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ORDINANCE NO. 47-025

AN ORDINANCE PROVIDING AMENDMENTS TO SECTION II-B.4, SECTION III-B.14.b(3), SECTION III-B.15.b(3), SECTION III-B.16.b(3), SECTION III-B.17.b(3), SECTION III-B.18.b(3), SECTION III-B.19.b(3), SECTION III-B.20.b(3), SECTION III-D USE REGULATIONS SCHEDULE; AND ADDING SECTION III-D.6.jj OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (April 19, 2001 EDITION), AS ADOPTED BY REFERENCE IN CITY OF WICHITA CODE SEC. 28.04.010 BY ORDINANCE NO. 44-975, DEALING WITH FARMER'S MARKETS IN THE CITY. (DR2006-00005)

WHEREAS, under the authority of K.S.A. 12-741, et seq., the City of Wichita desires to adopt amendments to the Wichita-Sedgwick County Unified Zoning Code pertaining to farmer's markets in the City; and

WHEREAS, by K.S.A. 12-770, the City of Wichita may adopt reasonable regulations for the development and operation of farmer's markets in the City, which constitute accessory uses; and

WHEREAS, the governing body of the City of Wichita finds and determines that the regulations set forth in this ordinance are reasonable regulations for the development and operation of farmer's markets in the City, which constitute accessory uses;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA;

SECTION 1. Section II-B.4. of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to add the following:

Farmer's Market means an outdoor place or market area in the City of Wichita with a formalized location where more than one Kansas farmer or grower gathers to sell agricultural products they have grown or raised. Other activities and other sellers may be accommodated at the market, but the sale of agricultural products shall be the focal point of the market activity. Other products that may be sold would typically include dried flowers, crafts & handicrafts that are made in the home, original artwork and certain prepared foods as approved by the City of Wichita Environmental Services Department, or other applicable agency, such as baked goods, preserves, pickles and cheese.

SECTION 2. Section III-B.14.b. (LC Limited Commercial) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to add the following permitted use:

III-B.14.b(3). Commercial Uses

Farmer's market in the city, subject to Sec. III-D.6.jj

SECTION 3. Section III-B.15.b. (OW Office Warehouse) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to add the following permitted use:

III-B.15.b(3). Commercial Uses

Farmer's market in the city, subject to Sec. III-D.6.jj

SECTION 4. Section III-B.16.b. (GC General Commercial) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to add the following permitted use:

III-B.16.b(3). Commercial Uses

Farmer's market in the city, subject to Sec. III-D.6.jj

SECTION 5. Section III-B.17.b. (IP Industrial Park) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to add the following permitted use:

III-B.17.b(3). Commercial Uses

Farmer's market in the city, subject to Sec. III-D.6.jj

SECTION 6. Section III-B.18.b. (CBD Central Business District) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to add the following permitted use:

III-B.18.b(3). Commercial Uses

Farmer's market in the city, subject to Sec. III-D.6.jj

SECTION 7. Section III-B.19.b. (LI Limited Industrial) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to add the following permitted use:

III-B.19.b(3). Commercial Uses

Farmer's market in the city, subject to Sec. III-D.6.jj

SECTION 8. Section III-B.20.b. (GI General Industrial) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to add the following permitted use:

III-B.20.b(3) Commercial Uses

Farmer's market in the city, subject to Sec. III-D.6.jj

SECTION 9. Section III-D Use Regulations Schedule of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to add the following:

P = Permitted Use

C = Conditional Use

USE TYPE	ZONING DISTRICTS														conditions							
	R	S	S	S	T	M	M															
	0	1	1	5	3	8	9	B	H	O	O	R	C	W	C	P	I	B	L	G	I	
COMMERCIAL																						
Farmer's market in the city														P	P	P	P	P	P	P		PD.6.jj

SECTION 10. Section III-D.6. of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to add the following:

III-D.6.jj Farmer's markets in the city. Farmer's markets, as defined by this Code, shall be allowed as an accessory use in the following zoning districts within the City of Wichita: LC, OW, GC, IP, CBD, LI, GI. The Zoning Administrator may authorize farmer's markets only in allowed zoning districts, subject to the following restrictions and limitations:

- (1) A farmer's market must be operated by a designated "market operator" who shall obtain a license or licenses as may be required, including Sec. 3.94 of the Code of the City of Wichita. Generally, sales of agricultural, farm, garden aquacultural products, or fruits grown within the State of Kansas by producers or growers and their agents are exempt from licensing under Section 3.95 of the Code of the City of Wichita.
- (2) Prior to issuance of required licenses, the market operator shall provide the Zoning Administrator with a site plan that clearly identifies: the approximate dimensions of the area being used, the proximity to buildings, parking lots, right-of-ways or other such areas, and a description of any structure, implement, stand, display prop, or other such items used for the farmer's market, including signs, banners or other attention getting devices. The Zoning Administrator shall approve the site plan prior to the issuance of required licenses.
- (3) A farmer's market shall not occupy any part of the required off-street parking space for the principal use unless such is indicated on the site plan and approved by the Zoning Administrator.
- (4) Vendors whose goods are primarily fresh produce, grains, fruits, garden aquacultural products or other agricultural products, including meat and dairy products shall account for no less than fifty percent of the total number of vendors in any single farmer's market.
- (5) Farmer's markets are temporary in nature and may operate no more than five (5) calendar days per month only Monday through Friday during the months of April

through October and only between the hours of 6 a.m. and 9 p.m., with the exception of farmer's markets operated on city-owned property.

- (6) There shall be no permanent storage allowed upon the site, other than that approved for the principal use.
- (7) No additional lighting, other than that approved for the principal use, shall be allowed.
- (8) No additional signage, other than that approved for the principal use, shall be allowed; except, as shown in the site plan approved by the Zoning Administrator.
- (9) Proposed farmer's markets located within a Community Unit Plan, Protective Overlay or any other approved special district that does not allow the uses of the "LC" Limited Commercial zoning district or more intense shall not be licensed, except as authorized by way of Administrative Adjustment or applicable amendment.
- (10) Activities of such nature as to be considered an amusement ride, ride device, circus, carnival, rodeo or wild animal show per the Code of the City of Wichita shall be permitted only when so licensed by applicable governing agencies.
- (11) All electrical connections, erections of temporary structures/tents, etc. shall be in compliance with applicable codes and regulations and shall be permitted/licensed as applicable.

SECTION 11. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its adoption and publication once in the official City newspaper.

PASSED AND ADOPTED by the governing body at Wichita, Kansas, this 16th day of May, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney