1.17 Processing of food not involving the use of raw materials and not employing more than five persons in the kitchen.~~

1.17 Taverns and private clubs, subject to applicable licensing regulations.

1.18 Restaurants.

1.19 Self-service laundries and Self-service Dry Cleaning establishments.

~~1.20 Shoe shops employing not more than five persons in repairing shoes; for repairing of shoes, not including manufacturing.~~

1.21 Studios (Art, Dance, Music, Photographic, Broadcasting and Recording).

~~1.22 Tailor shops, provided there are not more than five persons employed in the shop; such shops are limited to alterations or custom tailoring, but not including the mass production of garments.~~

1.23 Indoor Theaters or places of public entertainment.

1.24 Signs, as permitted by Section 28.04.139 of this code.

1.25 Mortuaries or funeral homes may be permitted within the light commercial districts provided the buildings are located not less than two hundred feet from the boundary of the "AA", "A", "RB", "R-5" and "R-6" districts, or provided that the conditions of the "BB" district shall be complied with.

1.26 Small animal clinic for treatment and boarding of dogs, cats, and other pets, provided that all animals shall be harbored indoors. No noise or odors from such use shall be discernible at any building line.

1.27 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

1.28 Storage of merchandise available for retail sales may be outside of an enclosed building subject to the following conditions:

a. The area used for storage shall be enclosed by a fence or wall not less than six feet in height nor less than the height of the merchandise.

b. Such fence or wall shall be of material capable of providing screening to hide the storage from view. One opening, not exceeding ten feet in width, may be left open during business hours. When the material of the enclosure is not of the same general material as the main building, landscaping as approved by the Superintendent of Central Inspection shall be provided and maintained outside the enclosure. For outside storage areas within a Community Unit Plan, the fence or wall screening provisions may be modified provided that:

(1) A design plan is submitted to the Planning Director for review and recommendation;

(2) Such plan shall provide an acceptable environment for the surrounding area, based on the physical characteristics of the property, distances from adjacent properties and public streets, and the type of merchandise to be displayed or stored; and

(3) Such plan shall be approved by the Director of Planning and the Superintendent of Central Inspection, with the right to appeal to the Board of City Commissioners within forty-five days.

c. The enclosure around the storage area shall be attached to the main building and the area within such enclosure shall not exceed ten percent of the floor area occupied by the main use within the building. Such enclosure shall comply with the same setback as is required for the main building.

d. The area within the enclosure shall be calculated as floor area in determining the number of required off-street parking spaces.

e. The display of merchandise within the enclosure shall not be deemed to violate the provisions of Section 28.04.090(1.2) or Section 28.04.183(3) unless such display is intentionally placed to be continuously viewed from outside the enclosure contrary to the provisions of this chapter.

f. The provisions of this section shall not be deemed to prevent the display of merchandise required in the servicing of vehicles when located on service islands at filling stations, nor shall it supersede any of the conditions required by the Board of Zoning Appeals under other sections of this code.

2. Prohibited Uses.

~~2.1 Signs not permitted by Section 28.04.139 of this code.~~

2.1 Uses not listed as a permitted use or not determined by the Superintendent of Central Inspection to be the same as those listed are prohibited in this district.

~~2.2 Nothing in the above uses shall be construed as to permit the erection, or use of buildings or premises for tourist cabins or funeral homes, except as noted in 1.25 above; miniature golf courses; amusement parks or other outdoor places of entertainment.~~

2.2 Outdoor storage of vehicles, equipment, merchandise for sale or rent, and other similar uses outside of an enclosed building are regulated in this district. Such uses are prohibited except where expressly permitted as set forth in the list of permitted uses or when permitted as an exception by the Board of Zoning Appeals."

SECTION 28.04.183.5 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"5. The board of zoning appeals may, by special permit, grant exceptions and authorize as a use, 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 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 ~~twenty-five~~ foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a fifteen ~~twenty~~ 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 feet nor more than eight feet in height.

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 ~~thirty-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 two ~~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.

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 Such other conditions as the board of zoning appeals shall deem necessary to provide for orderly development."

SECTION 28.04.183 of the Code of the City of Wichita, Kansas, shall be amended by adding the following as Sections 28.04.183.6, 28.04.183.7 and 28.04.183.8 to the code:

"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 6,000 square feet of floor area; uses not purely retail, and including some wholesale; and other similar uses not specifically listed in Section 28.04.090 A, 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 businesses 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, 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 28.04.090-A and 28.04.183.5 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 \_\_\_\_\_, 1983.

\_\_\_\_\_  
Margalee Wright, Mayor

ATTEST:

\_\_\_\_\_  
Donald C. Gisick, City Clerk

EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 19, 1983

9. Case No. DR 82-26 - Amendment to the Light Commercial District -  
Re: Printing Shops and Other Uses.

LAKIN stated that he had mentioned earlier in the meeting there have been a number of matters that have come before the Commission that have had some minor problems. He said that staff has tried to identify those problems in the proposed amendments. LAKIN said that between the time the amendment was discussed at an informal session with the Commissioners and the time staff sent it out for advertising, they put in a couple of new proposals. One of those related to residential storage warehouses and requirements for landscaping and setback requirements. They also discovered problems with garden centers in "LC" in terms of the amount of outside storage such as lath houses which normally require "C" zoning. LAKIN pointed out that a memorandum from CPO had been furnished to the Commissioners where the various Councils are listed as supporting or otherwise acted on these changes. Of those councils making a recommendation, the majority appears to have supported the changes. He said that seven of the Councils will be forwarding their recommendations later. A smaller number have recommended keeping the ordinance as it is. LAKIN said that since the text changes were sent out, contact had been received from the Wichita Board of Realtors and they asked Commissioner Gardner to meet with them on some of the changes, and he brought back some of their concerns. LAKIN said the concerns appeared to be in three areas. One a change relates to residential storage warehouses and the setbacks when adjacent to residential properties. LAKIN said that essentially the recommended that where there is a doorway there should be a 25-foot setback. Staff believes that it is only needed where it is adjacent to a residential zoning district. He said staff was not too concerned and would urge the Commission to consider that as an additional change.

LAKIN stated that there was also some concern about the language in paragraph 1.1 as to whether or not this properly included the uses in the "BB" and "OC" Districts. LAKIN said his preference at this stage was not to recommend any changes to the language as is shown. He said that if the Commission feels strongly requesting the additional clarification, he has given them language that he could live with but did not feel strongly enough to recommend its adoption. LAKIN said the reason he does that was because of the structure of this ordinance. LAKIN felt that the additional language would create more confusion than it does of enlightenment, and on that basis he suggested that it not be adopted.

LAKIN read a letter received from Mr. Sandlian addressed to the Commission, stating that he had the opportunity of reading the new proposed changes in the "LC" district. He said that for the most part he finds that those amendments do address some important needs of the community and he would be pleased to see them approved.

WILSON asked if this was a revision of an existing ordinance.

LAKIN said that it was and that portions of the ordinance had been around since the early 1930's.

WILSON stated that one of his pet peeves was parking. On page 8 of the revisions, parking was taken from 2,000 square feet to 8,000 square foot of floor area, plus one space for each employee. He said that this was probably for warehouses. And if one did build a big warehouse and did not have any employees there would be an awful lot of parking. He asked if that was correct.

LAKIN said that what was being done was reduce the parking for residential storage warehouses. It was found that the required off-street parking was not needed, and this just simply cut the amount of

off-street parking so that there was not a lot of extra ground just sitting around.

GLEN LYTLE, Special Assistant for Zoning, commented that the previous residential storage warehouses that has been constructed in the "LC" zoning district the required number of parking spaces was based on one for each 2,000 square feet. By putting all of those out front it does not serve the use, so the developers have put them throughout the residential storage warehouse areas and found that those spaces fit well for outdoor storage. We have had recent cases where the zoning on the property was amended in order to utilize the parking for outdoor storage. Staff finds that if that space is not there to rent for outdoor storage, it creates less chance for a problem.

WILSON said in reading the amendments, the Board of Zoning Appeals was referred to so many times. He said that he mentioned to Lytle and he said that this was needed to give the Board authority to act on specific uses. WILSON said that it looks to him like the BZA can do anything they want with any of the areas of zoning. He said it seems that if one has the zoning, and has something they want to build, all they would have to do is take the drawings to the BZA before taking them to Central Inspection for the permit. He said he knew it was pretty hard to pin down some of the specific uses but they are so general and can vary so much for storage buildings to nursery stock and what can be displayed, etc., it gets to be kind of an open area. He asked if this was what the staff was trying to do.

LAKIN responded that that was not what staff was trying to do. If one goes to the BZA it has to be a use permitted as an exception. He said it is the same thing that they went through with duplexes, and it is the same thing they go through with new car agencies, whereas "LC" is fine for new car agencies, but if a body shop was needed then "C" zoning is necessary. LAKIN said that he guess he was troubled more than others were by the little blotches of "C" and "E" because they seem to come back and haunt him forever. He said he would prefer this procedure in solving certain heavier use problems by having the BZA available as an outlet valve. He said what they were really doing was stacking a lot of "C" and other uses in "LC" without turning the whole District all over town to a "C" or "E" District, and using the BZA to screen. LAKIN said there were a couple of ways that could be done. Some places use planning commissions to do the special permits. There are statutory problems with that in Kansas. There are other places that just simply turn it over to staff, such as landscape plan. The BZA seems to be a fairly comfortable device because they are citizen appointees and has statutory sanction. LAKIN said he that some flexibility as proposed will help without opening the barn door. He said the alternate to using the BZA and the extra proceedings was either to go ahead and grant individual spot zones everytime somebody has a problem, or open up the whole district. With both of those he was uncomfortable.

WILSON said he concurred with Lakin's response, but was still astonished by the number of referrals to the BZA.

WILSON said the other thing that bothers him is "no enforcement". If a speculated warehouse was built, not knowing who was going to occupy the warehouse, and there is a different set of requirements for the parking that has to be completed before he could get an occupancy permit to even rent it, there is a lot of area that is hard to address to the developer of the building. There has been cases where someone goes out and buys a building or lease a building and it is zoned wrong for their type business. If that building was still built with certain requirements and parking requirements until it is occupied, and if the occupant is doing something illegal it is hard for Central Inspection to enforce and throw the occupants out.

LAKIN said it would be easier to get the Planning Commission to grant the zoning change. He said he had some concerns about enforcement, but was not sure they are ones WILSON share. He said he would only hope some of those differences might be resolved. Some find that there is a lack of enforcement, and on the other hand there are people in the community who find that the enforcement is too severe. Some place there has to be some balance and some reasonable rule.

GARDNER pointed out that there were a lot of uses that the BZA can authorize in the "LC" District under a variety of fairly stringent conditions and a pretty heavy amount of scrutiny by the BZA in terms of whether or not their proposals will or will not comply. It includes everything from car sales, to outdoor advertising to promotional uses, to car washes, etc. But there were 19 paragraphs of conditions in mini-storage that if someone chooses to go to BZA to get a conditional use in "LC" to do something that is allowed and they can comply with all of that, they would be as closely controlled there or more so than in any of the other uses in the category. He felt that Lakin's point that gives them the ability to deal with it that way than by the spot zoning matter that concerns him is a good one.

WILSON said his concern was not going before BZA itself, it was that they were writing a new ordinance and they leave so many things open for the BZA to handle.

BAYOUTH pointed out that many times staff recommends that the applicants go to BZA instead of a zone change.

Discussion continued on the enforcement of the ordinance. LOFTON felt that is was ridiculous to enforce an ordinance to the inch. For example the ordinance reads that outside storage is permitted within 10 feet of the building and a cord of wood was on 11 feet. The one foot should not make that much difference.

LAKIN felt that the outside storage ordinance should be fairly tight because if it is not kept fairly tight they would not be able to distinguish the "LC" districts from the heavier use districts up and down South and North Broadway. He felt that unless the Commissioners have a particular problem with that amendment he would urge that they leave it as it stands.

**MOTION:** That the Planning Commission approve the changes and recommend their adoption by the Board of City Commissioners subject to the alternate language in Section 28.04.183.5. Moore moved, Lofton seconded and it carried unanimously. Parsons was not present. Goebel was absent. One vacancy.

-----

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE May 19, 1983

RECEIVED

MAY 19 1983

TO Robert Lakin, Director of Planning  
FROM Clemencia L. Prieto, Administrative Aide III

METROPOLITAN PLANNING  
ROUTE

SUBJECT Possible Amendment to the "LC"  
Light Commercial District

Listed below are the CPO Councils comments and recommendations on the possible amendments to the "LC" Light Commercial District.

<u>Council</u>	<u>Recommendations/Comments</u>
A	Unable to consider due to time constraints at meeting location.
B	No quorum.
C	Voted 6-0 to recommend support.
E	Voted 6-0 to recommend that the "LC" zoning ordinance be kept as it now exists.
F	Supported the possible amendments.
G	Opposed the possible amendments.
H	Noted that it was in the best interest of the community to defer consideration for two weeks to allow members more time to study the proposed amendments. General comments included preference to listing specific uses and limitations, instead of granting additional power to the Board of Zoning Appeals.
I	Voted 7-1 to support the possible amendments.
K	Unable to consider due to time constraints at meeting location.
L	Noted 7-1 to recommend no changes in the existing "LC" ordinance, except to delete employee limitations.
M	Received and filed.
N	Voted 3-0 to recommend approval.
D,J,O	Did not have the opportunity to consider prior to the MAPC May 19th meeting. These Councils meet on Thursday evenings.

Robert Lakin, Director of Planning  
Possible Amendments to "LC" District  
Page 2

Seven of the fifteen Councils (A,B,D,H,J,K,O) will be forwarding their recommendations to the Board of City Commissioners at a later date.

Please provide the Councils' recommendations and comments to the MAPC and the Board of City Commissioners when they consider the proposed amendments to the "LC" Light Commercial District.

*Clemencia L. Prieto*  
Clemencia L. Prieto  
Administrative Aide III

CLP:dm

Noted:

*Shirley Mast*

Shirley Mast  
Interim CP Coordinator



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

May 23, 1983

Robert A. Lakin, Director of Planning  
Metropolitan Area Planning Commission  
455 N. Main  
Wichita, KS 67202

RE: Proposed Amendments to the Wichita Zoning Ordinance Light Commercial  
District Category

Dear Mr. Lakin,

Upon review of the proposed light commercial zoning regulation changes originally proposed and scheduled for public hearing before the Metropolitan Area Planning Commission, the Wichita Metropolitan Area Board of REALTORS finds no significant objections. We believe the proposed Light Commercial Zoning Ordinance changes will be of beneficial effect to businesses and neighborhoods and maybe a step in the right direction in reducing the sometimes arbitrary nature of zoning requests and deliberations.

We appreciate the efforts and time of the current planning staff and Commissioners with respect to explaining the ramifications of the proposed ordinance. Thank you very much for your time.

Sincerely,

Wichita Metropolitan Area Board of REALTORS, Inc.

Doris Beard,  
President, 1983

DB/jap

RECEIVED

JUN 1 1983

METROPOLITAN PLANNING  
ROUTE   \_\_\_\_\_

**SANDLIAN REALTY REALTORS**

*Real Estate Investment Counselors*

COMMERCIAL & INDUSTRIAL  
SALES & DEVELOPMENT

PHONE 263-0118  
OR 683-3912  
435 N. BROADWAY  
SUITE 201  
WICHITA, KANSAS  
67202

May 19, 1983

Metropolitan Area Planning Commission  
455 North Main  
Wichita, KS 67202

Dear Sirs:

I have had the opportunity of reading the new proposed changes in the light commercial zoning ordinances. For the most part I find that they do address some important needs of the community and I will be pleased to see them approved.

Sincerely,

SANDLIAN REALTY

By 

Colby B. Sandlian, SEC-CCIM

CBS:vb

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE May 19, 1983

RECEIVED

MAY 19 1983

METROPOLITAN PLANNING

RJUTE

TO Robert Lakin, Director of Planning

FROM Clemencia L. Prieto, Administrative Aide III

DR 82-26

SUBJECT Possible Amendment to the "LC"  
Light Commercial District

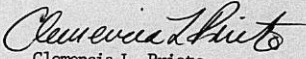
Listed below are the CPO Councils comments and recommendations on the possible amendments to the "LC" Light Commercial District.

<u>Council</u>	<u>Recommendations/Comments</u>
A	Unable to consider due to time constraints at meeting location.
B	No quorum.
C	Voted 6-0 to recommend support.
E	Voted 6-0 to recommend that the "LC" zoning ordinance be kept as it now exists.
F	Supported the possible amendments.
G	Opposed the possible amendments.
H	Noted that it was in the best interest of the community to defer consideration for two weeks to allow members more time to study the proposed amendments. General comments included preference to listing specific uses and limitations, instead of granting additional power to the Board of Zoning Appeals.
I	Voted 7-1 to support the possible amendments.
K	Unable to consider due to time constraints at meeting location.
L	Noted 7-1 to recommend no changes in the existing "LC" ordinance, except to delete employee limitations.
M	Received and filed.
N	Voted 3-0 to recommend approval.
D,J,O	Did not have the opportunity to consider prior to the MAPC May 19th meeting. These Councils meet on Thursday evenings.

Robert Lakin, Director of Planning  
Possible Amendments to "LC" District  
Page 2

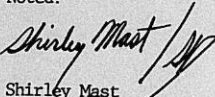
Seven of the fifteen Councils (A,B,D,H,J,K,O) will be forwarding their recommendations to the Board of City Commissioners at a later date.

Please provide the Councils' recommendations and comments to the MAPC and the Board of City Commissioners when they consider the proposed amendments to the "LC" Light Commercial District.

  
Clemencia L. Prieto  
Administrative Aide III

CLP:dm

Noted:

  
Shirley Mast  
Interim CP Coordinator

May 2, 1983

Wichita-Sedgwick County Metropolitan Area Planning Commission

Robert A. Lakin, Director of Planning

DR-82-26 Possible Amendment to the "LC" Light Commercial District

Attached hereto is a delineated copy of a possible amendment to the City of Wichita zoning ordinance that has been advertised for public hearing for the planning commission meeting of May 19, 1982. This meeting will begin at 1:30 p.m. in the City Commission Conference Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

#### BACKGROUND

This amendment was developed at the request of the planning commission at the time a recent zone change request was made for "C" zoning to accommodate the proposed expansion of a printing shop in the "LC" Light Commercial District. The printing shop had legally been established in the "LC" district under the provision of "not to exceed 5 employees engaged in the mechanical operations in production of printed matter".

In the review of the "LC" district, the list of uses, based on the 5 employee limitation dates back to 1932 when the district was created, included bakeries, laundries, print shops and shoe shops. Tailor shops were added in 1946 and are probably a use that would be far less objectionable than most retail businesses as a neighbor. Over the years it has been determined that the limitation based on the number of employees is extremely difficult to administer. Once a business is established at a location, and becomes successful and needs to expand, a zoning change or move to a new location are the only two alternatives. As drafted, this amendment would eliminate the limitation based on the number of employees, and place a maximum square footage for such uses in the "LC" district as a use by right. At a time a use needs to exceed that limitation, the Board of Zoning Appeals may grant such expansion with conditions to maintain the integrity of the "LC" district.

Additional uses have also been added to the list of permitted uses, which include a number of uses that heretofore have been permitted although not specifically listed. Also several minor amendments have been made to clarify the intent and purpose of the district relative to outside display and storage of merchandise and equipment.

In addition, several new uses will be permitted as exceptions by the Board of Zoning Appeals, when it can be determined by their location and proximity to other development that they would be compatible on the same basis that new and used car agencies are now permitted. This would include nurseries and garden centers and also a limited number of outdoor recreational uses.

Also included is an amendment to the exception provision for residential

storage warehouses to reduce the required off-street parking spaces which have not proven to be needed, and to reduce the landscaped yard when adjacent to a residential district.

SUMMARY

The amendments as proposed would provide the following changes to the "LC" Light Commercial District:

1. Deletes the 5 employee limitation on Bakeries, Laundries and Dry Cleaning Establishments, Printing Shops and puts such uses under a 6,000 square feet floor area limitation.
2. Deletes the 5 employee limitation on Shoe Shops and Tailor Shops and limits the uses primarily to repair or alteration and custom tailoring.
3. Adds a number of service type business, food vending businesses and sales offices to the list of permitted uses providing the floor area does not exceed 6,000 square feet.
4. Permits those uses listed in 1 and 3 above that exceed 6,000 square feet of floor area, and other uses similar to those listed as permitted uses to be located in the "LC" District as exceptions by the Board of Zoning Appeals.
5. Permits garden centers and nurseries, not complying with the outdoor storage and display provisions of the purely retail business limitations, to be permitted as exceptions by the Board of Zoning Appeals.
6. Permits the establishment of outdoor miniature golf courses, tennis courts and similar recreational uses as exceptions by the Board of Zoning Appeals.
7. Includes minor amendments to clarify the use limitations of the "LC" district related to outdoor display and storage.
8. Amends the requirements to reduce the off-street parking for residential storage warehouses as an exception by the Board of Zoning Appeals.

RECOMMENDATION

Make whatever changes are deemed to be in the best interests of the community and forward your recommendation to the City Commission for their consideration.

Robert A. Lakin  
Director of Planning

RAL:GEL:sad

cc: E. H. Denton, City Manager  
Don Anderson, Director of Housing & Economic Development  
Robert Feldner, Superintendent of Central Inspection  
Wichita Area Board of Realtors, 717 North Emporia, Wichita 67214  
Wichita Area Builders Association, Attn. John Olphant, 730 North  
Main, Wichita 67203  
Wichita Area Chamber of Commerce, 350 West Douglas, Wichita 67202  
CPO, City  
Robert E. McHenry, 2200 South Hillside, Wichita 67211  
Heil C. Pettit, 1202 East 1st, Wichita 67214  
Colby Sandlian, 435 North Broadway, Wichita 67202  
Keith Anderson, 1175 South Rock Road, Wichita 67207

Additions underlined.  
Corrections-~~marked through~~.

4/26/83

DR 82-26

Possible Amendment to the  
City of Wichita Zoning Ordinance Scheduled for  
Public Hearing before the MAPC - May 19, 1983

Recommended that Section 28.04.090-A (USE REGULATIONS) be amended to read as follows:

A. USE REGULATIONS.

1. Permitted Uses.

1.1 In those portions of the "LC" Light Commercial District which are less than six hundred feet in continuous length, any use permitted in the adjoining dwelling district shall be permitted. In all other portions of the "LC" Light Commercial District, any use permitted in the "B" Multiple-family Dwelling District shall be permitted.

1.2 All purely retail businesses, provided that all articles for sale, rent, display, storage or hire, must be kept within an enclosed building; except that merchandise which is for sale within the building may be displayed in areas immediately adjacent to and within 10 feet of the building, provided that:

- a. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained appropriate approval for such use from the Board of City Commissioners;
- b. No required off-street parking space or loading area will be utilized for display, storage or dispensing;
- c. No food or drink may be displayed outside the building except in accordance with standards and prior written approval of the Wichita-Sedgwick County Department of Public Health;
- d. These provisions shall in no way be deemed to authorize the outdoor display of automobiles, both trailer and equipment rental or the

sale of used furniture, used appliances, used plumbing, used housewares, used building material or similar display in the "LC" Light Commercial Zoning District, except as such may otherwise be authorized by the Board of Zoning Appeals or the governing body under an appropriate section of the code;

e. Christmas tree and associated sales may be conducted on property zoned "LC" even though no building shall exist.

~~1.3 Bakeries employing not more than five persons in preparing and baking its products.~~

1.3 Bakeries; Commercial Laundries and Dry Cleaning Establishments; Printing Shops; Service Businesses that deal primarily with the maintenance or servicing of equipment or furnishings used in residences, offices or retail businesses; food vending businesses; and sales offices for personal or household products when such products are sold by individuals directly to the consumers at the consumers residence; provided, however, no individual business shall occupy more than 6,000 square feet of floor area. (Exception: Garage space used solely for vehicle storage shall not be included in the square foot limitation.) All vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by Director of Planning as to adequate screening material and location, within an enclosed compound.

1.4 Banks, Savings and Loan Associations, and Credit Unions.

1.5 ~~Barbershops-~~ Hair Stylists (Barber and Beauty Shops).

1.6 ~~Beauty parlors-~~ Child Day Care Centers.

1.7 Business or commercial schools.

1.8 Catering establishments.

1.9 Filling stations.

1.10 Food locker plants with a capacity of not more than five hundred lockers.

1.11 Public garage, provided no body or fender work is done.

1.12 Storage garage, parking lots.

~~1.13 Laundry or dry cleaning establishment employing not more than five persons who are actually engaged in laundry and dry cleaning work.~~

1.13 Picture framing shops, ceramic studios, and stained glass studios, including instructional classes and the sale of supplies both retail and wholesale; provided, however, wholesale sales shall not exceed 10% of the business by volume.

1.14 Motels and hotels.

1.15 Offices.

~~1.16 Printing shops employing not more than five persons engaged in the mechanical operations ordinarily used in production of printed matter.~~

1.16 Health Spas and Indoor Recreational uses such as racquetball courts, tennis courts and bowling alleys.

~~1.17 Processing of food not involving the use of raw materials and not employing more than five persons in the kitchen.~~

1.17 Taverns and private clubs, subject to applicable licensing regulations.

1.18 Restaurants.

1.19 Self-service laundries and Self-service Dry Cleaning establishments.

1.20 Shoe shops ~~employing not more than five persons in repairing shoes-~~ for repairing of shoes, not including manufacturing.

1.21 Studios (Art, Dance, Music, Photographic, Broadcasting and Recording).

1.22 Tailor shops, provided ~~there are not more than five persons employed in the shop~~; such shops are limited to alterations or custom tailoring, but not including the mass production of garments.

1.23 Indoor Theaters or places of public entertainment.

1.24 Signs, as permitted by Section 28.04.139 of this code.

1.25 Mortuaries or funeral homes may be permitted within the light commercial districts provided the buildings are located not less than two hundred feet from the boundary of the "AA", "A", "RB", "R-5" and "R-6" districts, or provided that the conditions of the "BB" district shall be complied with.

1.26 Small animal clinic for treatment and boarding of dogs, cats, and other pets, provided that all animals shall be harbored indoors. No noise or odors from such use shall be discernible at any building line.

1.27 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

1.28 Storage of merchandise available for retail sales may be outside of an enclosed building subject to the following conditions:

a. The area used for storage shall be enclosed by a fence or wall not less than six feet in height nor less than the height of the merchandise.

b. Such fence or wall shall be of material capable of providing screening to hide the storage from view. One opening, not exceeding ten feet in width, may be left open during business hours. When the material of the enclosure is not of the same general material as the main building, landscaping as approved by the Superintendent of Central

Inspection shall be provided and maintained outside the enclosure. For outside storage areas within a Community Unit Plan, the fence or wall screening provisions may be modified provided that:

(1) A design plan is submitted to the Planning Director for review and recommendation;

(2) Such plan shall provide an acceptable environment for the surrounding area, based on the physical characteristics of the property, distances from adjacent properties and public streets, and the type of merchandise to be displayed or stored; and

(3) Such plan shall be approved by the Director of Planning and the Superintendent of Central Inspection, with the right to appeal to the Board of City Commissioners within forty-five days.

c. The enclosure around the storage area shall be attached to the main building and the area within such enclosure shall not exceed ten percent of the floor area occupied by the main use within the building. Such enclosure shall comply with the same setback as is required for the main building.

d. The area within the enclosure shall be calculated as floor area in determining the number of required off-street parking spaces.

e. The display of merchandise within the enclosure shall not be deemed to violate the provisions of Section 28.04.090(1.2) or Section 28.04.183(3) unless such display is intentionally placed to be continuously viewed from outside the enclosure contrary to the provisions of this chapter.

f. The provisions of this section shall not be deemed to prevent the display of merchandise required in the servicing of vehicles when located on service islands at filling stations, nor shall it supersede any

of the conditions required by the Board of Zoning Appeals under other other sections of this code.

2. Prohibited Uses.

~~2.1 Signs not permitted by Section 28.04.139 of this code.~~

2.1 Uses not listed as a permitted use or not determined by the Superintendent of Central Inspection to be the same as those listed are prohibited in this district.

~~2.2 Nothing in the above uses shall be construed as to permit the erection, or use of buildings or premises for tourist cabins or funeral homes, except as noted in 1.25 above, miniature golf courses, amusement parks or other outdoor places of entertainment.~~

2.2 Outdoor storage of vehicles, equipment, merchandise for sale or rent, and other similar uses outside of an enclosed building are regulated in this district. Such uses are prohibited except where expressly permitted as set forth in the list of permitted uses or when permitted as an exception by the Board of Zoning Appeals.

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, 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 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~~ twenty-five foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a ~~fifteen~~ twenty 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 feet nor more than eight feet in height.

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 thirty-five feet.

5.7 Off-street parking shall be required on the basis of one space for each two 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.

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,~~ engineering 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 Such other conditions as the board of zoning appeals shall deem necessary to provide for orderly development.

Recommended that Section 28.04.183 be amended by adding the following:

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 6,000 square feet of floor area; uses not purely retail, and including some wholesales; and other similar uses not specifically listed in Section 28.04.090 A, 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 15-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 businesses 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, 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.

May 2, 1983

Mr. Robert McHenry  
Hillside Nursery  
2200 South Hillside  
Wichita, Kansas 67218

Re: DR 82-26 Amendment to  
the "LC" District

Dear Mr. McHenry:

Several years ago during the time we met with a number of different groups relative to the expansion of nonconforming uses, I mentioned to you that we would attempt to amend the ordinance to permit nurseries in the "LC" Light Commercial District. Attached is a copy of a possible amendment that has been scheduled for public hearing before the planning commission on May 19, 1983.

The amendment is far more inclusive than just nurseries and garden centers, but it should be of particular interest to you and others of your organization. I particularly refer you to page 8, section 7 to 7.11 as it relates to the permission of nurseries and garden centers that cannot comply with the strict application of the outside display and storage provisions of the "LC" district.

It is not intended by this amendment to limit in any way those garden centers that have been established under the present regulations as a purely retail business, but to allow by special permit other uses heretofore not permitted in the district. In the process of approving such a use, the Board of Zoning Appeals may reduce the amount of off-street parking and permit an unlimited amount of outside storage and display subject to conditions deemed necessary to protect adjoining properties.

I would be pleased to meet with you and any of your group at your convenience. I realize that this is an extremely busy time of year for your business, so any time of day or night I will be available if you can get them together. Please give me a call at 268-4421.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL:sad

Page 2

cc: Bill Yung, 8225 East 35th North, Wichita 67226  
Dutchman's Nursery & Garden Center, 802 North Ridge Road, Wichita 67212  
Johnson's Garden Center, 2707 West 13th, Wichita 67203  
Brownie's Nursery, 3500 North Hillside, Wichita 67219  
Sunnyside Nursery, 6750 South Broadway, Wichita 67233  
Borst Nursery & Garden Center, 5118 South Broadway, Wichita 67216

4/26/83

Additions underlined.  
Corrections marked through.

DR 82-26

Possible Amendment to the  
City of Wichita Zoning Ordinance Scheduled for  
Public Hearing before the MAPC - May 19, 1983

Recommended that Section 28.04.090-A (USE REGULATIONS) be  
amended to read as follows:

A. USE REGULATIONS.

1. Permitted Uses.

1.1 In those portions of the "LC" Light Commercial District which are less than six hundred feet in continuous length, any use permitted in the adjoining dwelling district shall be permitted. In all other portions of the "LC" Light Commercial District, any use permitted in the "B" Multiple-family Dwelling District shall be permitted.

1.2 All purely retail businesses, provided that all articles for sale, rent, display, storage or hire, must be kept within an enclosed building; except that merchandise which is for sale within the building may be displayed in areas immediately adjacent to and within 10 feet of the building, provided that:

- a. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained appropriate approval for such use from the Board of City Commissioners;
- b. No required off-street parking space or loading area will be utilized for display, storage or dispensing;
- c. No food or drink may be displayed outside the building except in accordance with standards and prior written approval of the Wichita-Sedgwick County Department of Public Health;
- d. These provisions shall in no way be deemed to authorize the outdoor display of automobiles, both trailer and equipment rental or the

sale of used furniture, used appliances, used plumbing, used housewares, used building material or similar display in the "LC" Light Commercial Zoning District, except as such may otherwise be authorized by the Board of Zoning Appeals or the governing body under an appropriate section of the code;

e. Christmas tree and associated sales may be conducted on property zoned "LC" even though no building shall exist.

~~1.3 Bakeries employing not more than five persons in preparing and baking its products.~~

1.3 Bakeries; Commercial Laundries and Dry Cleaning Establishments; Printing Shops; Service Businesses that deal primarily with the maintenance or servicing of equipment or furnishings used in residences, offices or retail businesses; food vending businesses; and sales offices for personal or household products when such products are sold by individuals directly to the consumers at the consumers residence; provided, however, no individual business shall occupy more than 6,000 square feet of floor area. (Exception: Garage space used solely for vehicle storage shall not be included in the square foot limitation.) All vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by Director of Planning as to adequate screening material and location, within an enclosed compound.

1.4 Banks, Savings and Loan Associations, and Credit Unions.

1.5 Barbershops; Hair Stylists (Barber and Beauty Shops).

1.6 Beauty parlors. Child Day Care Centers.

1.7 Business or commercial schools.

1.8 Catering establishments.

1.9 Filling stations.

1.10 Food locker plants with a capacity of not more than five hundred lockers.

1.11 Public garage, provided no body or fender work is done.

1.12 Storage garage, parking lots.

1.13 Laundry or dry-cleaning establishment employing not more than five persons who are actually engaged in laundry and dry-cleaning work.

1.13 Picture framing shops, ceramic studios, and stained glass studios, including instructional classes and the sale of supplies both retail and wholesale; provided, however, wholesale sales shall not exceed 10% of the business by volume.

1.14 Motels and hotels.

1.15 Offices.

1.16 Printing shops employing not more than five persons engaged in the mechanical operations ordinarily used in production of printed matter.

1.16 Health Spas and Indoor Recreational uses such as racquetball courts, tennis courts and bowling alleys.

1.17 Processing of food not involving the use of raw materials and not employing more than five persons in the kitchen.

1.17 Taverns and private clubs, subject to applicable licensing regulations.

1.18 Restaurants.

1.19 Self-service laundries and Self-service Dry Cleaning establishments.

1.20 Shoe shops employing not more than five persons in repairing shoes; for repairing of shoes, not including manufacturing.

1.21 Studios (Art, Dance, Music, Photographic, Broadcasting and Recording).

1.22 Tailor shops, provided there are not more than five persons employed in the shop; such shops are limited to alterations or custom tailoring, but not including the mass production of garments.

1.23 Indoor Theaters or places of public entertainment.

1.24 Signs, as permitted by Section 28.04.139 of this code.

1.25 Mortuaries or funeral homes may be permitted within the light commercial districts provided the buildings are located not less than two hundred feet from the boundary of the "AA", "A", "RB", "R-5" and "R-6" districts, or provided that the conditions of the "BB" district shall be complied with.

1.26 Small animal clinic for treatment and boarding of dogs, cats, and other pets, provided that all animals shall be harbored indoors. No noise or odors from such use shall be discernible at any building line.

1.27 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

1.28 Storage of merchandise available for retail sales may be outside of an enclosed building subject to the following conditions:

a. The area used for storage shall be enclosed by a fence or wall not less than six feet in height nor less than the height of the merchandise.

b. Such fence or wall shall be of material capable of providing screening to hide the storage from view. One opening, not exceeding ten feet in width, may be left open during business hours. When the material of the enclosure is not of the same general material as the main building, landscaping as approved by the Superintendent of Central

Inspection shall be provided and maintained outside the enclosure. For outside storage areas within a Community Unit Plan, the fence or wall screening provisions may be modified provided that:

(1) A design plan is submitted to the Planning Director for review and recommendation;

(2) Such plan shall provide an acceptable environment for the surrounding area, based on the physical characteristics of the property, distances from adjacent properties and public streets, and the type of merchandise to be displayed or stored; and

(3) Such plan shall be approved by the Director of Planning and the Superintendent of Central Inspection, with the right to appeal to the Board of City Commissioners within forty-five days.

c. The enclosure around the storage area shall be attached to the main building and the area within such enclosure shall not exceed ten percent of the floor area occupied by the main use within the building. Such enclosure shall comply with the same setback as is required for the main building.

d. The area within the enclosure shall be calculated as floor area in determining the number of required off-street parking spaces.

e. The display of merchandise within the enclosure shall not be deemed to violate the provisions of Section 28.04.090(1,2) or Section 28.04.183(3) unless such display is intentionally placed to be continuously viewed from outside the enclosure contrary to the provisions of this chapter.

f. The provisions of this section shall not be deemed to prevent the display of merchandise required in the servicing of vehicles when located on service islands at filling stations, nor shall it supersede any

of the conditions required by the Board of Zoning Appeals under other sections of this code.

## 2. Prohibited Uses.

~~2.1 Signs not permitted by Section 28.04.139 of this code.~~

2.1 Uses not listed as a permitted use or not determined by the Superintendent of Central Inspection to be the same as those listed are prohibited in this district.

~~2.2 Nothing in the above uses shall be construed as to permit the erection, or use of buildings or premises for tourist cabins or funeral homes, except as noted in 1.25 above; miniature golf courses; amusement parks or other outdoor pieces of entertainment.~~

2.2 Outdoor storage of vehicles, equipment, merchandise for sale or rent, and other similar uses outside of an enclosed building are regulated in this district. Such uses are prohibited except where expressly permitted as set forth in the list of permitted uses or when permitted as an exception by the Board of Zoning Appeals.

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, 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 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 twenty-five foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a fifteen twenty 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 feet nor more than eight feet in height.

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 thirty-five feet.

5.7 Off-street parking shall be required on the basis of one space for each two 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.

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; engineering 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 Such other conditions as the board of zoning appeals shall deem necessary to provide for orderly development.

Recommended that Section 28.04.183 be amended by adding the following:

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 6,000 square feet of floor area; uses not purely retail, and including some wholesales; and other similar uses not specifically listed in Section 28.04.090 A, 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 businesses 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 I3-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 26.09.139 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.

April 13, 1983

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

DR 82-26 Possible Amendment to "LC" District

Attached hereto are three copies of a possible amendment to the zoning ordinance that will be scheduled for public hearing before the planning commission at the regularly scheduled meeting of May 19, 1983.

Please review this possible amendment and give me your comments by April 18, 1983 so that additional changes can be incorporated prior to general distribution of the amendment. I have reviewed the general concept of this proposal with Joe Donnelly, but these are the first copies furnished to your office.

These amendments were developed as a result of the planning commission request when a zoning change for "C" zoning was made to accommodate the expansion of a printing shop in the "LC" district. The use had originally been established under the 5 employee limitation and had subsequently exceeded that number. In reviewing the "LC" district, it was determined that it is almost an impossibility to monitor a use based on the number of employees. This proposal will eliminate all of the reference to the number of employees and place most of those uses under a 6,000 square foot floor area limitation with those exceeding 6,000 square feet to be permitted as exceptions by the Board of Zoning Appeals. Other uses not purely retail will also be permitted as exceptions under this proposal.

In addition an amendment to allow garden centers and nurseries, that have greater amounts of outdoor usage than that permitted by the purely retail business, as exceptions. Also miniature golf and outdoor tennis clubs will also be included as exceptions. With the addition of a number of new uses as exceptions that would be considered special uses that parking spaces based on floor area would not necessarily be appropriate, the Board of Zoning Appeals will determine the off-street parking requirement in the processing of the exception.

Your early response would be appreciated.

Glen E. Lytle

GEL:sad

cc: Jack H. Galbraith, Chief Planner, Current Plans

March 31, 1983

Robert A. Lakin, Director of Planning

Glen E. Lytle, Special Assistant for Zoning

DR 82-26 Amendment to "LC" District

Attached hereto is a revised draft of the possible amendment to the "LC" Light Commercial District. I believe that we could now advertise for public hearing for possibly the May 5 or May 19, 1983 MAPC meeting, or we could set another informal session with the planning commission for additional discussion prior to setting the public hearing.

Since our previous meeting with the planning commission on an informal basis, I have revised the draft to include what I considered a consensus agreement of the MAPC. This included raising the square foot figure from 5,000 to 6,000 for print shops, laundries, etc. as a use by right, and excluding the garage space for vehicles from the square foot limitation.

I have also included some amendments that clarify the intent and meaning of the present limitations of the district. These changes have been discussed with personnel from Central Inspection and they indicated they would be helpful in the administration of the ordinance. This includes a clarification of the limitations on display and storage of merchandise and vehicles. Also added to the list of permitted uses are a number of uses that are somewhat questionable, but have been permitted as a comparable use in the past.

Three additional categories of uses are included that can be granted as exceptions by the Board of Zoning Appeals. The first being the print shops, laundries, etc. that exceed 6,000 square feet, and also other uses that are similar to the list of permitted uses that are not specifically listed. The second being the nurseries and garden centers that cannot comply with the normal outdoor limitations of the district, and the third being a limited number of outdoor recreational uses, including miniature golf and outdoor tennis uses.

Please review and give me your suggested procedure.

Glen E. Lytle

GEL:sad

Attachment

cc: Jack H. Galbraith, Chief Planner, Current Plans

Additions underlined.  
Corrections ~~marked through~~.

3/31/83

DR 82-26

Possible Amendment to the  
City of Wichita Zoning Ordinance Scheduled for  
Public Hearing before the MAPC - , 1983

Recommended that Section 28.04.090-A (USE REGULATIONS) be  
amended to read as follows:

A. USE REGULATIONS.

1. Permitted Uses.

1.1 In those portions of the "LC" Light Commercial District which are less than six hundred feet in continuous length, any use permitted in the adjoining dwelling district shall be permitted. In all other portions of the "LC" Light Commercial District, any use permitted in the "B" Multiple-family Dwelling District shall be permitted.

1.2 All purely retail businesses, provided that all articles for sale, rent, display, storage or hire, must be kept within an enclosed building; except that merchandise which is for sale within the building may be displayed in areas immediately adjacent to and within 10 feet of the building, provided that:

a. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained appropriate approval for such use from the Board of City Commissioners;

b. No required off-street parking space or loading area will be utilized for display, storage or dispensing;

c. No food or drink may be displayed outside the building except in accordance with standards and prior written approval of the Wichita-Sedgwick County Department of Public Health;

d. These provisions shall in no way be deemed to authorize the outdoor display of automobiles, both trailer and equipment rental or the

sale of used furniture, used appliances, used plumbing, used housewares, used building material or similar display in the "LC" Light Commercial Zoning District, except as such may otherwise be authorized by the Board of Zoning Appeals or the governing body under an appropriate section of the code;

e. Christmas tree and associated sales may be conducted on property zoned "LC" even though no building shall exist.

~~1.3 Bakeries employing not more than five persons in preparing and baking its products.~~

1.3 Bakeries; Commercial Laundries and Dry Cleaning Establishments; Printing Shops; Service Businesses that deal primarily with the maintenance or servicing of equipment or furnishings used in residences, offices or retail businesses; food vending businesses; and sales offices for personal or household products when such products are sold by individuals directly to the consumers at the consumers residence; provided, however, no individual business shall occupy more than 6,000 square feet of floor area. (Exception: Garage space used solely for vehicle storage shall not be included in the square foot limitation.) All vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by Director of Planning as to adequate screening material and location, within an enclosed compound.

1.4 Banks, Savings and Loan Associations, and Credit Unions.

1.5 ~~Barbershops~~ Hair Stylists (Barber and Beauty Shops).

1.6 ~~Beauty parlors~~. Child Day Care Centers.

1.7 Business or commercial schools.

1.8 Catering establishments.

1.9 Filling stations.

1.10 Food locker plants with a capacity of not more than five hundred lockers.

1.11 Public garage, provided no body or fender work is done.

1.12 Storage garage, parking lots.

~~1.13 Laundry or dry cleaning establishment employing not more than five persons who are actually engaged in laundry and dry cleaning work.~~

1.13 Picture framing shops, ceramic studios, and stained glass studios, including instructional classes and the sale of supplies both retail and wholesale; provided, however, wholesale sales shall not exceed 10% of the business by volume.

1.14 Motels and hotels.

1.15 Offices.

~~1.16 Printing shops employing not more than five persons engaged in the mechanical operations ordinarily used in production of printed matter.~~

1.16 Health Spas and Indoor Recreational Clubs including racquetball courts, tennis courts and bowling alleys.

~~1.17 Processing of food not involving the use of raw materials and not employing more than five persons in the kitchen.~~

1.17 Taverns and private clubs, subject to applicable licensing regulations.

1.18 Restaurants.

1.19 Self-service laundries and Self-service Dry Cleaning establishments.

1.20 Shoe shops ~~employing not more than five persons in repairing shoes;~~ for repairing of shoes, not including manufacturing.

1.21 Studios (Art, Dance, Music, Photographic, Broadcasting and Recording).

1.22 Tailor shops, ~~provided there are not more than five persons employed in the shop;~~ such shops are limited to alterations or custom tailoring, but not including the mass production of garments.

1.23 Indoor Theaters or places of public entertainment.

1.24 Signs, as permitted by Section 28.04.139 of this code.

1.25 Mortuaries or funeral homes may be permitted within the light commercial districts provided the buildings are located not less than two hundred feet from the boundary of the "AA", "A", "RB", "R-5" and "R-6" districts, or provided that the conditions of the "BB" district shall be complied with.

1.26 Small animal clinic for treatment and boarding of dogs, cats, and other pets, provided that all animals shall be harbored indoors. No noise or odors from such use shall be discernible at any building line.

1.27 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

1.28 Storage of merchandise available for retail sales may be outside of an enclosed building subject to the following conditions:

a. The area used for storage shall be enclosed by a fence or wall not less than six feet in height nor less than the height of the merchandise.

b. Such fence or wall shall be of material capable of providing screening to hide the storage from view. One opening, not exceeding ten feet in width, may be left open during business hours. When the

material of the enclosure is not of the same general material as the main building, landscaping as approved by the Superintendent of Central Inspection shall be provided and maintained outside the enclosure. For outside storage areas within a Community Unit Plan, the fence or wall screening provisions may be modified provided that:

(1) A design plan is submitted to the Planning Director for review and recommendation;

(2) Such plan shall provide an acceptable environment for the surrounding area, based on the physical characteristics of the property, distances from adjacent properties and public streets, and the type of merchandise to be displayed or stored; and

(3) Such plan shall be approved by the Director of Planning and the Superintendent of Central Inspection, with the right to appeal to the Board of City Commissioners within forty-five days.

c. The enclosure around the storage area shall be attached to the main building and the area within such enclosure shall not exceed ten percent of the floor area occupied by the main use within the building. Such enclosure shall comply with the same setback as is required for the main building.

d. The area within the enclosure shall be calculated as floor area in determining the number of required off-street parking spaces.

e. The display of merchandise within the enclosure shall not be deemed to violate the provisions of Section 28.04.090(1.2) or Section 28.04.183(3) unless such display is intentionally placed to be continuously viewed from outside the enclosure contrary to the provisions of this chapter.

f. The provisions of this section shall not be deemed to prevent the display of merchandise required in the servicing of vehicles when located on service islands at filling stations, nor shall it supersede any of the conditions required by the Board of Zoning Appeals under other other sections of this code.

2. Prohibited Uses.

~~2.1 Signs not permitted by Section 28.04.139 of this code.~~

2.1 Uses not listed as a permitted use are prohibited in this district.

~~2.2 Nothing in the above uses shall be construed as to permit the erection, or use of buildings or premises for tourist cabins or funeral homes, except as noted in 1.25 above; miniature golf courses; amusement parks or other outdoor places of entertainment.~~

2.2 Outdoor storage of vehicles, equipment, merchandise for sale or rent, and other similar uses outside of an enclosed building are regulated in this district. Such uses are prohibited except where expressly permitted as set forth in the list of permitted uses or when permitted as an exception by the Board of Zoning Appeals.

Recommended that Section 28.04.183 be amended by adding the following:

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 6,000 square feet of floor area; uses not purely retail, and including some wholesales; and other similar uses not specifically listed in Section 28.04.090 A, 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 complete 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 businesses 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 green houses 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.

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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.

(Published in The Daily Record on April 20, 1983.)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED.

NOTICE IS HEREBY GIVEN, that on Thursday, May 19, 1983, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes in Title 28, the Code of the City of Wichita, Kansas:

Amendments to Sections 28.04.090 and 28.04.183 of the zoning ordinance pertaining to the permitted uses in the "LC" Light Commercial District, as uses by right or as a special permit as exceptions by the Board of Zoning Appeals.

Copies of the proposed amendment are available upon request from 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 by law provided.

WITNESS my hand and seal this 18th day of April, 1983.

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

(SEAL)

(Published in The Daily Record on April 20, 1983.)

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

(SEAL)

WICHITA-SEDGWICK COUNTY

DATE  
January 21, 1983

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** Wichita-Sedgwick County Metropolitan Area Planning Commission  
**FROM** Robert A. Lakin, Director of Planning  
**SUBJECT** DR-82-26 - Amendment to the "LC" Light Commercial District  
Re: Printing Shops and other uses

Attached is a preliminary draft of a possible amendment to the zoning ordinance pertaining to changes in the list of permitted uses in the "LC" Light Commercial District. This will be discussed at the informal Planning Commission session on January 28, 1983.

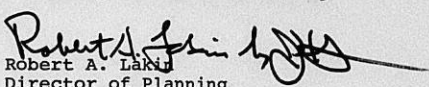
This amendment is the result of a recent zoning change request for "C" Commercial zoning for the expansion of a print shop that exceeded the 5 employee limitation of the "IC" District. In the process of reviewing the list of permitted uses, as requested by the Planning Commission, and the problems of the administration and enforcement of uses that are regulated by the number of employees, it was felt that a more logical approach would be on a limitation based on a maximum square footage for such uses.

In the draft you will note that all references to the number of employees has been deleted and several of those uses that are considered service type businesses have been grouped together along with a number of proposed uses and a maximum of 5,000 square feet established for an individual use. In addition to this change, similar uses exceeding the 5,000 square feet will be permitted by special permit thru the Board of Zoning Appeals as are many other uses as set forth in Section 28.04.183 of the zoning ordinance. Also added to this Section is the permission of Nurseries and Garden Centers by special permit. This is intended to accommodate those types of nurseries and garden centers that cannot comply with the general provisions as a purely retail business that requires the use to be within an enclosed building. This use would certainly be an acceptable use along a major street under similar conditions as a new and used car agency now permitted in the "LC" District by the B.Z.A.

As proposed, the larger uses allowed as exceptions will be uses that are either service oriented, or uses that utilize open land and large display or storage areas that will not demand the off-street parking normally required for other Light Commercial uses. In the process of approving an exception for such uses, a provision to reduce the number of off-street parking spaces based on the type and extent of use may be made by the Board of Zoning Appeals.

RAL:GEL:sad

Attachment

  
Robert A. Lakin  
Director of Planning

January 21, 1983

Wichita-Sedgwick County Metropolitan Area Planning Commission

Robert A. Lakin, Director of Planning

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Re: Printing Shops and other uses

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This amendment is the result of a recent zoning change request for "C" Commercial zoning for the expansion of a print shop that exceeded the 5 employee limitation of the "LC" District. In the process of reviewing the list of permitted uses, as requested by the Planning Commission, and the problems of the administration and enforcement of uses that are regulated by the number of employees, it was felt that a more logical approach would be on a limitation based on a maximum square footage for such uses.

In the draft you will note that all references to the number of employees has been deleted and several of those uses that are considered service type businesses have been grouped together along with a number of proposed uses and a maximum of 5,000 square feet established for an individual use. In addition to this change, similar uses exceeding the 5,000 square feet will be permitted by special permit thru the Board of Zoning Appeals as are many other uses as set forth in Section 28.04.183 of the zoning ordinance. Also added to this Section is the permission of Nurseries and Garden Centers by special permit. This is intended to accommodate those types of nurseries and garden centers that cannot comply with the general provisions as a purely retail business that requires the use to be within an enclosed building. This use would certainly be an acceptable use along a major street under similar conditions as a new and used car agency now permitted in the "LC" District by the B.Z.A.

As proposed, the larger uses allowed as exceptions will be uses that are either service oriented, or uses that utilize open land and large display or storage areas that will not demand the off-street parking normally required for other Light Commercial uses. In the process of approving an exception for such uses, a provision to reduce the number of off-street parking spaces based on the type and extent of use may be made by the Board of Zoning Appeals.

RAL:GEL:sad

Robert A. Lakin  
Director of Planning

Attachment

WICHITA-SEDGWICK COUNTY

DATE  
January 21, 1983

**METROPOLITAN AREA PLANNING DEPARTMENT**


**TO** Wichita-Sedgwick County Metropolitan Area Planning Commission  
**FROM** Robert A. Lakin, Director of Planning  
**SUBJECT** DR-82-26 - Amendment to the "LC" Light Commercial District  
Re: Printing Shops and other uses

Attached is a preliminary draft of a possible amendment to the zoning ordinance pertaining to changes in the list of permitted uses in the "LC" Light Commercial District. This will be discussed at the informal Planning Commission session on January 28, 1983.

This amendment is the result of a recent zoning change request for "C" Commercial zoning for the expansion of a print shop that exceeded the 5 employee limitation of the "LC" District. In the process of reviewing the list of permitted uses, as requested by the Planning Commission, and the problems of the administration and enforcement of uses that are regulated by the number of employees, it was felt that a more logical approach would be on a limitation based on a maximum square footage for such uses.

In the draft you will note that all references to the number of employees has been deleted and several of those uses that are considered service type businesses have been grouped together along with a number of proposed uses and a maximum of 5,000 square feet established for an individual use. In addition to this change, similar uses exceeding the 5,000 square feet will be permitted by special permit thru the Board of Zoning Appeals as are many other uses as set forth in Section 28.04.183 of the zoning ordinance. Also added to this Section is the permission of Nurseries and Garden Centers by special permit. This is intended to accommodate those types of nurseries and garden centers that cannot comply with the general provisions as a purely retail business that requires the use to be within an enclosed building. This use would certainly be an acceptable use along a major street under similar conditions as a new and used car agency now permitted in the "LC" District by the B.Z.A.

As proposed, the larger uses allowed as exceptions will be uses that are either service oriented, or uses that utilize open land and large display or storage areas that will not demand the off-street parking normally required for other Light Commercial uses. In the process of approving an exception for such uses, a provision to reduce the number of off-street parking spaces based on the type and extent of use may be made by the Board of Zoning Appeals.

  
Robert A. Lakin  
Director of Planning

RAL:GEL:sad

Attachment

D R A F T

1-18-83

Additions underlined  
Deletions marked thru

DR-82-26

28.04.090 "LC" light commercial district regulations. In the "LC" light commercial district, no building or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses. All buildings erected, enlarged, converted or altered in the "LC" light commercial district shall conform to the following area and height regulations:

A. USE REGULATIONS.

1. Permitted Uses.

1.1 In those portions of the "LC" light commercial district which are less than six hundred feet in continuous length, any use permitted in the adjoining dwelling district shall be permitted. In all other portions of the "LC" light commercial district, any use permitted in the "B" multiple-family dwelling district shall be permitted.

1.2 All purely retail businesses, provided that all articles for sale, rent, display, storage or hire, must be kept within an enclosed building; except that merchandise which is for sale within the building may be displayed in areas immediately adjacent to the building, provided that:

a. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained appropriate approval for such use from the board of city commissioners;

b. No required off-street parking space or loading area will be utilized for display, storage or dispensing;

c. No food or drink may be displayed outside the building except in accordance with standards and prior written approval of the Wichita-Sedgwick County department of public health;

d. These provisions shall in no way be deemed to authorize the outdoor display of automobiles, both trailer and equipment rental or the sale of used furniture, used appliances, used plumbing, used housewares, used building material or similar display in the "LC" light commercial district, except as such may otherwise be authorized by the board of zoning appeals or the governing body under an appropriate section of the code;

e. Christmas tree and associated sales may be conducted on property zoned "LC" even though no building shall exist.

1.3 Bakeries; Laundry and Dry Cleaning establishments;  
Printing Shops; Service businesses that deal primarily with  
personal services, or the maintenance and servicing of  
equipment or furnishings used in homes, offices or retail  
businesses; Food vending businesses; and personal or  
household product businesses when such products are  
to be sold by individuals directly to the consumers  
at the consumers residence; provided however,

2.

no individual business shall exceed 5,000 square feet of floor area; all vehicles used in conjunction with the business must be stored within the main structure, an enclosed garage, or when approved by the Director of Planning as to adequate screening material and location, within an enclosed compound.

~~1.3 Bakeries employing not more than five persons in preparing and baking its products.~~

1.4 Banks.

1.5 Barbershops.

1.6 Beauty parlors.

1.7 Business or commercial schools.

1.8 Catering establishments.

1.9 Filling stations.

1.10 Food locker plants with a capacity of not more than five hundred

lockers.

1.11 Public garage, provided no body or fender work is done.

1.12 Storage garage, parking lots.

~~1.13 Laundry or dry-cleaning establishment employing not more than five persons who are actually engaged in laundry and dry cleaning work.~~

1.14 Motels and hotels.

1.15 Offices.

~~1.16 Printing shops employing not more than five persons engaged in the mechanical operations ordinarily used in production of printed matter.~~

~~1.17 Processing of food not involving the use of raw materials and not employing more than five persons in the kitchen.~~

1.18 Restaurants.

1.19 Self-service laundries.

1.20 Shoe shops, employing not more than five persons in repairing of shoes, not including manufacturing.

1.21 Studios.

1.22 Tailor shops, provided there are not more than five persons

such shops are limited to custom tailoring and not including the mass production of garments.

~~employed in the shop.~~

1.23 Theaters or places of public entertainment.

1.24 Signs, as permitted by Section 28.04.139 of this code.

1.25 Mortuaries or funeral homes may be permitted within the light commercial districts provided the buildings are located not less than two hundred feet from the boundary of the "AA," "A," "RB," "R-5" and "R-6" districts, or provided that the conditions of the "BB" district shall be complied with.

1.26 Small animal clinic for treatment and boarding of dogs, cats, and other pets, provided that all animals shall be harbored indoors. No noise or odors from such use shall be discernible at any building line.

1.27 Uses listed in Section 28.04.183, only when approved in a manner therein provided.

1.28 Storage of merchandise available for retail sales may be outside of an enclosed building subject to the following conditions:

a. The area used for storage shall be enclosed by a fence or wall not less than six feet in height nor less than the height of the merchandise.

b. Such fence or wall shall be of material capable of providing screening to hide the storage from view. One opening, not exceeding ten feet in width, may be left open during business hours. When the material of the enclosure is not of the same general material as the main building, landscaping as approved by the superintendent of central inspection shall be provided and maintained outside the enclosure. For outside storage areas within a community unit plan, the fence or wall screening provisions may be modified provided that:

(1) A design plan is submitted to the planning director for review and recommendation;

(2) Such plan shall provide an acceptable environment for the surrounding area, based on the physical characteristics of the property, distances from adjacent properties and public streets, and the type of merchandise to be displayed or stored; and

(3) Such plan shall be approved by the director of planning and the superintendent of central inspection, with the right to appeal to the board of city commissioners within forty-five days.

c. The enclosure around the storage area shall be attached to the main building and the area within such enclosure shall not exceed ten percent of the floor area occupied by the main use within the building. Such enclosure shall comply with the same setback as is required for the main building.

d. The area within the enclosure shall be calculated as floor area in determining the number of required off-street parking spaces.

e. The display of merchandise within the enclosure shall not be deemed to violate the provisions of Section 28.04.090(1.2) or Section 28.04.183(3) unless such display is intentionally placed to be continuously viewed from outside the enclosure contrary to the provisions of this chapter.

f. The provisions of this section shall not be deemed to prevent the display of merchandise required in the servicing of vehicles when located on service islands at filling stations, nor shall it supersede any of the conditions required by the board of zoning appeals under other sections of this code.

**2. Prohibited Uses.**

2.1 Signs not permitted by Section 28.04.139 of this code.

2.2 Nothing in the above uses shall be construed as to permit the erection, or use of buildings or premises for tourist cabins or funeral homes, except as noted in 1.25 above, miniature golf courses, amusement parks or other outdoor places of entertainment.

**28.04.183 Same - Use regulations continued.** 1. Conditional uses in "LC" districts: The board of zoning appeals may by special permit authorize the uses specified below in "LC" light commercial districts subject to the following conditions and requirements:

1.1 Such location shall first be approved in writing by the planning commission who shall find such use is desirable and essential and is in harmony with the various elements or objectives of the master or comprehensive plan.

1.2 The minimum land area—two acres.

1.3 The maximum building coverage of land area shall be one square foot of ground area of the building to three square feet of land area.

1.4 The minimum setback of any building from the property lines shall be thirty feet; however, the board of zoning appeals may grant a variance to this requirement in unusual conditions.

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

1.6 All parking and loading areas shall be paved with concrete or asphalt and must not cover more than one-half of required open space.

1.7 The maximum number of employees shall be fifteen per acre of net land area in any one shift.

1.8 No noxious odors or undue noise shall be detectable from the property line.

1.9 The board of zoning appeals must find that the plans assure the proper treatment of screening and compatibility of such construction to the adjoining property and surrounding neighborhood.

1.10 Uses that may be so authorized are: (a) bakery, and (b) bottling works.

2. The board of zoning appeals may by special permit grant exceptions and authorize these uses:

New and used car sales,

Trailer sales,

Trailer, vehicle and equipment rental,

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

2.1 Location contiguous to a major street as designated in the Pattern For Thoroughfares, Wichita, Kansas, 1955, 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.

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.

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 "G" 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 operation, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete.

4.7 All lights shall be shielded to reflect or direct light away from 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.

One off-street parking space shall be provided for each two employees.

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, 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 "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 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 twenty-five foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a twenty 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 feet nor more than eight feet in height.

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 thirty-five feet.

5.7 Off-street parking shall be required on the basis of one space for each two thousand square feet of floor area in the facility.

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.

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.

8.

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 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, uses as listed in Section 28.04.090.1.5 that exceed 5,000 square feet of floor area and other similar uses not specifically listed in Section 28.04.090 A, when determined by the Board of Zoning Appeals to be of the same general category, subject to the following conditions and requirements:

6.1 Such location 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 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

9.

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 businesses 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

10.  
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, when determined by the Board of Zoning Appeals to be compatible to the adjacent properties, and subject to the following conditions and requirements:

7.1. Such location 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 that is contiguous to such a street.

7.2. Vehicular access to said use shall only be permitted from a street designated as an arterial or expressway, or a street designated as a commercial street with commercial or industrial zoning for the entire length of the block.

7.3. 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.

12.

7.4 All storage and display of merchandise, plants, nursery stock and equipment must be <sup>kept</sup> within an enclosed building; provided however, merchandise and nursery stock may be displayed in areas immediately adjacent to, and within 10 feet of, the building; and provided further, nursery stock may be displayed and stored in unenclosed lath houses, or within a fenced area.

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

7.6 No sound projecting devices or loudspeakers shall be used so as to be outside of any structure.

7.7 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.

7.8 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.

7.9 Areas for the growing of plants and nursery stock may be permitted in green houses or in open areas as designated by the applicant.

7.10 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.

7.11 Due to the nature of the business, the Board of Zoning Appeals shall determine the amount of off-street parking and loading spaces necessary for the operation of the business. The <sup>number of spaces</sup> shall be based on the amount of building area used for sales and display area, and the amount of area used for growing of plants and nursery stock. The determination made by the Board of Zoning Appeals may be adjusted by the Board if at some future date, it can be shown that additional parking spaces are necessary, or that the need for parking spaces are excessive.

7.12 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.

Print shop - \$ 6082 \$

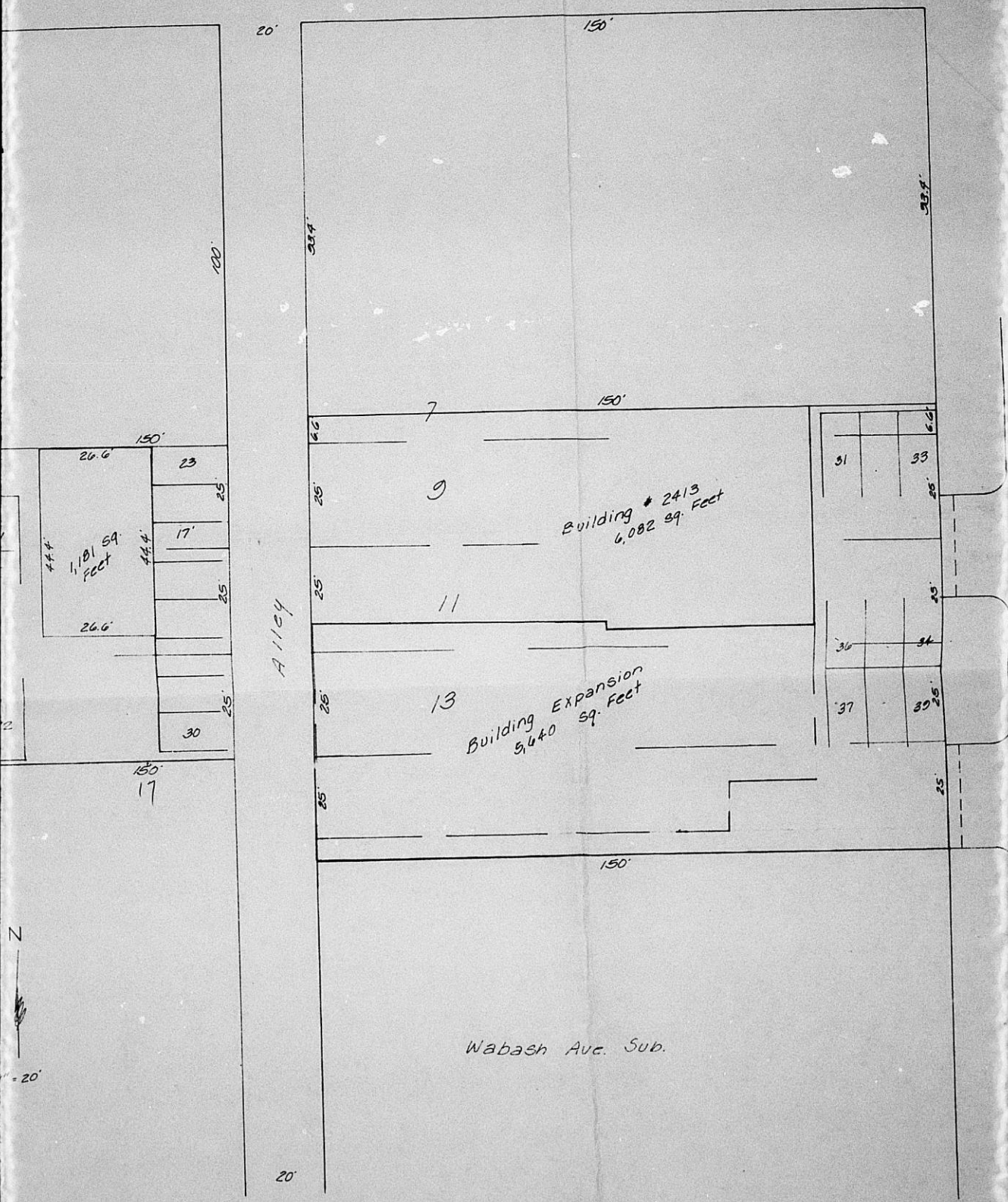
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1181 \$ gas - met

5,640 \$ exper -



Pawnee Avenue



Building # 2413  
6,082 sq. Feet

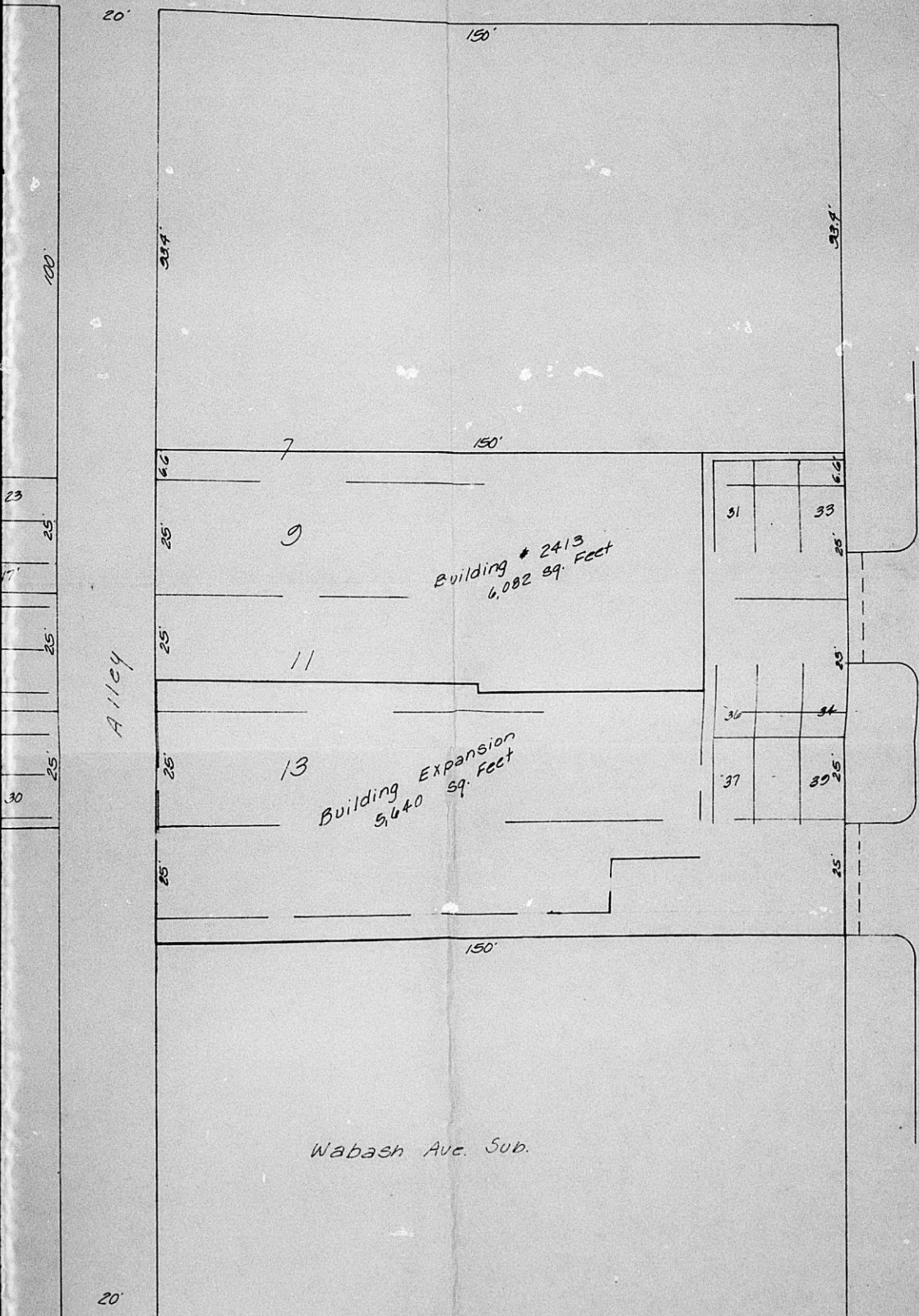
Building Expansion  
9,640 sq. Feet

Wabash Ave. Sub.



WNEE

AVENUE



Building # 2413  
6,082 sq. Feet

Building Expansion  
5,640 sq. Feet

Laura Ave.

Laura

100'  
23  
25  
17'  
25  
25  
25  
30

20'

150'

237'

237'

150'

150'

25'

9

31

33

25'

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37

25'

25'

150'

25'

20'

Wabash Ave. Sub.

WICHITA-SEDGWICK COUNTY

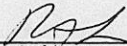
DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

November 29, 1982

**TO** Jack H. Galbraith, Chief Planner, Current Plans Division  
**FROM** Robert A. Lakin, Director of Planning  
**SUBJECT** Zoning Committee - "C" Commercial Districts

At the last Planning Commission meeting, the Planning Commission directed that we proceed to examine the content of the "C" zoning district, as well as certain facets of the "LC" district. In particular, the issues were related to the number of people in the printing, drycleaning business, etc., limited to five or more. Please go through those districts and make some notes on what you think might be an appropriate direction to make adjustments in those districts. I think Cazal has something in mind related to the commercial districts where some of the uses normally required to be in "E" might be acceptable in "C" if all within a building. Maybe he is thinking the same thing in "LC", I don't know. When you have your notes completed, review them with me. Also move to set up a meeting with the Zoning Committee to review the substantive issues and also the procedural ones. There was some comment relative to forming a committee, like on signs. I don't see the need for this if we keep the appropriate groups like the realtors and the homebuilders involved. See if there are any special groups that Cazal has in mind to keep advised.

  
\_\_\_\_\_  
Robert A. Lakin  
Director of Planning

RAL:rme

cc: David Bayouth, Chairman, Metropolitan Area Planning  
Commission  
Ronnie Cazal, Planning Commissioner