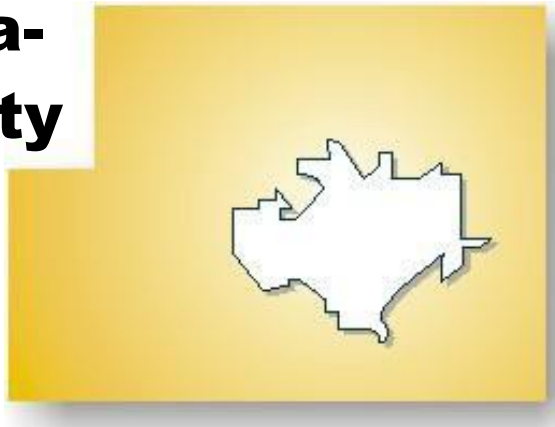
Zoning Districts:

RR	Rural Residential District
SF-20	Single-Family District
SF-10	Single-Family District
SF-5	Single-Family District
TF-3	Two-Family District
MF-18	Multi-Family District
MF-29	Multi-Family District
B	Multi-Family District
MH	Manufactured Housing District
NO	Neighborhood Office District
GO	General Office District
NR	Neighborhood Retail District
LC	Limited Commercial District
OW	Office Warehouse District
GC	General Commercial District
IP-A	Industrial Park – Airport District
IP	Industrial Park District
CBD	Central Business District
LI	Limited Industrial District
GI	General Industrial District
AFB	Air Force Base
PUD	Planned Unit Development
U	University
OT-O	Old Town Overlay
A-O	Airport Overlay
P-O	Protective Overlay
H-O	Historic Landmark Overlay
D-O	Delano Neighborhood Overlay
AFBP-O	Air Force Base Protection Overlay
CP-O	Corridor Perservation Plan Overlay
CBS	Construction Burn Site

UNIFIED ZONING CODE

Wichita-Sedgwick County



July 9, 2009 Edition **Effective Date: September 25, 2009**

City of Wichita Ordinance No. 48-451
Sedgwick County Resolution No. 137-09

Supplemented by: City of Wichita Ordinance No. 48-635 (March 12, 2010)
Sedgwick County Resolution No. 46-2010 (March 11, 2010)
City of Wichita Ordinance No. 49-109 (October 25, 2011)
Sedgwick County Resolution No. 205-2011 (October 12, 2011)
City of Wichita Ordinance No. 49-443 (February 12, 2013)
Sedgwick County Resolution No. 22-2013 (February 2, 2013)
Sedgwick County Resolution No. 61-2013 (April 17, 2013)
City of Wichita Ordinance No. 50-033 (July 7, 2015)
Sedgwick County Resolution No. 136-2015 (July 1, 2015)
Sedgwick County Resolution No. 185-2015 (October 21, 2015)
Sedgwick County Resolution No. 025-2016 (February 8, 2016)

Prepared by the Wichita-Sedgwick County Metropolitan Area Planning Department

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ARTICLE I GENERAL PROVISIONS

SECTIONS

A. TITLE

The official title of this document shall be the "Wichita-Sedgwick County Unified Zoning Code." It may be referred to throughout this document as "this Code."

B. AUTHORITY

This Code is adopted under the specific authority of K.S.A. 12-741, et seq., as amended, and is intended to exercise broadly the powers granted to the City and County thereunder.

C. PURPOSE

This Code is adopted to preserve and improve the public health, safety and general welfare of the citizens of Wichita and Sedgwick County and to implement the Comprehensive Plan of the City of Wichita and Sedgwick County, as adopted in 1993 under the title *PREPARING FOR CHANGE,* the *2005 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change*, as adopted by the Sedgwick County Board of Commissioners and Wichita City Council in May 2005, and as it may be amended from time to time. More specifically, it is the purpose of this Code to implement the following regulatory aspects of the Comprehensive Plan's goals:

1. to encourage orderly growth in order to meet future demand while considering cost to taxpayers, developers, the environment and the community as a whole by creating a variety of zoning districts sensitive to the peculiarities of the various Permitted Uses within each District;

2. to provide for rural, suburban, and urban residential areas, which provide a variety of housing opportunities;

3. to ensure that an adequate supply of land is made available to promote successful commercial activity in appropriate areas throughout the County;

4. to promote the expansion of the industrial base through the provision of suitable industrial sites;

5. to maintain a transportation system that provides a diverse set of convenient opportunities for travel to local, regional and national destinations;

6. to provide the highest quality utility services to the public at a reasonable cost;

7. to provide residents of Wichita and Sedgwick County with the highest quality and most efficient public safety services available;

8. to enhance the quality-of-life and image of Wichita and Sedgwick County through the provision and proper maintenance of open space and natural resources;

9. to enhance the opportunity for greater cultural and educational experiences;

10. to protect and preserve the human-made and natural elements which support human habitation, add to the community's quality-of-life and create a unique living environment;

11. to develop, conserve, and revitalize housing and neighborhoods that will provide safe, decent and affordable conditions for all residents;

12. to increase economic wealth and opportunities for all Sedgwick County citizens;

13. to provide adequate notice on subsequent changes to this Code and an opportunity for interested parties to be heard; and

14. to inform the public regarding future development, thereby providing a basis for wise decisions with respect to such development.

D. APPLICABILITY

Except as specifically exempted pursuant to Sec. I-E, this Code shall apply within the zoning jurisdictions of the City of Wichita and Sedgwick County, to every use of land and every activity involving building or development, in accordance with the following specific provisions.

1. This Code shall be effective throughout Sedgwick County except in those areas lying within the corporate limits of incorporated cities other than the City of Wichita.

2. No Building or land shall be used for any purpose whatsoever or put to any use whatsoever except in accordance with the applicable provisions of this Code.

3. No Building or Structure shall be constructed, reconstructed or substantially repaired except in accordance with the applicable provisions of this Code.

4. No land shall be developed except in accordance with the applicable provisions of this Code.

5. No Use, Building, or Development shall be maintained or continued except in accordance with this Code or in accordance with the permit or approval allowing such Development.

E. AGRICULTURAL EXEMPTION

This Code shall not apply within the unincorporated area of the County to the use of land for agricultural purposes or to the erection or maintenance of Buildings

thereon, provided that such land and Buildings are used for agricultural purposes and no other. Residential uses that are accessory to agricultural uses shall be considered agricultural in nature for purposes of this exemption and farm residences shall thus be exempt from the requirements of this Code. This exemption shall be of no effect within the corporate limits of the City of Wichita. All lands used for agricultural purposes as defined within this Code are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring properties may be subjected to inconvenience and discomfort arising from normal and accepted agricultural practices and operations, including but not limited to: noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property and neighboring properties should be prepared to accept such inconveniences and discomfort from normal agricultural operations, and are hereby put on official notice that K.S.A. 2- 3201 et seq., the "right-to-farm law," may bar them from obtaining a legal judgment against such normal agricultural operations. This exemption is for zoning only, building permits may be required.

F. EFFECT OF "UNIFIED" CODE

Although portions of this Code will be jointly administered and it is the intent of the City and County to adopt and maintain it in substantially identical form, it shall, where appropriate, be considered the individual enactment of the City of Wichita or of Sedgwick County, as applicable. If either the City or County fails to adopt this Code or amends or repeals it while the other adopts it and maintains it in force, it shall be valid within the zoning jurisdiction of the jurisdiction that adopted and maintained it, notwithstanding its status in the other jurisdiction.

G. URBAN AREAS OF INFLUENCE

In order to provide for review of zoning map amendment requests by the planning commissions in the second and third class cities of Sedgwick County, the Governing Body of the County has adopted and hereby maintains Urban Areas of Influence around such communities.

1. A city's urban area of influence is the area comprising the urban growth area of the city as set out in the current joint city-county comprehensive plan adopted by the MAPC. A city's Urban Area of Influence may be enlarged on request of the city and approval by the Board of County Commissioners after recommendation by the MAPC.

2. **Interpretation of boundaries.** The rules for interpreting the boundaries of the Urban Areas of Influence shall be the same as for interpreting the boundaries of zoning districts, as set forth in Sec. III-A.5.

3. **Amendments.** The procedures for changing Urban Area of Influence boundaries are set out in Sec. V-K.

4. **Exceptions.** The cities of Eastborough, Viola and Wichita are not subject to the provisions regarding Urban Areas of Influence.

H. TRANSITIONAL PROVISIONS

The following transitional provisions shall apply to various activities, actions and other matters pending or occurring on March 25, 1996.

1. **Violations continue.** Any violation of the previous zoning ordinance of the City of Wichita or of the previous zoning regulations of Sedgwick County shall continue to be a violation under this Code and shall be subject to prosecution pursuant to Article VIII, unless the Use, Development, construction or other activity is clearly consistent with the express terms of this Code.

2. **Nonconformities under previous ordinance or resolution.** Any legal Nonconformity under a prior zoning ordinance of the City of Wichita or under prior zoning regulations of Sedgwick County shall be considered a legal Nonconformity under this Code, provided that the situation that resulted in the nonconforming status under the previous regulations continues to exist. If, however, a Nonconformity under a prior ordinance or resolution becomes conforming as a result of the adoption of this Code or any subsequent amendment to this Code, then such situation shall no longer be considered a Nonconformity.

3. **No Nonconformities created by adoption of this Code.** No use of a Building, Structure, Lot or property and no Building, Structure, Lot or property that complied with the zoning ordinance or zoning resolution in effect prior to March 25, 1996, shall become or be deemed to have become Nonconforming or noncomplying due to adoption of this Code, subject to the limitations in Sec. VII-I and Sec. VII-J.

I. ZONING OF ANNEXED AND DEANNEXED AREAS

Any land that is classified in any zoning district from the most restrictive through the SF-10 Single-Family District and that comes under the jurisdiction of the City of Wichita by reason of its annexation to the City or other change in municipal boundaries shall be automatically converted to the SF-5 Single-Family District, provided that it may be converted to the SF-10 District if such less intensive zoning designation is requested in writing by the property Owner prior to the recording of the annexation and approved by the Governing Body as a separate ordinance. Any land that has a higher Intensity zoning classification than SF-10 and that comes under the jurisdiction of the City of Wichita by reason of its annexation to the City or other change in municipal boundaries shall retain the same zoning classification as it had before coming under the jurisdiction of the City of Wichita. Any land that comes under the effect of this Code for the first time by reason of disconnection from a municipality besides the City of Wichita or by reason of intergovernmental agreement, other municipal boundary change or a change in state law, shall be classified into the most restrictive zoning District. However, no construction other than an Accessory Structure or a Single-Family Dwelling Unit on a Lot of at least 20 acres, no Development and no subdivision shall take place on such property until the property has been expressly included in a zoning District under this Code by action of the Planning Commission and the applicable Governing Body. If the Planning Commission and Governing Body have not taken such action within six months of the applicability of this Code to such land, then the Owner of such land

may apply for a rezoning to one of the Districts set forth under this Code, and the otherwise applicable application fee shall be waived.

All provisions of previously-approved Conditional Use permits shall remain valid after annexation unless an amended Conditional Use application is filed and approved in accordance with Section V-D of this Code or unless the Conditional Use becomes a Permitted Use in the zoning District established for the property at the time of annexation.

J. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed separate, distinct and independent provisions and such holding shall not affect the validity of the remaining portions of this Code.

K. VESTING OF DEVELOPMENT RIGHTS

1. The rights of landowners of Lots or tracts of land created for Single-Family residential development shall be protected for use as Single-Family residential Lots or tracts of land, and said Lots or tracts of land shall not be required to meet platting requirements of the Subdivision Regulations provided:

a. verifiable evidence is presented to the Zoning Administrator showing that the individual lots or tracts of land were created before August 29, 1997. Acceptable evidence shall be:

(1) signed and sealed certificates or plats of survey from a Registered Land Surveyor showing the Lots or tracts of land proposed to be created, said certificate or plat of survey being dated and recorded with the Register of Deeds of Sedgwick County, Kansas;

(2) recorded deeds conveying said lots or tracts of land; or,

(3) recorded Affidavits of Equitable Interest on contracts for deed for said Lots or tracts of land; and,

b. The division of land into Lots or tracts was done in conformance with the Subdivision Regulations that were in effect at the time the individual Lots or tracts of land were created.

2. Any undeveloped Contiguous Lots or tracts of land, that otherwise met the requirements under Section I-K.1.a-b, that were held in common ownership on August 29, 2002, shall be considered a single Lot. Any subsequent division of said Lot shall require platting in conformance with the Subdivision Regulations. Undeveloped Contiguous Lots that otherwise met the requirements under Section I-K.a-b, that are not held in common ownership shall be exempt from platting requirements of the Subdivision Regulations.

3. Properties divided or platted for any use other than single-family residential purposes shall not be permitted to develop or further develop except in conformance with the Subdivision Regulations and this Code.

4. Persons who obtain a validly issued Building Permit for any undeveloped Lots or tracts of land that have met the requirements under Section I-K.a-b prior to August 29, 2002, shall be permitted to develop said property so long as the permit issued does not expire. Failure to start construction under said permit before the expiration of the permit shall result in the Contiguous lots being considered a single Lot.

5. Any request made in writing for a determination as to the qualifications for meeting the requirements of this section shall be answered by the Zoning Administrator with the concurrence of the Planning Director within 30 days after the filing of the request or the requirements shall be deemed to have been met. It shall be the responsibility of the property owner or the property owner's agent to provide the Zoning Administrator copies of recorded instruments that show the names of the current Owners of the Lots or tracts of land and a complete legal description of the Lots or tracts of land.

6. Other vested rights shall be pursuant to K.S.A.12-764 et seq. and amendments thereto.

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ARTICLE II RULES OF CONSTRUCTION AND DEFINITIONS

SECTIONS

A RULES OF CONSTRUCTION

1. **Meaning and intent.** All provisions, terms, phrases and expressions contained in this Wichita-Sedgwick County Unified Zoning Code shall be construed in accordance with the purposes of this Code.

2. **Text.** In case of any difference of meaning or implication between the text of this Code and any drawing or figure, the text shall control.

3. **Computation of time.** The time within which an act is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. In the computation of time for public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded.

4. **Delegation of authority.** Whenever a provision appears requiring the head of a department or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

5. **Non-technical and technical words.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

6. **Public officials, bodies and agencies.** All public officials, bodies, and agencies to which references are made are those of the City of Wichita or of Sedgwick County, as applicable, unless otherwise indicated.

7. **Mandatory and discretionary terms.** The word "shall" is always mandatory. The word "may" is permissive.

8. **Conjunctions.** Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

   "and" indicates that all connected items, conditions, provisions or events shall apply; and

   "or" indicates that one or more of the connected items, conditions, provisions or events shall apply.

9. **Tense, number and gender.** Words used in the past or present tense include the future as well as the past or present, unless the context clearly indicates the

contrary. The singular shall include the plural and the plural shall include the singular, as the context and application of this Code may reasonably suggest. Words of one gender shall apply to persons, natural or fictitious, regardless of gender, as the context and application of this Code may reasonably suggest.

B. DEFINITIONS

For the purposes of this Code, words and terms defined in this section shall be given the meanings set forth here. All other words shall be given their common, ordinary meanings, as the context may reasonably suggest.

In case of a dispute over the meaning of a term not defined here or over the application of a definition set forth here, the Zoning Administrator shall give a written interpretation in accordance with Sec. V-H.

The intent of this Code is to capitalize or enclose in quotations the defined terms, but in those situations where this capitalization or punctuation is omitted, this does not override construing these terms in accord with their defined meanings.

1. Letter "A"

a. **Abut** means touching, adjoining or Contiguous; as distinguished from lying near to or Adjacent.

b. **Accessory Apartment** means an Accessory Use Dwelling Unit that may be wholly within, or may be detached from, a principal Single-Family Dwelling Unit. See also Sec. III-D.6.a.

c. **Accessory Structure and Accessory Use** means a Use or Structure that is subordinate to and serves a Principal Use or Structure; is subordinate in purpose to the Principal Use or Structure served; contributes to the comfort, convenience or necessity of occupants of the Principal Use or Structure served; and is located on the same Zoning Lot as the Principal Use.

d. **Accident Potential Zone** means land area identified by the Air Installation Compatible Use Zone Study (AICUZ), McConnell Air Force Base, Kansas, (January, 1987) to be in significant danger of aircraft accidents by being beneath that airspace (take-off and approach paths) where the potential for aircraft accidents is most likely to occur.

e. **Adjacent** means lying near or close to, neighboring, but not necessarily touching or Contiguous. For purposes of this Code, Adjacent is used in the context of nearby but not touching.

f. **Adjoin** See Abut.

g. **Adult** means a person 18 years of age or older.

h. **Agriculture** means the use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products or for the purpose of raising livestock. This definition shall include, as a permitted Accessory Use, the sales of nursery stock, firewood, Christmas trees and other plants and produce raised on-site.

i. **Agricultural Processing** means initial processing of agricultural products that is reasonably required to take place in close proximity to the site where they are produced. Typical uses include sawmills and packing-houses. Slaughterhouses are specifically excluded from this definition.

j. **Agricultural Research** means the use of land and buildings for Agricultural Research and the cultivation of new agricultural products. This shall include greenhouses that are used for research purposes only.

k. **Agricultural Sales and Service** means an establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, propane, butane, anhydrous ammonia, farm supplies and the like, and including accessory food sales and machinery repair services. This definition shall also include greenhouses that are used for wholesale and/or retail purposes.

l. **Airport Hazard Zone** means an area of land or water where man-made Structures, trees or use of land can obstruct the airspace required for the flight of aircraft in landing and taking off at any Airport, as regulated by Appendix H of Sedgwick County Code and Chapter 28.08 of the Code of the City of Wichita.

m. **Airport or Airstrip** means any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary Buildings and Open Spaces. The term Airport or Airstrip does not include Heliport.

n. **Airport Overlay District ("AOD")** means an additional level of zoning requirements providing an extra layer of protection for those parcels of lands within the Accident Potential Zones.

o. **Alley** means a public right-of-way along the side of or in the rear of Lots intended to provide a secondary means of access to and from Streets and Lots.

p. **All-Weather Surface** means, unless otherwise specified, a surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2-inch in diameter and four inches thick or other comparable material treated to prevent dust and overgrowth.

q. **Alteration, Structural** means any change that would tend to prolong the life of the supporting members of a Building or Structure, such as bearing walls, columns, beams or girders.

r. **Animal Care, General** means a use providing veterinary services for large animals, and that may include small animals (household pets), and for which boarding facilities may also be provided.

s. **Animal Care, Limited** means a use providing veterinary services for small animals (household pets) for which there are no outside animals runs, and for which boarding facilities may also be provided.

t. **Asphalt or Concrete Plant, General** means an establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products.

u. **Asphalt or Concrete Plant, Limited** means a temporary establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products for use on a government funded construction project.

v. **Assisted Living** means Dwelling Units used by adult persons needing or desiring assistance with day-to-day living matters, and may include supervised nursing care, and where skilled nursing care is not prohibited but is provided on an intermittent or limited term basis, or if limited in scope, a regular basis. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents, state-licensed residential health care facilities not attached to a Nursing Facility and state-licensed intermediate care facility for the mentally retarded. The term Assisted Living does not include Group Home, Group Residence, Hospital or Nursing Facility.

w. **Auditorium or Stadium** means an open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

x. **Automated Teller Machine ("ATM")** means a mechanized consumer banking device operated by a Financial Institution for the convenience of its customers, whether outside or in an access-controlled facility. ATMs located within a Building shall be considered accessory to the Principal Use unless the ATM is likely to be an independent traffic generator.

y. **Automobile** See Vehicle, Motor.

z. **Automotive Repair, Major** See Vehicle Repair, General.

aa. **Automotive Repair, Minor** See Vehicle Repair, Limited.

2. Letter "B"

a. Bank or Financial Institution means an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions. Bank or Financial Institution also includes ATMs.

b. Bar See Tavern and Drinking Establishment.

c. Basement means a portion of a Building that is wholly or partly below grade, the ceiling of which is less than four feet above grade.

d. Basic Industry means an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage or manufacturing processes that involve or have the potential to involve commonly recognized offensive conditions. Typical uses include fat rendering plants; poultry and rabbit dressing; pulp processing and paper products manufacturing; stockyards; slaughterhouses; steel works; tanneries; acid manufacture; cement, lime, gypsum, or plaster of paris manufacture; distillation of bones; fertilizer manufacture; garbage, offal or dead animals incineration, reduction or dumping; glue manufacture; gas manufacture; and petroleum refineries.

e. Bed and Breakfast Inn means the use of an owner-occupied or manager-occupied residential Structure to provide rooms for temporary lodging or lodging and meals for not more than 15 Transient Guests on a paying basis. See Transient Guest.

f. Board of Zoning Appeals means the board or boards appointed by the governing body of the City or the County.

g. Broadcasting or Recording Studio means an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including radio, television, film or sound recording studios.

h. Building means a Structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, horticultural products, animals or chattels. When separated by division walls from the ground up without openings, each portion of such Building shall be considered a separate Building with separate occupancy requirements.

i. Building, Main means the Building on a Lot in which the Principal Use of the Lot is conducted.

j. Buildings, Unit Group of means two or more Buildings (other than Dwelling Units) grouped upon a lot and held under one ownership.

k. **Building Code** means those regulations of Title 18 Building Code of the Code of the City of Wichita or Chapter 6 of the Sedgwick County Code, or as applicable, sections in the Wichita-Sedgwick County Unified Building and Trades Code.

l. **Building Line or Building Setback Line** means the exterior face of a wall of an existing Structure or the limits to which an exterior face of a wall of a proposed Structure may be built, but shall not include the face of one Story unoccupied gable roofed areas over open Porches, entrances or like appendages.

m. **Building Permit** means any permit required to be obtained pursuant to the Building Code to construct, enlarge, alter, repair, move, demolish or change the occupancy of a Building or Structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system or to cause any such work to be done for which a permit is required pursuant to the Building Code.

3. Letter "C"

a. **Car Wash** means an establishment engaged in cleaning or detailing Motor Vehicles, whether self-service or automated. A Car Wash is subject to the special provisions of Sec. III-D.6.f whether it is a Principal Use or an Accessory Use.

b. **Cemetery** means land used or intended to be used for burial of the dead, whether human or animal, including a mausoleum or columbarium. A Funeral Home may be included as an Accessory Use to a cemetery.

c. **Child** means a person less than 18 years of age.

d. **Church or Place of Worship** means a premises or Site used primarily or exclusively for religious worship and related religious services or established Place of Worship, convent, seminary or similar facility owned or operated by a bona fide religious group for religious activities.

e. **City** means the City of Wichita, Kansas, unless the context clearly indicates that another city is being referenced.

f. **Club, Class A** means premises owned or leased by a corporation, partnership, business trust or association and that is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them.

g. **Club, Class B** means premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for food, alcoholic beverages or entertainment.

h. **Community Assembly** means an establishment providing meeting, recreational, educational, cultural, or social facilities for a private membership or non-profit association, primarily for use by members and guests. Typical uses include fraternal organizations, Class A Clubs, philanthropic and eleemosynary institutions, private museums, art galleries, observatories, planetariums, botanical gardens, arboretums, zoos and aquariums.

i. **Comprehensive Plan** means *Preparing for Change: The Wichita-Sedgwick County Comprehensive Plan*, as adopted by the Sedgwick County Board of Commissioners and the Wichita City Council in June 1993, the *2005 Update to the Wichita-Sedgwick County Comprehensive Plan*: Preparing for Change, as adopted by the Sedgwick County Board of Commissioners and Wichita City Council in May 2005, and as amended from time to time.

j. **Conditional Use** means a use allowed in accordance with procedures and standards of Sec. V-D of this Code

k. **Construction Burn Site, General** is a location where clean tree waste that is created as a result of accepted construction industry practices of clearing a property prior to development, or as a result of a construction project, such as the installation, replacement or repair of sewer, water, drainage, paving or other similar development activities, is permitted to be burned under controlled circumstances four or more times a year. Clean tree waste is defined as trunks, branches and attached leaves of woody perennial plants typically characterized by a main or multiple trunks that support branches and leaves. Lumber, sheet rock, yard waste (grass clippings, loose leaves), insulation, or other material normally disposed of at a construction and demolition or municipal solid waste landfill is not permitted to be burned or disposed of at a commercial burn site. Construction Burn Site, General does not include a construction and demolition or a municipal solid waste landfill.

l. **Construction Burn Site, Limited** is a location where clean tree waste that is created as a result of accepted construction industry practices of clearing a property prior to development, or as a result of a construction project, such as the installation, replacement or repair of sewer, water, drainage, paving or other similar development activities, is permitted to be burned under controlled circumstances three or less times a year. Clean tree waste is defined as trunks, branches and attached leaves of woody perennial plants typically characterized by a main or multiple trunks that support branches and leaves. Lumber, sheet rock, yard waste (grass clippings, loose leaves), insulation, or other material normally disposed of at a construction and demolition or municipal solid waste landfill is not permitted to be burned or disposed of at a commercial burn site.

Construction Burn Site, Limited does not include a construction and demolition or a municipal solid waste landfill.

m. **Construction Equipment** means equipment used in the construction and/or maintenance of Buildings or other Structures and/or grounds.

n. **Construction Sales and Service** means an establishment engaged in the retail or wholesale sale of materials used in the construction and/or maintenance of Buildings or other Structures and/or grounds, as well as the Outdoor Storage of Construction Equipment or materials on Lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction and trade contractors' storage yards, landscape installation and/or maintenance services and pest extermination services.

o. **Contiguous** means touching along boundaries, adjoining, bordering, or next to but not necessarily touching, but with nothing similar intervening.

p. **Convenience Store** means an establishment, engaged in the retail sale of food, beverages, gasoline and other frequently or recurrently needed merchandise for household or automotive use and may include a Car Wash as an Accessory Use, but shall not include Motor Vehicle Repair. See also Car Wash.

q. **Correctional Facility** means a facility providing housing and care for individuals confined for violations of law. Typical uses include jails, prisons and juvenile detention centers.

r. **Correctional Placement Residence** means a facility for individuals or offenders that provides residential and/or rehabilitation services for those who reside or have been placed in such facilities due to any one of the following situations: (1) prior to, or instead of, being sent to prison; (2) received a conditional release prior to a hearing; (3) as a part of a local sentence of not more than one year; (4) at or near the end of a prison sentence, such as a state operated or franchised work release program, or a privately operated facility housing parolees; (5) received a deferred sentence and placed in facilities operated by community corrections; or (6) require court ordered guidance services for alcohol or chemical dependence. Such facilities will comply with the regulatory requirements of a federal, state or local government agency; and if such facilities are not directly operated by a unit of government they will meet licensure requirements that further specify minimum service standards.

s. **Correctional Placement Residence, General** means a facility occupied by more than 15 individuals, including staff members who may reside there.

t. **Correctional Placement Residence, Limited** means a facility occupied by three to 15 individuals, including staff members who may reside there.

u. **County** means unincorporated Sedgwick County, Kansas, unless the context clearly indicates that another meaning is intended.

v. **County Engineer** means the official appointed by the Governing Body of Sedgwick County as County Engineer pursuant to K.S.A. 68-501.

w. **Cultural Group** See Community Assembly or Parks and Recreation.

4. Letters "D" through "F"

a. **Day Care** means an establishment that provides care, protection and supervision for individuals on a regular basis away from their primary residence for less than 24 hours per day. The term does not include the following: (1) kindergartens or nursery schools or other daytime programs operated by public or private Elementary, Middle and High Schools or institutions of higher learning; (2) facilities operated in connection with a shopping center or other principal activity, where individuals are cared for temporarily while parents or custodians are occupied on the premises, or are in the immediate vicinity and readily available; (3) special activity programs, including athletics, crafts instruction and similar activities conducted on a periodic basis by civic, charitable and governmental organizations; or (4) a “preschool” operated by a Church or Place of Worship as an accessory use and that is not leased to another group to operate and that meets the Kansas Department of Health and Environment regulations as a “preschool.”

b. **Day Care, General** means a Day Care center that provides care, protection and supervision for more than ten individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees, or a Day Care center for ten or fewer individuals at any one time that is not operated as a Home Occupation.

c. **Day Care, Limited** means a Day Care center operated as a Home Occupation that provides care, protection and supervision for no more than ten individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees.

d. **Day Reporting Center** means a facility that provides nonresidential community supervision services to individuals or offenders who are under supervision of a court and any of whom are required to report to the facility for three or more days per week for six or more hours per day.

e. **Development** means any activity for which a permit is required to be obtained from the Zoning Administrator.

f. **District** means zoning district.

g. **Dog, Adult** means a dog over 12 months of age.

h. **Drinking Establishment** See Tavern and Drinking Establishment.

i. **Duplex** means the use of a Lot for two principal Dwelling Units within a single Building.

j. **Dwelling Unit** means a Building or portion of a Building that contains living facilities for not more than one Family and that includes provisions for sleeping, cooking, eating and sanitation.

k. **Energy Generating Structure** means a device or Structure designed to capture and utilize the wind's force to create a usable form of energy.

l. **Entertainment Establishment(s) in the City** means any Event Center or any person or entity that provides entertainment as defined by Chapter 3.30 of the Code of the City of Wichita or any person or entity that provides a venue for any such entertainment. For purposes of this Code, Entertainment Establishment(s) in the City where the establishment is licensed to sell alcoholic liquor or cereal malt beverage or if alcoholic liquor or cereal malt beverage will be offered, consumed or served on the premises shall be considered a Nightclub in the City.

m. **Event Center in the City** means premises that are frequently rented out for public or private activities that are not repeated on a weekly basis, and that are not open to the public on a daily basis at times other than when an event is scheduled.

n. **Family** means an individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit in a Dwelling Unit.

o. **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 and 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.

p. **Fence** means an artificially constructed barrier erected to enclose, screen or separate areas, constructed of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials.

q. **Floor Area** means the area of all floor space allowed for occupancy included within the surrounding exterior walls of a Building or portion thereof, exclusive of vent shafts and courts. The Floor Area of a Building not provided with surrounding exterior walls shall be the usable area confined by structural support columns and a roof Structure under the horizontal projection of the roof or floor above. For purposes of computing the Floor Area for lot coverage or maximum building coverage when restricted under this Code only, open and/or unenclosed areas under the horizontal projection of the roof not exceeding a maximum width of ten feet from the exterior walls shall not be included in the calculation of Floor Area.

r. **Floor Area Ratio ("FAR")** means the relative comparison of building area to land area that is determined by dividing total floor area of all buildings on a platted lot or tract by the total area of the lot or tract.

s. **Freight Terminal** means a building or area in which freight brought by motor trucks or rail is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

t. **Funeral Home** means an establishment engaged in preparing the human deceased for burial or cremation and arranging and managing funerals.

5. Letter "G"

a. **Garage, Private** means a detached Accessory Structure or portion of a Principal Structure used or designed to be used for the Parking or temporary storage of Motor Vehicles, boats, Trailers or unoccupied Recreational Vehicles owned, leased, borrowed, etc. by the occupants of the premises, and wherein not more than one commercial vehicle per Dwelling Unit is parked and the permitted Commercial Vehicle does not exceed 26,000 pounds gross vehicle weight rating.

b. **Gas and/or Fuel, Storage and Sales** means the use of a Site for bulk storage and wholesale distribution of flammable liquid, gas or solid fuel, excluding below-ground storage that is clearly ancillary to an allowed Principal Use on the Site.

c. **Golf Course** means a tract of land developed for the purpose of providing private and/or public golf recreation services and support facilities. Included within this definition shall be regulation Golf Courses, executive Golf Courses, par-three Golf Courses, and any combination thereof on a common tract of land. Specifically excluded shall be pitch and putt courses, independent driving ranges and miniature golf courses.

d. **Governing Body** means the Board of County Commissioners in matters involving Sedgwick County, and the City Council in matters involving the City of Wichita.

e. **Government Service** means Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

f. **Grain Storage** means facilities for the warehousing of agricultural products. Typical uses include grain elevators.

g. **Gross Revenues** means only that income derived from cereal malt beverages, alcoholic liquors and other food consumables.

h. **Group Home** means a Dwelling Unit as defined in K.S.A. 12-736 as amended, and is occupied by not more than ten persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or the residents of the home, which Dwelling Unit is licensed by a regulatory agency of the state, including the Kansas Department of Social and Rehabilitation Services, the Kansas Department of Health and Environment or the Kansas Department of Aging. Group Home also includes state licensed “Home Plus” adult care residences.

i. **Group Residence** means a residential facility providing cooking, sleeping and sanitary accommodations for a group of people, not defined as a Family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding or lodging houses, children's homes, and emergency shelters for the homeless and for victims of crime, abuse or neglect. The term Group Residence does not include Group Homes or Correctional Placement Residences.

j. **Group Residence, General** means a “Group Residence” that is occupied by more than 15 persons, including staff members who reside in the facility.

k. **Group Residence, Limited** means a “Group Residence” that is occupied by six to 15 persons, including staff members who reside in the facility.

6. Letters "H" through "K"

a. **Hazard Zone** See Airport Hazard Zone.

b. **Hazardous Operations** means activities that present serious hazards to human life and health. Typical uses include arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal, medical waste disposal and radioactive waste handling.

c. **Height, Building** means the vertical distance between the average finished grade along the front of a Building and: (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; or (3) the average

height level between the eaves and ridge line of a gable, hip or gambrel roof. See Sec. III-E.2.f for further explanation.

d. **Heliport** shall be as defined in Chapter 9.24 of the Code of the City of Wichita.

e. **Home Occupation** means a business, profession, occupation or trade conducted within a Dwelling Unit or Accessory Structure for gain or support by a resident of the Dwelling Unit and that is accessory to the use of the Dwelling Unit as a residence.

f. **Hospital** means an institution that: (1) offers services more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

g. **Hotel or Motel** means an establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term use by Transient Guests, usually for less than a week, in which rooms are furnished for the accommodation of such Transient Guests, which may have as an Accessory Use one or more dining rooms, and may include individual kitchen facilities. Typical uses include Hotels, Motels, tourist courts and emergency shelters for the homeless and for victims of crime, abuse or neglect.

Intensity (of Uses and Districts)

References to less restrictive or more restrictive zoning Districts refer to the base zoning districts established by Sec. III-A.2 and represent a progression from the RR District as the most restrictive zoning district to the GI District as the least restrictive zoning district. Special purpose base districts and overlay districts are not included in the zoning district hierarchy.

References to less intensive or more intensive uses refer to the zoning districts in which such uses are first permitted. Use "X" is to be construed as more intensive than Use "Y" if Use "X" is first permitted by-right in a zoning district that is less restrictive than the district in which Use "Y" is first permitted byright.

h. **Kennel, Boarding/Breeding/Training** means premises housing five or more Adult Dogs, three or more of which are owned by someone other than the property resident, and premises housing over ten Adult Dogs.

i. **Kennel, Hobby** means premises housing five to ten Adult Dogs owned by the property resident.

7. Letter "L"

a. **Landfill** means a disposal facility employing an engineered method of disposing of solid waste, including demolition and construction debris.

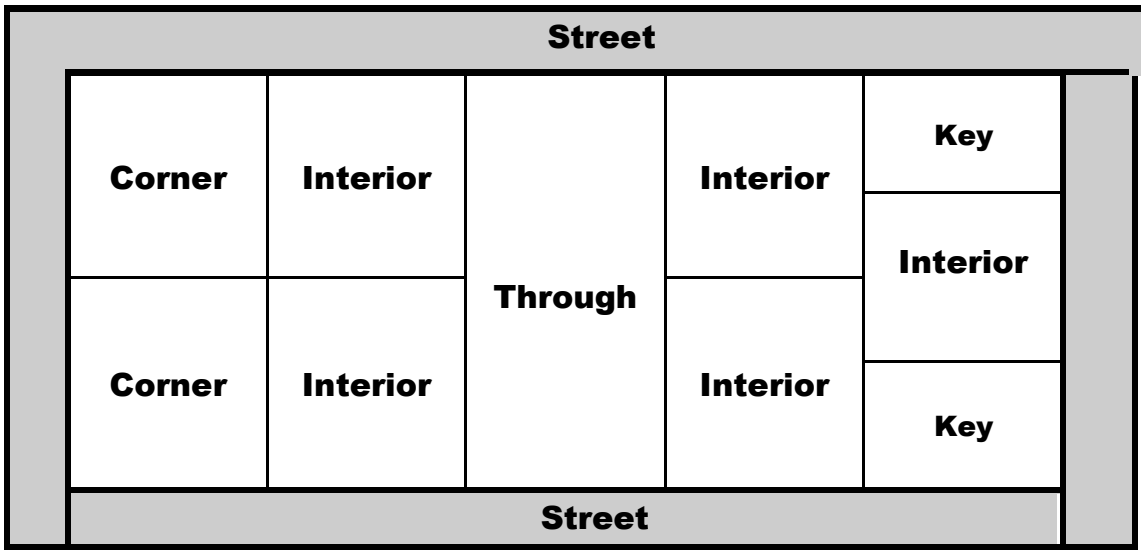
b. **Landscaping** means the improvement of a Lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flower beds, ornamental objects, such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

c. **Library** means a publicly-operated facility housing a collection of books, magazines, audio and video tapes, or other material for borrowing and use by the general public.

d. **Loading Space** means an off-street space or berth on the same Lot with a Building, or Contiguous to a group of Buildings, for the temporary Parking of a Commercial Vehicle while loading or unloading merchandise or materials, and which Abuts upon a Street or other appropriate means of access.

e. **Lot** means land occupied or to be occupied by a Building, or Unit Group of Buildings, and Accessory Structures or Accessory Uses, together with such Yards and Lot Area as are required by these regulations, and having its principal frontage upon a Street or approved alternative access per the Subdivision Regulations.

Figure 2-1
Lot Types



f. **Lot, Corner** means a Lot Abutting two or more Streets at their intersection.

g. **Lot, Interior** means a Lot other than a Corner Lot or Through Lot.

h. **Lot, Key** means a Corner Lot AAbutting two or more non-corner (Interior or Through) Lots.

i. **Lot, Through** means a Lot, other than a Corner Lot, having frontage on two parallel or approximately parallel Streets.

j. **Lot, Zoning** means a parcel of land that is designated by its Owner or developer at the time of applying for a Building Permit as one Lot, all of which is to be used, developed or built upon as a unit under single ownership. Such Lot may consist of: (1) a single Lot of Record; or (2) a portion of a Lot of Record: or (3) a combination of complete Lots of Record, complete Lots and portions of Lots of Record, or portions of Lots of Record.

k. **Lot Area** means the total area within the Lot Lines of a Lot. See Sec. III-E.2.b for further explanation.

l. **Lot Depth** means the distance between the midpoint of the front Lot Line and the midpoint of the rear Lot Line.

m. **Lot Line** means a line bounding a Lot.

n. **Lot Line, Zero** means the location of a Building on a Lot in such a manner that one or more of the Building's sides rest directly on a Lot Line.

o. **Lot of Record** means a lot or portion of one or more lots that are a part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of the County, or a plot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds of the County.

p. **Lot Width** means the distance between the side Lot Lines of a Lot, at the front Yard Building Setback Line. See Sec. III-E.2.c for further explanation.

8. Letter "M"

a. **Major Barrier** means a designated state or federal highway with limited access, the Arkansas River, the Little Arkansas River or the Wichita-Valley Center Flood Control (Big Ditch).

b. **Manufactured Home** means a Structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards Act generally known as the HUD Code, established pursuant to 42 U.S.C. 5403. Such units shall provide all of the accommodations necessary to be a Dwelling Unit and shall be connected to all utilities in conformance with applicable

regulations. For purposes of these regulations, the term Manufactured Home, when used by itself, shall not include a Residential-Design Manufactured Home as defined in these regulations.

c. **Manufactured Home Park** means a parcel of land that has been planned and improved in some manner, and used or intended to be used by occupied Manufactured Homes not placed on permanent foundations. The term Manufactured Home Park does not include sales lots on which unoccupied Manufactured Homes, whether new or used, are parked for the purposes of storage, inspection or sale; nor does it include a tract of land on which a Manufactured Home as a second Dwelling Unit has been permitted on a temporary basis as a Conditional Use in accordance with these regulations.

d. **Manufactured Home Subdivision** means a subdivision that is platted for Development as individual home sites for Manufactured Homes, modular homes, Residential-Design Manufactured Homes and site-built Single-Family Dwelling Units, all of which are required to be placed on permanent foundations.

e. **Manufacturing, General** means an establishment engaged in the manufacture, predominantly from previously prepared materials or from lightweight nonferrous materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding Basic Industry. Typical uses include apparel and garment factories, appliance manufacturing and assembly, bakeries engaged in large-scale production and wholesale distribution, beverage manufacturing and bottling (excluding breweries), boat building and repair, electrical and electronic equipment, food processing (excluding slaughterhouses and rendering plants), furniture and fixtures, jewelry manufacturing, laundry and dry cleaning plants, leather products, meat cutting and wholesale storage, machine shops, motion picture production lots, musical instrument manufacturing, pharmaceutical and toiletries manufacturing, Monument and grave marker manufacturing, rubber and plastics products manufacturing, tobacco products manufacturing and toy manufacturing.

f. **Manufacturing, Limited** means an establishment primarily engaged in the on-site production of goods by hand manufacturing that generally involves only the use of hand tools or other equipment not exceeding two horsepower or a kiln not exceeding eight kilowatts, which may include assembly and packaging, as well as incidental, direct sales to consumers of those goods produced on-site. Typical uses include ceramic shops, candle-making shops, custom jewelry manufacturing, electronic and computer products assembly, millwork and cabinetry, precision machining of tools, dies and jigs, production of instruments and lenses for medical, dental, optical, scientific and other professional purposes, and upholstery shops.

g. **Marine Facility, Recreational** means a facility relating to recreational boating. Typical uses include boat docks, marinas, boathouses and yacht clubs.

h. **Medical Service** means an establishment providing therapeutic, preventive, or corrective personal treatment services on an out-patient basis by physicians, dentists, and other practitioners of the medical or healing arts, as well as the provision of medical testing and analysis services. Typical uses include medical and dental offices and clinics, blood banks and medical laboratories.

i. **Microbrewery** means a brewery that: (1) is licensed by the Director of Alcohol Beverage Control of the state Department of Revenue; (2) produces no more than 5,000 barrels of beer per year; and (3) does so in a completely enclosed Building.

j. **Mining or Quarrying** means the extraction of metallic and nonmetallic minerals, excluding Oil or Natural Gas. Typical uses include sand, soil and gravel pit operations, quarries and mines.

k. **Mobile Home** means a movable detached Single-Family Dwelling Unit that was manufactured according to standards prior to 1976 or that does not conform to the Manufactured Home Construction and Safety Standards Act (HUD Code). Such units shall provide all of the accommodations necessary to be a Dwelling Unit and be connected to utilities in conformance with all applicable regulations. The term Mobile Home does not include a Recreational Vehicle.

l. **Monument** means a statue, pillar or other non-habitable structure erected in memory of the dead or of a person, event, etc.

m. **Monument Sales** means an establishment primarily engaged in the retail sale of Monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones and ledges, for placement on graves, including indoor or Outdoor Storage.

n. **Multi-Family** means the use of a Site for three or more Dwelling Units within a single Building. Typical uses include triplexes, fourplexes, apartments, residential condominiums and townhouses.

9. Letters "N" through "O"

a. **Neighborhood Swimming Pool** means any non-publicly owned swimming pool that is not located on the same Lot as a residential Dwelling Unit but that is intended as an amenity for use by the residents and their guests of that subdivision or by a group of subdivisions in the immediate vicinity.

b. **Nightclub in the City** means an establishment located in the City that provides entertainment, which may include the provision of dancing by employees or patrons, and where cereal malt beverage or alcoholic liquor are offered, consumed or served to the public or its members, and which may or may not serve food. When the Nightclub in the City qualifies as an "Adult Entertainment Establishment" under Chapter 3.05 of the Code of the City of Wichita, its Uses shall be governed in this Code by the requirements for "Sexually Oriented Businesses in the City."

c. **Nightclub in the County** means an establishment located in the unincorporated area of the County that provides entertainment, which may include the provision of dancing by employees or patrons, and which may or may not serve food or that provides entertainment as defined in the County's Adult Entertainment Code so long as such establishment is in compliance with the Adult Entertainment Code. The term Nightclub in the County shall not include any establishment in the unincorporated area of the County in which alcoholic liquor or cereal malt beverage of any kind is sold, used, consumed or possessed by any person at any time on the premises of the establishment.

d. **Nonconforming Structure or Lot** means a Structure or Lot lawfully existing at the time these regulations became effective, or as amended, that does not conform to the Setback, Height, Lot Area or other dimensional or property development standards applicable in the zoning district in which the Structure or Lot is located.

e. **Nonconforming Use** means the use of any land, Building or Structure that does not comply with the use regulations of the zoning district in which such Use is located, but that complied with the use regulations in effect at the time the Use was established.

f. **Nonconformity** means a Nonconforming Use or Nonconforming Structure or other situation that does not comply with currently applicable regulations, but that complied with zoning regulations in effect at the time it was established. Same as "nonconforming situation."

g. **Nurseries and Garden Center** means a place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock and other garden and farm variety tools and utensils; this use may be subject to the special provisions of Sec. III-D.6.z when located in the LC District.

h. **Nursing Facility** means any state licensed place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations and includes state licensed "nursing facility for mental health" and a state licensed "residential health care facility" when it is attached to a state

licensed Nursing Facility. The term Nursing Facility does not include Assisted Living, Group Home, Group Residence or Hospital.

i. **Office, General** means an establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a Permitted Use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and the teaching of these and similar activities, and communication switching facilities and telecommunication carriers that are accompanied by office uses and with all facilities within the Building or underground.

j. **Oil and Gas Drilling** means the subsurface extraction of oil or natural gas.

k. **Open Space** means that ground area and the space above which is unimpeded from the ground to the sky by any main Structure except that the area may be used for Landscaping, recreational purposes such as for swimming, shuffleboard, tennis, etc. Parking lots and storage areas for Vehicles and material shall not be considered as Open Space.

l. **Ornamental Tower** means a decorative, non-structural, non-habitable building feature with a combined height (Building plus tower) no greater than twice the height of the Building, as measured from the average finished grade along the perimeter of the Building.

m. **Owner** means the property owner of record.

10. Letters "P" through "Q"

a. **Parking** means the temporary location of Motor Vehicles (except for Vehicles, Inoperable), boats, Trailers and unoccupied Recreational Vehicles. In the City, parking shall mean the temporary location of Motor Vehicles for not more than 72 consecutive hours. See Vehicle Storage Yard.

b. **Parking Area, Ancillary** means an area other than a Private or Commercial Parking Area, Street or Alley that is located in any district from the most restrictive through NO inclusive, and that is used for the Parking of passenger vehicles as accessory parking to a Principal Use that requires the same or a more intensive District than the District in which the Ancillary Parking Area is located.

c. **Parking Area, Commercial** means an area or structure used or intended to be used for the off-street Parking of operable Motor Vehicles on a temporary basis, other than as accessory Parking to a principal nonresidential Use.

d. **Parking Area, Private** means an area, other than a Street or Alley, used or intended to be used for the Parking of the Motor Vehicles, boats, Trailers that are exempt from Motor Vehicle registration by the state or are registered or are required by law to be registered with a 2M+ Kansas license plate in the City or 8M in the County, and unoccupied Recreational Vehicles, any of which shall be owned, leased, borrowed, etc. by the occupants of a Dwelling Unit that is located on the same Zoning Lot, and wherein not more than one Commercial Vehicle per Dwelling Unit is parked and the permitted Commercial Vehicle does not exceed 26,000 pounds gross vehicle weight rating.

e. **Parking Space** means space on a commercial, private or public parking area that is used or intended to be used for the Parking of one Motor Vehicle and that also complies with all applicable City and County standards, including the City Public Works Department's *Typical Standards for Off-Street Parking*.

f. **Parks and Recreation** means a park, playground, or community facility that is owned by or under the control of a public agency or homeowners' association and that provides opportunities for active or passive recreational activities, and a cultural facility that provides cultural services to the public, including a museum, art gallery, observatory, planetarium, botanical garden, arboretum, zoo or aquarium that is owned by or under the control of a public agency. For purposes of this definition, Parks and Recreation shall include those parks, community facilities, and cultural facilities that are owned by or under the control of a public agency and leased to private entities for recreational activities, including recreational and cultural uses that involve paid admission or that allow the sale of cereal malt beverages or alcoholic beverages for consumption on the premises.

g. **Pawnshop** means an establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property.

h. **Personal Care Service** means an establishment primarily engaged in the provision of frequently or recurrently needed services involving the care of a person or his personal goods or apparel. Typical uses include beauty and barber shops, electrolysis studios, shoe shining and/or repair operations, tailors and neighborhood laundry and dry cleaning operations. When the Personal Care Service establishment qualifies as an Adult Entertainment Establishment under Chapter 3.05 of the Code of the City of Wichita, its regulation shall be governed in this Code by the requirements for Sexually Oriented Businesses in the City.

i. **Personal Improvement Service** means an establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include portrait shops, photography studios, art and music schools, licensed massage therapists, health and fitness studios, swimming clubs

and handicraft or hobby instruction. Personal Improvement Service in the County also includes Tattooing and Body Piercing. When the Personal Improvement Service establishment qualifies as an Adult Entertainment Establishment under Chapter 3.05 of the Code of the City of Wichita, its regulation shall be governed in this Code by the requirements for Sexually Oriented Businesses in the City.

j. **Planning Commission** means the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC), as established by a joint resolution/ordinance between Sedgwick County and the City of Wichita, dated December 6, 1967 and December 19, 1967 and as may be amended from time to time.

k. **Planning Director** means the chief administrator or executive of the Wichita-Sedgwick County Metropolitan Area Planning Department.

l. **Porch** means a roofed structure projecting from a Building and separated from the Building by the walls thereof and having no enclosing features except roof supports, railing or screen wire.

m. **Portable Storage Container** means an outdoor storage and shipping container that is a portable, enclosed, ground level steel structure on rigid supports that is used for the storage or shipping of inventory, materials or supplies.

n. **Post Office Substation** means a facility or structure owned by the U.S. Postal Service that is used for the collection, sorting and distribution of mail within several zip code areas and having limited retail services for the general public, such as the sale of stamps, postcards and postal insurance.

o. **Principal Structure or Principal Use** means a Structure or Use that is the primary or predominant Building or land use on a Zoning Lot.

p. **Printing and Copying, Limited** means an establishment engaged in retail photocopying, reproduction, photo developing or blueprinting services.

q. **Printing and Publishing, General** means the production of books, magazines, newspapers and other printed matter, as well as record pressing and publishing, engraving and photoengraving, but excluding Printing and Copying, Limited.

11. Letter "R"

a. **Recreation and Entertainment, Indoor** means a privately-owned establishment offering recreation, entertainment or games of skill to the general public or members that is wholly enclosed in a Building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball and handball courts and

amusement rides. It does not include Buildings typically accessory to a subdivision that are for use by the subdivision's residents and their guests or Rodeo in the City.

b. **Recreation and Entertainment, Outdoor** means a privately-owned establishment offering recreation, entertainment or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf courses, "pitch and putt" facilities, tennis courts and amusement rides. It does not include Golf Courses, parks, Open Space and recreational facilities typically accessory to a subdivision that are for use by the subdivision's residents and their guests or Rodeo in the City.

c. **Recreational Vehicle** See Vehicle, Recreational.

d. **Recreational Vehicle Campground** means the use of land designed for occupancy by Recreational Vehicles for temporary or transient living purposes, including the use of camping spaces for tents.

e. **Recyclable Material** means material including but not limited to metal, glass, plastic and paper that is intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable Material shall not include hazardous materials, industrial scrap materials or used clothing, furniture, appliances, vehicles or parts thereof.

f. **Recycling Collection Station, Private** means outdoor freestanding containers that are designed to receive and store pre-sorted Recyclable Materials not intended for disposal and that are available only to those members or employees of the Church, School, office building or other Principal Use located on the same property as the station. Containers shall be constructed and maintained with durable waterproof and rust-resistant materials and shall be equipped with lids or doors to prevent access to stored materials by animals or vermin and to preclude stored materials from being scattered by wind. This definition shall not include containers used for curbside recycling or containers used by a commercial or industrial enterprise for collection and/or compression of materials that are a byproduct or integral part of such enterprise.

g. **Recycling Collection Station, Public** means outdoor freestanding containers not occupying an area greater than 400 square feet (exclusive of area required for vehicular access) that are designed to receive and store pre-sorted Recyclable Materials not intended for disposal and that are available to the general public. Containers shall be constructed and maintained with durable waterproof and rust-resistant materials and shall be equipped with lids or doors to prevent access to stored materials by animals or vermin and to preclude stored materials from being scattered by wind.

h. **Recycling Processing Center** means a Building or land use in excess of 400 square feet devoted to the receipt, separation, storage, baling, conversion and/or processing of Recyclable Materials, but not including Wrecking/Salvage Yard.

i. **Research Services** means an establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

j. **Residential-Design Manufactured Home** means a Manufactured Home on a permanent foundation that has minimum dimensions of 22 body feet in width, a pitched roof, siding and roofing materials that are customarily used on site-built homes, and that complies with the architectural and aesthetic standards specified in Sec. IV-D of this Code. A Residential-Design Manufactured Home shall be considered a Single-Family Dwelling Unit.

k. **Restaurant** means an establishment where the principal business is the sale of food and beverages in a ready-to-consume state, including the retail sale of alcoholic liquor or cereal malt beverages for consumption on the premises, but not as a Tavern and Drinking Establishment as defined herein.

l. **Retail, General** means the sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically in this section. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques or automotive parts and accessories.

m. **Reverse Vending Machine** means an automated mechanical device that accepts one or more types of Recyclable Materials and issues a cash refund or a redeemable credit slip. A Reverse Vending Machine may sort and reduce materials mechanically, provided the entire process is enclosed within the machine.

n. **Riding Academy or Stable** means a commercial establishment for boarding, breeding, training or raising of horses not owned by the owners or operators of the establishment, rental of horses for riding, or other equestrian activities. Riding Academy or Stable shall not include Rodeo in the City.

o. **Rock Crushing** means an establishment engaged in crushing rock or stone milling.

p. **Rodeo in the City** means a competition, exhibition or demonstration involving persons, equines and/or bovines in which participants display various skills in one or more events such as, but not limited to, bareback riding, saddle bronco riding, steer wrestling, roping, team roping, tie-down roping, barrel racing, bull riding or similar events occurring in the City.

(1) **Rodeo, Indoor** means a rodeo in which all practices, competitions, exhibitions and or demonstrations are conducted inside Buildings or Structures that are covered by roofs, and which are fully enclosed by solid walls and closeable openings, such as windows and doors. Outdoor loading and unloading of livestock into and from the indoor facility or facilities is allowed. An Indoor Rodeo may include outdoor storage of livestock, but shall not include any outdoor practices, competitions, exhibitions and/or demonstrations.

(2) **Rodeo, Outdoor** means a rodeo in which any or all competitions, exhibitions and/or demonstrations, and any related livestock storage, are conducted outside of Buildings or Structures as defined for Rodeo, Indoor.

12. Letter "S"

a. **Safety Services** means a facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

b. **Salvage Yard** See Wrecking/Salvage Yard.

c. **School, Elementary, Middle and High** (or Elementary, Middle and High School) means the use of a Site for instructional purposes on an elementary or secondary level, including both public schools as well as private schools that have curricula similar to those in public schools.

d. **Screening** means decorative fencing, walls, vegetation or landscaped earth berms maintained for the purpose of concealing from view the area behind such fence, wall, vegetation or berms.

e. **Screening, Solid** means a barrier with 90 to 100 percent opacity.

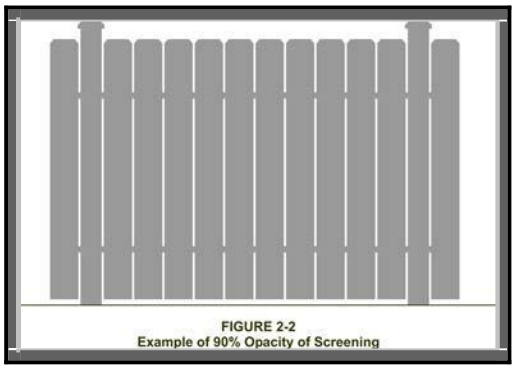


FIGURE 2-2
Example of 90% Opacity of Screening

f. **Screening Fence or Screening Wall** means a solid barrier erected to enclose, screen or separate areas and with 90 to 100 percent opacity; constructed of wood for a Screening Fence and constructed of masonry or other similar materials, including brick, stone, architectural tile or combination of these materials for a Screening Wall.

g. **Secondhand Store** means a retail establishment other than an antique store that engages in the purchase and resale of used goods such as clothing, furniture, appliances, books and other household items.

h. **Service Station** means an establishment primarily engaged in the retail sale of gasoline or other motor fuels that may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of Motor Vehicles, the minor adjustment or repair of Motor Vehicles and may specifically include a Car Wash. See Car Wash.

i. **Setback** means the distance that is required by this Code between a Principal Structure or Accessory Structure and the property line of the Lot on which the Structure is located. (Note: The term Setback refers to a required minimum area, while the term Yard refers to the actual open area.) See Yard and Sec. III-E.2.e.

j. **Setback, Front** means a Setback that is to extend across the full width of a Lot, the required depth of which is measured as the minimum horizontal distance between the Street Right-of-Way Line and a line parallel thereto on the Lot. See Sec. III-E.2.e.

k. **Setback, Interior Side** means a Setback that is to extend from the Street Right-of-Way Line to the rear Lot Line along the side of a Lot that is Contiguous to or Abutting another Lot, the required depth of which is measured as the minimum horizontal distance between the side Lot Line and a line parallel thereto on the Lot. See Setback, Street Side and Sec. III-E.2.e.

l. **Setback, Rear** means a Setback that is to extend across the full width of a Lot, the required depth of which is measured as the minimum horizontal distance between the rear Lot Line and a line parallel thereto on the Lot. See Sec. III-E.2.e.

m. **Setback, Street Side** means a Setback that is to extend from the front Lot Line to the rear Lot Line along the side of a Lot that is Abutting a Street or Street Right-of-Way Line, the required depth of which is measured as the minimum horizontal distance between the side Lot Line and a line parallel thereto on the Lot. See Sec. III-E.2.e.

n. **Sexually Oriented Business in the City** means, with the exception of escort agency, all of the same establishments described in Sec. II-B.12.o describe Sexually Oriented Business in the City.

o. **Sexually Oriented Business** in the unincorporated areas of the County (**Sexually Oriented Business in the County)** means an Adult Arcade, Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Escort Agency, Nude Model Studio or Sexual Encounter Center.

(1) **Adult Arcade** means any place to which the public is permitted or invited in which coin-operated, slug-operated or for any form of consideration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed as distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

(2) **Adult Bookstore, Adult Novelty Store or Adult Video Store** means a commercial establishment that, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

(b) instruments, devices or paraphernalia that are designed for use in connection with Specified Sexual Activities.

(3) **Adult Cabaret** means a Nightclub or similar commercial establishment that regularly features:

(a) persons who appear in a State of Nudity or Semi-nudity; or

(b) live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities; or

(c) films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

(4) **Adult Motel** means a Hotel, Motel or similar commercial establishment that:

(a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has

a sign visible from the public Right-of-Way that advertises the availability of this adult type of photographic reproductions; or

(b) offers a sleeping room for rent for a period of time that is less than ten hours; or

(c) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

(5) **Adult Motion Picture Theater** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

(6) **Adult Theater** means a theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear in a State of Nudity or Semi-nudity, or live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.

(7) **Escort** means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(8) **Escort Agency** means a person or business association who furnishes, offers to furnish or advertises to furnish Escorts as one of its primary business purposes for a fee, tip or other consideration.

(9) **Nude Model Studio** means any place where a person who appears Semi-nude, in a State of Nudity, or who displays Specified Anatomical Areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a College, community College or University supported entirely or in part by public money; a private College or University that maintains and operates educational programs in which credits are transferable to a College, community College or University supported entirely or in part by public money, or in a structure or private studio:

(a) that has no sign visible from the exterior of the structure and other advertising that indicates a nude or Semi-nude person is available for viewing;

(b) where, in order to participate in a class, a student must enroll at least three days in advance of the class; and

(c) where no more than one nude or Semi-nude model is on the premises at any one time.

(10) **Nudity** or a **State of Nudity** means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

(11) **Sexual Encounter Center** means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(b) activities between either male and female persons or persons of the same sex, or both, when one or more of the persons is in a State of Nudity or Semi-nude.

(12) **Semi-nude or In a Semi-nude Condition** means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. Such term shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

(13) **Specified Anatomical Areas** mean:

(a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(b) less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola.

(14) **Specified Sexual Activities** means any of the following:

(a) fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(c) masturbation, actual or simulated;

(d) human genitals in a state of sexual stimulation, arousal or tumescence; or

(e) excretory functions as part of or in connection with any of the activities set forth in paragraphs (a), (b), (c), or (d) of this definition.

p. **Shelter, Storm** means a Structure or portion of a Structure intended to provide protection to human life during periods of potential danger from storms or other emergencies.

q. **Sign** means any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to designate an individual, a firm, profession, business, or a commodity and that are visible from any public Street or the air.

r. **Single-Family** means the use of a Lot for only one detached principal Dwelling Unit, excluding a structure used as a Group Residence, that may be a Residential-Design Manufactured Home but shall not be a Mobile Home.

s. **Site** means same as Lot.

t. **Solid Waste Incinerator** means a permanent facility operated alone or in conjunction with a Recycling Processing Center or Landfill for the purpose of burning solid waste or trash and converting it to ash.

u. **Storage, Outdoor** means the keeping, storing, placing or locating outside of an enclosed structure for more than 72 consecutive hours any property, goods, products, equipment, Trailers, Portable Storage Containers, or other similar items not considered Accessory Uses as listed in this Code. The term Storage, Outdoor (or Outdoor Storage) does not include Vehicle Storage Yard.

v. **Story** means that portion of a Building, other than a Basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above.

w. **Street** means a public thoroughfare of such width to conform to adopted subdivision regulations. For the purposes of these regulations, the term Street shall include “road,” “highway,” “boulevard,” “avenue,” “courts” and the like.

x. **Street Right-of-Way Line** means the dividing line between a Lot, tract or parcel of land and a Street.

y. **Street Width** means the amount of street right-of-way Abutting a Lot’s property line.

z. **Structure** means anything constructed or erected that requires location on the ground or attached to something having a location on the ground.

aa. Subdistrict (Airport Overlay) means a distinct area within an Airport Overlay District marked for particular Uses.

13. Letters "T" through "U"

a. **Tattooing and Body Piercing Facility** means any room or space, or part thereof, where the act of Tattooing, Body Piercing or permanent color technology, as defined by K.S.A. 65-1940, as amended, is conducted.

b. **Tavern and Drinking Establishment** means an establishment engaged in the preparation and retail sale of alcoholic liquor or cereal malt beverage for consumption on the premises that derives in a six-month period less than fifty percent (50%) of its gross revenues from the sale of food and beverages for consumption on the premises. For the purposes of this Code, the term Tavern and Drinking Establishment shall include Class B Club.

c. **Teen Club in the City** means any building or part of other enclosed place where a teen dance is held or ten dancing is permitted as defined in Sec. 3.30.020 of the Code of the City of Wichita.

d. **Trailer** means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a Motor Vehicle.

e. **Transfer Station** means any enclosed facility where solid wastes are transferred from one vehicle or rail car to another or where solid wastes are stored and consolidated before being transported for disposal elsewhere.

f. **Transient Guest** means a person who occupies a room for a period of less than one week at a time.

g. **Underlying District** means the existing base zoning district classification that is applied to land in an Overlay District.

h. **University or College** means an institution of higher education (post High School) offering undergraduate or graduate degrees in higher learning, including seminaries.

i. **Use** means the purpose for which land or a Building is arranged, designed or intended, or for which either land or a Building is or may be occupied or maintained.

j. **Urban Areas of Influence** means the area surrounding certain cities in Sedgwick County, as shown on the “2035 urban growth areas map” of the County’s comprehensive plan, as amended from time to time.

k. **Utility, Major** means generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term Utility, Major shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities, communication switching facilities that are accompanied by office uses, telecommunication carrier with transmission equipment for long-distance calls and high-speed Internet connections with one or more

telecommunication carrier located within a Building, or other uses defined in this section.

l. **Utility, Minor** means services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor Structures, such as poles and lines, and Structures not exceeding 150 cubic feet in size and six feet in height that do not generate discernable noise, odor or vibration within any nearby residential District, and that comply with the Setback requirements of the District in which they are located.

14. Letters "V" through "Z"

a. **Vehicle, Commercial** means any truck, van, panel truck, delivery van, Trailer, semitrailer or pole trailer drawn or designed to be drawn by a Motor Vehicle, which vehicle was designed, used and/or maintained for the transportation of more than ten persons or the delivery of property for hire, compensation, profit or in the furtherance of any commercial enterprise.

b. **Vehicle, Inoperable** means any vehicle that is unable to operate or move under its own power. It shall also mean any Motor Vehicle that is in an abandoned, wrecked, dismantled, scrapped, junked or partially dismantled condition that includes having no wheels, or lacking other parts necessary for the normal operation of the vehicle. It shall also mean any vehicle that because of mechanical defects, a wrecked or partially wrecked frame or body or dismantled parts, cannot be operated in a normal, and safe manner. An Inoperable Vehicle shall not include vehicles needing only the inflation of tires, the installation of a battery or the addition of fuel in order to operate. In the City, an Inoperable Vehicle shall also include any Vehicle with uninflated tires or otherwise meeting the definition of Inoperable Vehicle in Title 8 of the Code of the City of Wichita.

c. **Vehicle, Motor** means every motorized vehicle, other than a motorized bicycle or a motorized wheelchair, that is self-propelled, and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. See Vehicle, Commercial and Vehicle, Passenger.

d. **Vehicle, Passenger** means a Motor Vehicle that is designed primarily to carry ten or fewer passengers, and that is not used as a Commercial Vehicle.

e. **Vehicle, Recreational** means a unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight feet and a body length not exceeding 40 feet. Units may have their own power, or designed to be drawn or mounted on a Motor Vehicle. Recreational Vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, houseboats or other

similar units as determined by the Zoning Administrator. A Recreational Vehicle may or may not include individual toilet and bath.

f. **Vehicle and Equipment Sales** means an establishment engaged in the retail or wholesale sale or rental, from the premises, of Motor Vehicles or equipment, along with incidental service or maintenance. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, construction equipment rental yards, Trailers and/or moving trailer rental.

g. **Vehicle Display** means any location outside of an enclosed building used to exhibit, display or view any motorized vehicle capable of movement under its own power, for any purpose, including but not limited to Vehicle and Equipment Sales and vehicle shows but not including Vehicle Storage Yard or Wrecking/Salvage Yard.

h. **Vehicle Repair, General** means an establishment primarily engaged in painting of or body work to Motor Vehicles or heavy equipment. Typical uses include paint and body shops.

i. **Vehicle Repair, Limited** means a use providing repair of Motor Vehicles or maintenance services within completely enclosed Buildings, but not including paint and body shops or other general Vehicle Repair services. Typical uses include businesses engaged in the following activities:(1) electronic tune-ups; (2) brake repairs (including drum turning); (3) air conditioning repairs; (4) transmission and engine repairs; (5) generator and starter repairs; (6) tire repairs; (7) front-end alignments; (8) battery recharging; (9) lubrication; and/or (10) sales, repair and installation of minor parts and accessories, such as tires, batteries, windshield wipers, hoses, windows, etc.

j. **Vehicle Storage Yard** means the keeping outside of an enclosed Building for more than 72 consecutive hours of one or more Motor Vehicles (except Inoperable Vehicles), boats, Trailers, or unoccupied Recreational Vehicles. The term Vehicle Storage Yard does not include Wrecking/Salvage Yard.

k. **Vocational School** means a use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a University or College or Elementary, Middle and High School.

l. **Warehouse, Self-Service Storage** means an enclosed storage facility of a commercial nature containing independent, fully enclosed bays that are leased to persons exclusively for dead storage of their household goods or personal property.

m. **Warehousing** means the storage of materials, equipment, or products within a Building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include major mail distribution

centers, frozen food lockers, and moving and storage firms, but excluding Self-Service Storage Warehouses.

n. **Welding or Machine Shop** means a workshop where machines, machine parts, or other metal products are fabricated. Typical uses include Machine Shops, Welding Shops and sheet metal shops.

o. **Wholesale or Business Services** means an establishment primarily engaged in the display, storage and sale of goods or services to other firms.

p. **Wireless Communication** means wireless services covered by the Location/Design Guidelines of the Wireless Communication Master Plan. It includes the following terms as defined in the Wireless Communication Master Plan as adopted by the Governing Bodies: broadcast systems, cellular, commercial mobile radio services, common carrier wireless access exchange services, enhanced specialized mobile radio, functionally equivalent services, personal communication services, paging, personal wireless services, public service and emergency systems, specialized mobile radio, tower builder, unlicensed wireless services and wireless cable system. It does not include amateur radio or private dispatch system as defined in the Wireless Communication Master Plan as adopted by the Governing Bodies.

q. **Wireless Communication Facility** means facilities covered by the Location/Design Guidelines of the Wireless Communication Master Plan. It includes the following terms as defined in the Wireless Communication Master Plan as adopted by the Governing Bodies: antenna, antenna array, equipment shelter, guyed tower, lattice tower, location, monopole, site, support Structure and tower.

r. **Wrecking/Salvage Yard** means a Lot, land or Structure, or part thereof, used for the collecting, dismantling, storing and/or salvaging of machinery, equipment, appliances, Inoperable Vehicles, vehicle parts, bulky waste, salvage material, junk, or discarded materials; and/or for the sale of parts thereof. Typical uses include Motor Vehicle Salvage Yards and junkyards. In the unincorporated area of the County only, the term Wrecking/Salvage Yard shall not include the storage of salvage materials as permitted in Section 19-22(c) of the Sedgwick County Code.

s. **Yard** means the actual unobstructed Open Space that exists or that is proposed between a Structure and the Lot Lines of the Lot on which the Structure is located. See Setback.

t. **Zoning Administrator** means the Planning Director or the Planning Director's designee.

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SECTIONS

A. GENERAL

1. **Purpose of zoning Districts.** Zoning Districts are established in this article to implement the *Wichita-Sedgwick County Comprehensive Plan*, to promote compatible land use patterns and to establish development standards appropriate for each zoning District.

2. **Zoning Districts established.** The following base zoning Districts, special purpose zoning Districts and overlay zoning Districts are hereby established:

MAP CODE	DISTRICT NAME
Residential Base Districts	
RR	Rural Residential
SF-20	Single-Family Residential
SF-10	Single-Family Residential
SF-5	Single-Family Residential
TF-3	Two-Family Residential
MF-18	Multi-Family Residential
MF-29	Multi-Family Residential
B	Multi-Family Residential
MH	Manufactured Housing
Commercial/Industrial Base Districts	
NO	Neighborhood Office
GO	General Office
NR	Neighborhood Retail
LC	Limited Commercial
OW	Office Warehouse
GC	General Commercial
IP-A	Industrial Park – Airport
IP	Industrial Park
CBD	Central Business District
LI	Limited Industrial
GI	General Industrial
AFB	Air Force Base
Special Purpose and Overlay Districts	
PUD	Planned Unit Development
CUP	Community Unit Plan Overlay
U	University (base and Overlay)
OT-O	Old Town Overlay
A-O	Airport Overlay
P-O	Protective Overlay
H-O	Historic Landmark Overlay
DO-O	Delano Neighborhood Overlay

AFBP-O	Air Force Base Protection Overlay
CP-O	Corridor Preservation Plan Overlay
CBS,General	Construction Burn Site, General
CBS, Limited	Construction Burn Site, General
(Reserved)	

Zoning Districts may be referred to throughout this Code by their map code designations.

3. **Zoning District hierarchy.** References in this Code to less restrictive or more restrictive zoning Districts refer to the residential, commercial and industrial base Districts established by Sec. III-A.2 and represent a progression from the RR District as the most restrictive base district to the AFB District as the least restrictive base District. Special purpose base Districts and Overlay Districts are not included in the zoning District hierarchy.

4. **Zoning map.**

   a. **Adoption of Official Zoning District Map.** The boundaries of the zoning Districts established by this Code shall be shown on a map or series of maps entitled "Official Zoning District Map." The legend of the Official Zoning District Map shall indicate the date of adoption. Original copies of such maps and all amendments thereto shall be maintained in the office of the Planning Director. In case of any dispute regarding the zoning classification of property subject to this Code, the original maps maintained by the Planning Director shall control.

   b. **Omitted land.** In case any land subject to this Code has not been specifically included within any of the Districts shown on such map such land shall automatically be classified into the SF-5 District if within the city limits of the City of Wichita, or the RR District if outside the Wichita city limits.

5. **District boundaries.** These provisions shall govern interpretations regarding the location of zoning District boundaries shown on the Official Zoning District Map.

   a. **Streets and Alleys.** District boundaries are either Streets or Alleys, unless otherwise shown, and where the designation on the maps indicates the various Districts as approximately following Streets or Alley lines, the Street or Alley line shall be construed to be the boundary of the District.

   b. **Lot Lines.** Where District boundaries are not otherwise indicated and where the property has been divided into blocks and Lots, the District boundaries shall be construed to be Lot Lines, and where bounded by Lot Lines, such Lot Lines shall be construed to be the boundary of such Districts, unless such boundaries are otherwise indicated on the maps.

   c. **Street vacations.** Whenever any Street, Alley or public way is vacated by official action of the Governing Body, the zoning Districts Abutting each side of such Street, Alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and thenceforth be subject to all regulations of the extended Districts.

d. Uncertainties. Where physical or cultural features existing on the ground contradict those shown on the Official Zoning District Map, or in case any other uncertainty exists, the location of District boundaries shall be determined by the Planning Director.

6. Compliance with zoning District standards. No Building or Structure shall be erected, converted, enlarged, reconstructed or altered for use, nor shall any Building or Structure or land be used or changed in use that does not comply with all of the District regulations established by this Code for the District in which the Building or Structure or land is located.

7. Zoning District conversions. Zoning District names and map code designations established according to ordinances and resolutions prior to March 25, 1996 are hereby converted as follows:

Old Map Code	Old District Name	New Map Code	New District Name
R	Rural Residential	RR	Rural Residential
R-1	Suburban Residential	SF-20	Single-Family Residential
		SF-10	Single-Family Residential
AA	One Family	SF-5	Single-Family Residential
A	Two Family	TF-3	Two-Family Residential
R-5	General Residence	MF-18	Multi-Family Residential
RB	Four Family	MF-29	Multi-Family Residential
R-6	General Residence	MF-29	Multi-Family Residential
B	Multiple Family	B	Multi-Family Residential
G	Manufactured Home	MH	Manufactured Housing
		NO	Neighborhood Office
BB	Office	GO	General Office
OC	Office Commercial	NR	Neighborhood Retail
LC	Light Commercial	LC	Limited Commercial
		OW	Office Warehouse
C	Commercial or General Commercial	GC	General Commercial
		IP – A	Industrial Park Airport
		IP	Industrial Park
D	Central Business District	CBD	Central Business District
E	Light Industrial	LI	Limited Industrial
F	Heavy Industrial	GI	General Industrial
		AFB	Air Force Base

All references to old District names or old map codes in the Code of the City of Wichita or the Sedgwick County Code, or in any order, agreement, permit, license, covenant, or any other action entered or permitted by the City or County or by any person in reliance upon the City/County zoning designations shall, upon March 25, 1996, be deemed to be reference to the corresponding new District name or map code.

8. **SF-6 to SF-5 Conversion.** SF-6 District and map code designations established according to ordinances and resolutions prior to May 18, 2001 are converted to SF-5. Prior references to SF-6 in the Wichita-Sedgwick County Unified Zoning Code, or in any order, agreement, permit, license, covenant, or any other action entered or permitted by the City or County or by any person in reliance upon the City/County zoning designation shall, upon May 18, 2001, be deemed to be reference to SF-5.

9. **Continuance of Conditional Use and Use Exception provisions.** All provisions of Conditional Uses and Use Exceptions approved under zoning codes in effect prior to March 25, 1996, shall be continued in full force and effect unless the subject uses are permitted Uses under this new Code.

10. **Classification of unlisted Uses.** For Uses not specifically listed in this Code or not obviously included in one of the comprehensive use definitions, the Zoning Administrator shall have the authority to determine the appropriate District or Districts that allow the Use based on the Use's similarity to Uses that are listed.

B. BASE DISTRICT REGULATIONS

1. (This District reserved)

2. RR Rural Residential District ("RR")

a. **Purpose.** The purpose of the RR Rural Residential District is to accommodate very large-lot, Single-Family residential development in areas where a full range of municipal facilities and services are not available and not likely to be available in the near future. The RR District is generally compatible with the "Rural Areas" designation of the *Wichita-Sedgwick County Comprehensive Plan*. The RR District is intended for application in unincorporated Sedgwick County.

b. **Permitted Uses.** The following Uses shall be permitted by-right in the RR District.

(1) Residential Uses

Single-Family
Manufactured Home (only in the County and subject to Sec. III-D.6.l)
Group Home

(2) Public and Civic Uses

Day Care, Limited, subject to Sec. III-D.6.i

Golf Course
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q Utility, Minor

(3) Commercial Uses

Kennel, Hobby, subject to Sec. III-D.6.k
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d

(5) Agricultural Uses

Agriculture, subject to Sec. III-D.6.b

c. Conditional Uses. The following Uses shall be permitted in the RR District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

Accessory Apartment, subject to Sec. III-D.6.a
Group Residence, Limited and General

(2) Public and Civic Uses

Cemetery
Church or Place of Worship
Community Assembly
Correctional Facility, subject to Sec. III-D.6.h
Correctional Placement Residence, Limited and General, subject to Sec. III-D.6.h
Day Care, General, subject to Sec. III-D.6.i Government Service
Neighborhood Swimming Pool, subject to Sec. III-D.6.aa
Safety Service
School, Elementary, Middle and High
Utility, Major

(3) Commercial Uses

Airport or Airstrip
Animal Care, Limited and General
Bed and Breakfast Inn
Kennel, Boarding/Breeding/Training, subject to Sec. III-D.6.k
Parking Area, Ancillary, subject to Sec. III-D.6.p
Recreation and Entertainment, Indoor and Outdoor, subject to Sec. III-D.6.o
Recreational Vehicle Campground Riding Academy or Stable

(4) Industrial, Manufacturing and Extractive uses

Asphalt or Concrete Plant, General

Landfill
Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v
Transfer Station
Vehicle Storage Yard, subject to Sec. III-D.h.mm

(5) Agricultural Uses Agricultural Research Agricultural Sales and Service Grain Storage

d. Property development standards. Each Site in the RR District shall be subject to the following minimum property development standards. Setbacks and Building Heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and Building Heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3) for Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: two acres; however, larger minimum Lot Area may be required per subdivision requirements for Uses served by sewage lagoons, subject to the special district regulations of Sec. III-B.2.e

(2) Minimum Lot Width: 200 feet

(3) Minimum Front Setback: 30 feet

(4) Minimum Rear Setback: 25 feet

(5) Minimum Interior Side Setback: 20 feet

(6) Minimum Street Side Setback: 20 feet

(7) Maximum Height: 35 feet; 45 feet if located at least 25 feet from all Lot Lines; no maximum height limit for barns, silos and other similar farm buildings; heights for Conditional Uses to be determined as part of the Conditional Use approval

e. Special RR District regulations. The following special regulations shall apply to property in the RR District.

(1) Lot Area requirements for Uses served by sewage lagoons. The minimum Lot size for uses served by sewage lagoons shall be 4.5 acres, except that Lot Area for residential Lots may be reduced to a minimum of two acres if approved by the Director of Sedgwick County Code Enforcement, and if the Lot is included in a platted and recorded addition in which Lots are clustered in an arrangement with one or more open space reserves, and the overall density of the addition, including all Lots

and Rights-of-Way and Open Space, does not exceed one Lot per five acres.

3. SF-20 Single-Family Residential District ("SF-20")

a. Purpose. The purpose of the SF-20 Single-Family Residential District is to accommodate large Lot, Single-Family residential development and complementary land uses. The SF-20 District is generally compatible with the "Wichita 2030 Urban Growth Area" or "Small City 2030 Urban Growth Area" designations of the *Wichita-Sedgwick County Comprehensive Plan*. It is intended for application in unincorporated Sedgwick County, particularly in areas where some public services are available and where soils are capable of accommodating septic tanks.

b. Permitted Uses. The following Uses shall be permitted by-right in the SF-20 District.

(1) Residential Uses
Single-Family
Manufactured Home (only in the County and subject to Sec. III-D.6.1)
Group Home

(2) Public and Civic Uses
Church or Place of Worship
Day Care, Limited, subject to Sec. III-D.6.i
Golf Course
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
School, Elementary, Middle and High
Utility, Minor

(3) Commercial Uses.
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses
Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d

(5) Agricultural Uses
Agriculture, subject to Sec. III-D.6.b

c. Conditional Uses. The following Uses shall be permitted in the SF-20 District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses
Accessory Apartment, subject to Sec. III-D.6.a
Group Residence, Limited and General

(2) Public and Civic Uses

Cemetery
Community Assembly
Correctional Facility, subject to Sec. III-D.6.h
Correctional Placement Residence, Limited and General, subject to Sec. III-D.6.h
Day Care, General, subject to Sec. III-D.6.i Govern-
ment Service
Hospital
Library
Neighborhood Swimming Pool, subject to Sec. III-D.6.aa Safe-
ty Service
Utility, Major

(3) Commercial Uses
Airport or Airstrip
Bed and Breakfast Inn
Kennel, Hobby, and Boarding/Breeding/Training, subject to Sec. III-D.6.k
Parking Area, Ancillary, subject to Sec. III-D.6.p
Recreation and Entertainment, Indoor and Outdoor, subject to Sec. III-D.6.o
Recreational Vehicle Campground
Riding Academy or Stable

(4) Industrial, Manufacturing and Extractive Uses
Asphalt or Concrete Plant, General
Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v

(5) Agricultural Uses Agricul-
tural Research Agricultural
Sales and Service

d. Property development standards. Each Site in the SF-20 District shall be subject to the following minimum property development standards. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: 20,000 square feet; however, larger minimum Lot Area may be required per subdivision requirements for Uses served by sewage lagoons, subject to the special regulations of Sec. III-B.3.e

(2) Minimum Lot Width: 100 feet

(3) Minimum Front Setback: 25 feet

(4) Minimum Rear Setback: 25 feet

(5) Minimum Interior Side Setback: ten feet

(6) Minimum Street Side Setback: 20 feet

(7) Maximum Height: 35 feet; 45 feet if located at least 25 feet from all Lot Lines; no maximum height limit for barns, silos and other similar farm buildings; heights for Conditional Uses to be determined as part of the Conditional Use approval

e. Special SF-20 District regulations. The following special regulations shall apply to property in the SF-20 District.

(1) Lot Area requirements for nonresidential Uses and Uses served by private water supply. The minimum Lot Area requirement for residential uses served by private water supply shall be 40,000 square feet. The minimum Lot Area for nonresidential Uses shall be established by the Director of Sedgwick County Code Enforcement.

(2) Lot Area requirements for Uses served by sewage lagoons. The minimum Lot Area for Uses served by sewage lagoons shall be 4.5 acres, except that Lot Area for residential Lots may be reduced to a minimum of two acres if approved by the Director of Sedgwick County Code Enforcement, and if the Lot is included in a platted and recorded addition in which Lots are clustered in an arrangement with one or more open space reserves, and the overall density of the addition, including all Lots and Rights-of-Way and Open Space, does not exceed one Lot per five acres.

4. SF-10 Single-Family Residential District ("SF-10")

a. Purpose. The purpose of the SF-10 Single-Family Residential District is to accommodate large lot, Single-Family residential development and complementary land uses. The SF-10 District is generally compatible with the "Wichita 2030 Urban Growth Area" or "Small City 2030 Urban Growth Area" designations of the *Wichita-Sedgwick County Comprehensive Plan*. It is intended for application in those areas of unincorporated Sedgwick County in which municipal water and sewer service are available.

b. Permitted Uses. The following Uses shall be permitted by-right in the SF-10 District.

(1) Residential Uses

Single-Family
Manufactured Home (only in the County and subject to Sec. III-D.6.l)
Group Home

(2) Public and Civic Uses

Church or Place of Worship
Day Care, Limited, subject to Sec. III-D.6.i
Golf Course
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
School, Elementary, Middle and High Utili-
ty, Minor

(3) Commercial Uses
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses
Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d

(5) Agricultural Uses
Agriculture, subject to Sec. III-D.6.b

c. Conditional Uses. The following Uses shall be permitted in the SF-10 District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses
Accessory Apartment, subject to Sec. III-D.6.a
Group Residence, Limited

(2) Public and Civic Uses
Cemetery
Community Assembly
Day Care, General, subject to Sec. III-D.6.i
Government Service Li-
brary
Neighborhood Swimming Pool, subject to Sec. III-D.6.aa Safe-
ty Service
Utility, Major

(3) Commercial Uses
Bed and Breakfast Inn
Parking Area, Ancillary, subject to Sec. III-D.6.p

(4) Industrial, Manufacturing and Extractive Uses
Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v

(5) Agricultural uses
None allowed by Conditional Use

d. Property development standards. Each Site in the SF-10 District shall be subject to the following minimum property development standards. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: 10,000 square feet

(2) Minimum Lot Width: 80 feet

(3) Minimum Front Setback: 25 feet

(4) Minimum Rear Setback: 25 feet, except that the Rear Setback may be reduced to five feet when Abutting a platted reserve which has a minimum width of 20 feet, provided however, there shall be no encroachment into or over any utility easement

(5) Minimum Interior Side Setback: ten feet

(6) Minimum Street Side Setback: 20 feet

(7) Maximum Height: 35 feet

e. Special SF-10 District regulations. The following special regulations shall apply to property in the SF-10 District.

(1) None

5. SF-5 Single-Family Residential District ("SF-5")

a. Purpose. The purpose of the SF-5 Single-Family Residential District is to accommodate moderate-density, Single-Family residential development and complementary land uses. The SF-5 District is generally compatible with the "Urban Residential" or "Urban Development Mix" designations of the *Wichita-Sedgwick County Comprehensive Plan*. It is intended for application in areas of Wichita and unincorporated Sedgwick County in those areas in which municipal water and sewer services are available and that have been designated as "Wichita 2030 Urban Growth Area."

b. Permitted Uses. The following Uses shall be permitted by-right in the SF-5 District.

(1) Residential Uses

Single-Family
Manufactured Home (only in the County and subject to Sec. III-D.6.l)
Group Home

(2) Public and Civic Uses

Church or Place of Worship
Day Care, Limited, subject to Sec. III-D.6.i
Golf Course
Library
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
School, Elementary, Middle and High Utili-
ty, Minor

(3) Commercial Uses

Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d

(5) Agricultural Uses

Agriculture, subject to Sec. III-D.6.b

c. Conditional Uses. The following Uses shall be permitted in the SF-5 District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

Accessory Apartment, subject to Sec. III-D.6.a
Group Residence, Limited

(2) Public and Civic Uses

Cemetery
Community Assembly
Day Care, General, subject to Sec. III-D.6.i Govern-
ment Service
Neighborhood Swimming Pool, subject to Sec. III-D.6.aa Safe-
ty Service
Utility, Major

(3) Commercial Uses

Bed and Breakfast Inn
Parking Area, Ancillary, subject to Sec. III-D.6.p

(4) Industrial, Manufacturing and Extractive Uses

Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v

(5) Agricultural Uses

None allowed by Conditional Use

d. Property development standards. Each Site in the SF-5 District shall be subject to the following minimum property development standards except, however, that any Lot of Record located within the City of Wichita that existed at the time of adoption of Wichita Ordinance No. 10-107 on October 1, 1928, having a width of 40 feet or less and held under a distinct ownership from Contiguous Lots, shall not be required to provide any Side Yard Setback of greater than three feet. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: 5,000 square feet

(2) Minimum Lot Width: 50 feet

(3) Minimum Front Setback: 25 feet

(4) Minimum Rear Setback: 20 feet, except that the Rear Setback may be reduced to five feet when Abutting a platted reserve which has a minimum width of 20 feet, provided however, there shall be no encroachment into or over any utility easement

(5) Minimum Interior Side Setback: six feet, except five feet if Lot is below 6,000 square feet, and that one required side Yard for a Single-Family Dwelling Unit may be reduced to as little as zero feet if Setback lines are established that ensure a minimum of ten feet between Structures on Contiguous Lots

(6) Minimum Street Side Setback: 15 feet

(7) Maximum Height: 35 feet

e. Special SF-5 District regulations. The following special regulations shall apply to property in the SF-5 District.

(1) Cluster development option. The cluster development option is provided as a means of allowing flexibility in the arrangement and development of residential land uses within the SF-5 District.

(a) Reduction of Lot Area and Setback standards. Under the cluster development option, the minimum Lot Area standard of the SF-5 District may be reduced from 5,000 square feet to 4,000 square feet, provided that any reduction in Lot Area must be offset by the provision of permanent Open Space. The amount of Open Space area provided shall at least equal the cumulative total reduction in Lot Area. Interior Side Yard Setbacks may be reduced to five feet.

(b) Subdivision approval required. A cluster development within the SF-5 District must receive Planning Commission approval as a subdivision or portion of a subdivision. The nature and method of establishing and maintaining the Open Space area shall be subject to the approval of Planning Commission in accordance with the adopted subdivision regulations.

6. TF-3 Two-Family Residential District ("TF-3")

a. Purpose. The purpose of the TF-3 Two-Family Residential District is to accommodate moderate-density Single-Family and Duplex residential development, as well as very limited density Multi-Family Development and other complementary land uses. The TF-3 District is generally compatible with the "Urban Residential" and "Urban Development Mix" designations of the *Wichita-Sedgwick County Comprehensive Plan*. It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

b. Permitted Uses. The following Uses shall be permitted by-right in the TF-3 District.

(1) Residential Uses

Single-Family
Duplex
Group Home

(2) Public and Civic Uses

Church or Place of Worship Convalescent Care Facility, Limited
Day Care, Limited, subject to Sec. III-D.6.i
Golf Course
Library
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
School, Elementary, Middle and High
Utility, Minor

(3) Commercial Uses

Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d

(5) Agricultural Uses

Agriculture, subject to Sec. III-D.6.b

c. Conditional Uses. The following Uses shall be permitted in the TF-3 District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

Accessory Apartment, subject to Sec. III-D.6.a
Assisted Living
Group Residence, Limited
Multi-Family at a maximum density of 14.5 Dwelling Units per acre

(2) Public and Civic Uses

Cemetery
Community Assembly
Day Care, General, subject to Sec. III-D.6.i Government Service
Neighborhood Swimming Pool, subject to Sec. III-D.6.aa
Safety Service
Utility, Major

(3) Commercial Uses

Bed and Breakfast Inn
Parking Area, Ancillary, subject to Sec. III-D.6.p

(4) Industrial, Manufacturing and Extractive Uses

Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v

(5) Agricultural Uses

None allowed by Conditional Use

d. Property development standards. Each Site in the TF-3 District shall be subject to the following minimum property development standards except, however, that any Lot of Record located within the City of Wichita that existed at the time of adoption of Wichita Ordinance No. 10-107 on October 1, 1928, having a width of 40 feet or less and held under a distinct ownership from Contiguous Lots, shall not be required to provide any Side Yard Setback of greater than three feet. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: 3,500 square feet for Single-Family; 3,000 square feet per Dwelling Unit for Duplex and Multi-Family (maximum 14.5 Dwelling Units per acre); 5,000 square feet for nonresidential uses

(2) Minimum Lot width: 35 feet

(3) Minimum Front Setback: 25 feet

(4) Minimum Rear Setback: 20 feet

(5) Minimum Interior Side Setback: six feet, except five feet if Lot is below 6,000 square feet, and that one required side Yard for a Single-Family Dwelling Unit or Duplex may be reduced to as little as zero feet if Setback lines are established that ensure a minimum of twelve feet between Structures on Contiguous Lots

(6) Minimum Street Side Setback: 15 feet

(7) Maximum Height: 35 feet

e. Special TF-3 District regulations. The following special regulations shall apply to property in the TF-3 District.

(1) None

7. MF-18 Multi-Family Residential District ("MF-18")

a. Purpose. The purpose of the MF-18 Multi-Family Residential District is to accommodate moderate-density, Multi-Family residential development and complementary land uses. The MF-18 District is generally compatible with the "Urban Residential" or "Urban Development Mix" designations of the *Wichita-Sedgwick County Comprehensive Plan*. It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

b. Permitted Uses. The following Uses shall be permitted by-right in the MF-18 District.

(1) Residential Uses

Single-Family
Duplex
Multi-Family
Accessory Apartment, subject to Sec. III-D.6.a Assisted Living
Group Home

(2) Public and Civic Uses

Church or Place of Worship
Day Care, Limited and General, subject to Sec. III-D.6.i
Golf Course
Library
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
School, Elementary, Middle and High

Utility, Minor

(3) Commercial Uses
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses
Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d

(5) Agricultural Uses
Agriculture, subject to Sec. III-D.6.b

c. Conditional Uses. The following Uses shall be permitted in the MF-18 District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses
Group Residence, Limited

(2) Public and Civic Uses
Cemetery
Community Assembly Govern-
ment Service
Neighborhood Swimming Pool, subject to Sec. III-D.6.aa
Safety Service
Utility, Major

(3) Commercial Uses
Bed and Breakfast Inn
Parking Area, Ancillary, subject to Sec. III-D.6.p

(4) Industrial, Manufacturing and Extractive Uses
Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v

(5) Agricultural Uses
None allowed by Conditional Use

d. Property development standards. Each Site in the MF-18 District shall be subject to the following minimum property development standards except, however, that any Lot of Record located within the City of Wichita that existed at the time of adoption of Wichita Ordinance No. 10-107 on October 1, 1928, having a width of 40 feet or less and held under a distinct ownership from Contiguous Lots, shall not be required to provide any Side Yard Setback of greater than three feet. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or

major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: 3,500 square feet for Single-Family; 3,000 square feet per Dwelling Unit for Duplex; 2,500 square feet per Dwelling Unit for Multi-Family (maximum 17.4 Dwelling Units per acre); 5,000 square feet for nonresidential uses

(2) Minimum Lot Width: 35 feet for Single-Family; 50 feet for all other uses

(3) Minimum Front Setback: 25 feet

(4) Minimum Rear Setback: 20 feet

(5) Minimum Interior Side Setback: six feet, except five feet if Lot is below 6,000 square feet

(6) Minimum Street Side Setback: 20 feet

(7) Maximum Height: 45 feet

e. Special MF-18 District regulations. The following special regulations shall apply to property in the MF-18 District.

(1) None

8. MF-29 Multi-Family Residential District ("MF-29")

a. Purpose. The purpose of the MF-29 Multi-Family Residential District is to accommodate high-density, Multi-Family residential development and complementary land uses. The MF-29 District is generally compatible with the "Urban Residential" or "Urban Development Mix" designations of the *Wichita-Sedgwick County Comprehensive Plan*. It is intended for application within the City of Wichita.

b. Permitted Uses. The following Uses shall be permitted by-right in the MF-29 District.

(1) Residential Uses
Single-Family
Duplex
Multi-Family
Accessory Apartment, subject to Sec. III-D.6.a Assisted Living
Group Home

(2) Public and Civic Uses
Church or Place of Worship
Day Care, Limited and General, subject to Sec. III-D.6.i

Golf Course Li-
brary
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
School, Elementary, Middle and High
Utility, Minor

(3) Commercial Uses
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses
Asphalt or Concrete Plant, imited, subject to Sec. III-D.6.d

(5) Agricultural Uses
Agriculture, subject to Sec. III-D.6.b

c. Conditional Uses. The following Uses shall be permitted in the MF-29 District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses
Group Residence, Limited

(2) Public and Civic Uses
Cemetery
Community Assembly
Government Service
Neighborhood Swimming Pool, subject to Sec. III-D.6.aa
Safety Service
Utility, Major

(3) Commercial Uses
Bed and Breakfast Inn
Parking Area, Ancillary, subject to Sec. III-D.6.p

(4) Industrial, Manufacturing and Extractive Uses
Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v

(5) Agricultural Uses
None allowed by Conditional Use

d. Property development standards. Each Site in the MF-29 District shall be subject to the following minimum property development standards except, however, that any Lot of Record located within the City of Wichita that existed at the time of adoption of Wichita Ordinance No. 10-107 on October 1, 1928, having a width of 40 feet or less and held under a distinct ownership from

Contiguous Lots, shall not be required to provide any Side Yard Setback of greater than three feet. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) **Minimum Lot Area:** 3,500 square feet for Single-Family; 3,000 square feet per Dwelling Unit for Duplex; 1,500 square feet per Dwelling Unit for Multi-Family (maximum 29 Dwelling Units per acre); 5,000 square feet for nonresidential uses

(2) **Minimum Lot Width:** 35 feet for Single-Family; 50 feet for all other uses

(3) **Minimum Front Setback:** 25 feet

(4) **Minimum Rear Setback:** 20 feet

(5) **Minimum Interior Side Setback:** six feet, except five feet if Lot is below 6,000 square feet

(6) **Minimum Street Side Setback:** 20 feet

(7) **Maximum Height:** 45 feet

e. **Special MF-29 District regulations.** The following special regulations shall apply to property in the MF-29 District.

(1) None

9. B Multi-Family Residential District ("B")

a. **Purpose.** The purpose of the B Multi-Family Residential District is to accommodate very high density, Multi-Family residential development and complementary land uses. The B District is generally compatible with the "Urban Residential" and "Urban Development Mix" designations of the *Wichita-Sedgwick County Comprehensive Plan*. It is intended for application within the City of Wichita.

b. **Permitted Uses.** The following Uses shall be permitted by-right in the B District.

(1) **Residential Uses**

Single-Family
Duplex
Multi-Family
Accessory Apartment, subject to Sec. III-D.6.a Assisted Living
Group Home

Group Residence, Limited

(2) Public and Civic Uses

Cemetery
Church or Place of Worship
College or University Communi-
ty Assembly
Day Care, Limited and General, subject to Sec. III-D.6.i
Golf Course
Hospital Li-
brary
Nursing Facility
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
School, Elementary, Middle and High
Utility, Minor

(3) Commercial Uses

Marine Facility, Recreational Medi-
cal Service
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d

(5) Agricultural Uses

Agriculture, subject to Sec. III-D.6.b

c. Conditional Uses. The following Uses shall be permitted in the B District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

Group Residence, General

(2) Public and Civic Uses

Correctional Placement Residence, Limited, subject to Sec. III-D.6.h Gov-
ernment Service
Neighborhood Swimming Pool, subject to Sec. III-D.6.aa
Safety Service
Utility, Major

(3) Commercial Uses

Bed and Breakfast Inn
Heliport
Parking Area, Ancillary, subject to Sec. III-D.6.p

(4) Industrial, Manufacturing and Extractive uses

Mining or Quarrying
Oil and Gas Drilling

Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v

(5) Agricultural Uses
None allowed by Conditional Use

d. Property development standards. Each Site in the B District shall be subject to the following minimum property development standards except, however, that any Lot of Record located within the City of Wichita that existed at the time of adoption of Wichita Ordinance No. 10-107 on October 1, 1928, having a width of 40 feet or less and held under a distinct ownership from Contiguous Lots, shall not be required to provide any Side Yard Setback of greater than three feet. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: 2,500 square feet for Single-Family; 2,000 square feet per Dwelling Unit for Duplex; 580 square feet per Dwelling Unit for Multi-Family (maximum 75.1 Dwelling Units per acre); 5,000 square feet for nonresidential uses

(2) Minimum Lot Width: No minimum

(3) Minimum Front Setback: 20 feet

(4) Minimum Rear Setback: 15 feet

(5) Minimum Interior Side Setback: five feet

(6) Minimum Street Side Setback: five feet

(7) Maximum Height: 55 feet, plus one foot of additional height for each foot of Setback beyond the minimum required Setbacks for all property lines

e. Special B District regulations. The following special regulations shall apply to property in the B District.

(1) None

10. MH Manufactured Housing District ("MH")

a. Purpose. It is the intent of the City of Wichita and Sedgwick County to encourage the new placement of Manufactured Homes, as well as any new Manufactured Home Development to occur within Manufactured Home Parks and Manufactured Home Subdivisions and to accommodate the isolated placement of a Manufactured Home on an individual Lot in the

unincorporated portion of Sedgwick County under certain circumstances. The purpose of the MH Manufactured Housing District is to accommodate such development. The District is intended for application in the City of Wichita and unincorporated Sedgwick County.

b. Permitted Uses. The following Uses shall be permitted by-right in the MH District.

(1) Residential Uses

Single-Family Man-
ufactured Home
Manufactured Home Park Manufac-
tured Home Subdivision Group Home

(2) Public and Civic Uses

Church or Place of Worship
Day Care, Limited, subject to Sec. III-D.6.i
Golf Course
Hospital Li-
brary
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
School, Elementary, Middle and High
Utility, Minor

(3) Commercial Uses

Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d

(5) Agricultural Uses

Agriculture, subject to Sec. III-D.6.b

c. Conditional Uses. The following Uses shall be permitted in the MH District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

Accessory Apartment, subject to Sec. III-D.6.a
Assisted Living

(2) Public and Civic Uses

Community Assembly
Day Care, General, subject to Sec. III-D.6.i Neighbor-
hood Swimming Pool, subject to Sec. III-D.6.aa Safety
Service
Utility, Major

(3) Commercial Uses
Parking Area, Ancillary, subject to Sec. III-D.6.p

(4) Industrial, Manufacturing and Extractive Uses
None allowed by Conditional Use

(5) Agricultural Uses
None allowed by Conditional Use

d. Property development standards for Sites with public water and sewer. Each Site in the MH District that is served by a public water supply and municipal type sewer system shall be subject to the following minimum property development standards. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Site area: In the City of Wichita, a minimum of five acres shall be required for the MH District. Minimum size in the unincorporated area shall be as determined by the Sedgwick County Department of Code Enforcement

(2) Minimum Lot Area: 5,000 square feet for residential Lots within Manufactured Home Subdivisions; 10,000 square feet for all nonresidential uses

(3) Minimum Lot Width: 200 feet for Manufactured Home Parks; 40 feet for lots within Manufactured Home Subdivisions; 100 feet for all other Uses

(4) Minimum Setbacks.

(a) Manufactured Home Parks. All structures within Manufactured Home Parks, whether permanent or temporary, shall be setback at least 25 feet from public Street rights-of-way, at least 20 feet from all other Lot Lines and at least 5 feet from private roadways interior to the Manufactured Home Park. A minimum separation of 10 feet shall also be maintained between all Manufactured Home units within the Manufactured Home Park

(b) Manufactured Home Subdivisions. All structures within Manufactured Home Subdivisions shall be setback at least 25 feet from arterial Street rights-of-way, and at least 25 feet from the front Lot Line, at least 20 feet from the rear Lot Line and at least 5 feet the side Lot Lines. Garage and carport entrances shall be setback at least 20 feet from public Street rights-of-way

(5) Maximum density of MH Parks: eight Dwelling Units per acre

(6) Maximum Height: 35 feet

e. Property development standards for other Sites. Standards for Lot size, Setback and height for Manufactured Home Parks or Manufactured Home Subdivisions that are not served by a public water supply or a municipal type sewer system shall be established as part of the approved site plan, and for a single Lot shall, at minimum, match the standards of the predominant zoning District that is Contiguous to or across the street from the Lot.

f. Special MH District regulations. The following special regulations shall apply to property in the MH District.

(1) Site plan. All requests for rezoning to the MH District shall be accompanied by a site plan in a form established by the Planning Director, and shall include a declaration as to whether the property will be developed as a Manufactured Home Park or Manufactured Home Subdivision. Development of the property shall be substantially in conformance with the site plan approved by the Governing Body. In the event the Manufactured Home request is for a single Lot in the unincorporated portion of Sedgwick County, this requirement shall not apply.

(2) Construction restrictions. No permanent additions shall be made to a Manufactured Home or Mobile Home, including any nonconforming units, unless the Manufactured Home or Mobile Home is on a permanent foundation and all applicable Building Permits have been obtained. Such additions shall comply with current Building Codes applicable to site built construction. No single wide or double wide Manufactured Home or Mobile Home shall be combined with or attached to another Manufactured Home or Mobile Home unless all such Manufactured Home or Mobile Home units are specifically constructed to HUD Codes to be so combined.

11. NO Neighborhood Office District ("NO")

a. Purpose. The purpose of the NO Neighborhood Office District is to accommodate very-low intensity office development and other complementary land uses that are generally appropriate near residential neighborhoods. The NO District is generally compatible with the "Local Commercial" or "Urban Development Mix" designations of the *Wichita-Sedgwick County Comprehensive Plan*. It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Area."

b. Permitted Uses. The following Uses shall be permitted by-right in the NO District.

(1) Residential Uses

Single-Family
Duplex
Group Home

(2) Public and Civic Uses

Church or Place of Worship
Day Care, Limited and General, subject to Sec. III-D.6.i
Golf Course Li-
brary
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
Utility, Minor

(3) Commercial Uses [Note: See Sec. III-B.11.e(1)]

Automated Teller Machine
Medical Service
Office, General
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d

(5) Agricultural Uses

Agriculture, subject to Sec. III-D.6.b

c. Conditional Uses. The following Uses shall be permitted in the NO District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

Accessory Apartment, subject to Sec. III-D.6.a As-
sisted Living
Group Residence, Limited
Multi-Family at a maximum density of 14.5 Dwelling Units per acre

(2) Public and Civic Uses

Cemetery
Community Assembly
Correctional Placement Residence, Limited, subject to Sec. III-D.6.h Gov-
ernment Service
Neighborhood Swimming Pool, subject to Sec. III-D.6.aa
Safety Service
School, Elementary, Middle and High Uni-
versity or College
Utility, Major

(3) Commercial Uses

Parking Area, Ancillary, subject to Sec. III-D.6.p

(4) Industrial, Manufacturing and Extractive Uses

None allowed by Conditional Use

(5) Agricultural Uses
None allowed by Conditional Use

d. Property Development standards. Each Site in the NO District shall be subject to the following minimum property development standards. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: 5,000 square feet for Single-Family and nonresidential; 3,000 square feet per Dwelling Unit for Duplex and Multi- Family (maximum 14.5 Dwelling Units per acre)

(2) Minimum Lot Width: 50 feet

(3) Minimum Front Setback: 20 feet, provided that the minimum required Front Setback may be reduced pursuant to Sec. III-E.2.e(5)

(4) Minimum Rear Setback: ten feet

(5) Minimum Interior Side Setback: zero feet, but if an Interior Side Setback is provided it shall be at least five feet in width

(6) Minimum Street Side Setback: 15 feet

(7) Maximum Height: 35 feet

e. Special NO District regulations. The following special regulations shall apply in the NO District.

(1) Commercial Use size limitation. No individual commercial Use that is permitted by-right or as a Conditional Use within the NO District shall exceed 8,000 square feet of gross Floor Area.

12. GO General Office District ("GO")

a. Purpose. The purpose of the GO General Office District is to accommodate office development and other complementary land uses. The GO District is generally compatible with the "Local Commercial" or "Regional Commercial" designation of the *Wichita-Sedgwick County Comprehensive Plan*. It is intended for application within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

b. Permitted Uses. The following Uses shall be permitted by-right in the GO District.

(1) Residential Uses

Single-Family
Duplex
Multi-Family
Manufactured Home (only in the County and subject to Sec. III-D.6.l) Accessory Apartment, subject to Sec. III-D.6.a
Assisted Living
Group Home
Group Residence, Limited and General

(2) Public and Civic Uses

Cemetery
Church or Place of Worship Community Assembly
Correctional Placement Residence, Limited and General, subject to Sec. III-D.6.h
Day Care, Limited and General, subject to Sec. III-D.6.i
Golf Course
Hospital
Library
Nursing Facility
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
School, Elementary, Middle and High University or College
Utility, Minor

(3) Commercial Uses Automated Teller Machine Bed and Breakfast Inn Broadcast/Recording Studio Funeral Home
Hotel or Motel, subject to Sec. III-D.6.j Marine Facility, Recreational
Medical Service
Office, General
Parking Area, Commercial, subject to Sec. III-D.6.cc Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d

(5) Agricultural Uses

Agriculture, subject to Sec. III-D.6.b

c. Conditional Uses. The following Uses shall be permitted in the GO District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

None allowed by Conditional Use

(2) Public and Civic Uses

Government Service
Neighborhood Swimming Pool, subject to Sec. III-D.6.aa
Safety Service
Utility, Major

(3) Commercial Uses

Animal Care, Limited, subject to Sec. III-D.6.c
Bank or Financial Institution
Heliport
Personal Care Service
Personal Improvement Service
Printing and Copying, Limited
Vocational School
Warehouse, Self-Service Storage, subject to Sec. III-D.6.y

(4) Industrial, Manufacturing and Extractive Uses

Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v

(5) Agricultural Uses

None allowed by Conditional Use

d. Property development standards. Each Site in the GO District shall be subject to the following minimum property development standards. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: 2,500 square feet for Single-Family; 2,000 square feet per Dwelling Unit for Duplex; 580 square feet per Dwelling Unit for Multi-Family (maximum 75.1 Dwelling Units per acre); 5,000 square feet for nonresidential uses

(2) Minimum Lot Width: No minimum

(3) Minimum Front Setback: 20 feet, provided that the minimum required Front Setback may be reduced pursuant to Sec. III-E.2.e(5)

(4) Minimum Rear Setback: ten feet

(5) Minimum Interior Side Setback: zero feet, but if an Interior Side Setback is provided it shall be at least five feet in width

(6) Minimum Street Side Setback: 15 feet

(7) Maximum Height: 60 feet, plus one foot of additional height for each foot of Setback beyond the minimum required Setbacks

e. Special GO District regulations. The following special regulations shall apply to property in the GO District.

(1) None

13. NR Neighborhood Retail District ("NR")

a. Purpose. The purpose of the NR Neighborhood Retail District is to accommodate very-low intensity retail and office development and other complementary land uses that serve and are generally appropriate near residential neighborhoods. The NR District is generally compatible with the "Local Commercial" or "Urban Development Mix" designations of the *Wichita- Sedgwick County Comprehensive Plan*. It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

b. Permitted Uses. The following Uses shall be permitted by-right in the NR District.

(1) Residential Uses

Single-Family
Duplex
Multi-Family
Accessory Apartment, subject to Sec. III-D.6.a Assisted Living
Group Home
Group Residence, Limited

(2) Public and Civic Uses

Church or Place of Worship
Correctional Placement Residence, Limited, subject to Sec. III-D.6.h
Day Care, Limited and General, subject to Sec. III-D.6.i
Library
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
School, Elementary, Middle and High
Utility, Minor

(3) Commercial Uses [Note: See Secs. III-B.13.e(1) and III-B.13.e(3)]

Automated Teller Machine
Bank or Financial Institution
Bed and Breakfast Inn Broad-
cast/Recording Studio Medical
Service
Office, General
Parking Area, Commercial, subject to Sec. III-D.6.cc Per-
sonal Care Service
Personal improvement Service Print-
ing and Copying, Limited Restaurant,
subject to Sec. III-D.6.t Retail, Gen-
eral
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d

(5) Agricultural Uses

Agriculture, subject to Sec. III-D.6.b

c. Conditional Uses. The following Uses shall be permitted in the NR District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

(2) Public and Civic Uses

Cemetery
Community Assembly Govern-
ment Service
Neighborhood Swimming Pool, subject to Sec. III.D.6.aa
Safety Service Utili-
ty, Major

(3) Commercial Uses [Note: See Secs. III-B.13.e(1) and III-B.13.e(3)]

Heliport

(4) Industrial, Manufacturing and Extractive Uses

Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v

(5) Agricultural Uses

None allowed by Conditional Use

d. Property development standards. Each Site in the NR District shall be subject to the following minimum property development standards. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: 5,000 square feet for Single-Family and nonresidential; 3,000 square feet per Dwelling Unit for Duplex; 2,000 square feet per Dwelling Unit for Multi-Family (maximum 21.8 Dwelling Units per acre)

(2) Minimum Lot Width: 50 feet

(3) Minimum Front Setback: 20 feet, provided that the minimum required Front Setback may be reduced pursuant to Sec. III-E.2.e(5)

(4) Minimum Rear Setback: ten feet

(5) Minimum Interior Side Setback: zero feet, but if an Interior Side Setback is provided it shall be at least five feet in width

(6) Minimum Street Side Setback: 15 feet

(7) Maximum Height: 35 feet

e. Special NR District regulations. The following special regulations shall apply in the NR District.

(1) Commercial Use size limit. No individual commercial Use that is permitted by-right or as a Conditional Use within the NR District shall exceed 8,000 square feet of gross Floor Area.

(2) District size limit. The NR District shall not be applied to Sites or Contiguous land areas that exceed six acres in size.

(3) No Outdoor Storage. No Outdoor Storage or display shall be permitted for commercial uses in the NR District.

14. LC Limited Commercial District ("LC")

a. Purpose. The purpose of the LC Limited Commercial District is to accommodate retail, commercial, office and other complementary land uses. The LC District is generally compatible with the "Local Commercial" or Regional Commercial" designations of the *Wichita-Sedgwick County Comprehensive Plan*. It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of

unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

b. Permitted Uses. The following uses shall be permitted by-right in the LC District.

(1) Residential Uses

Single-Family
Duplex
Multi-Family
Manufactured Home (only in the County and subject to Sec. III-D.6.l) Accessory Apartment, subject to Sec. III-D.6.a
Assisted Living
Group Home
Group Residence, Limited and General

(2) Public and Civic Uses

Cemetery
Church or Place of Worship
Community Assembly
Correctional Placement Residence, Limited and General, subject to Sec. III-D.6.h
Day Care, Limited and General, subject to Sec. III-D.6.i
Golf Course Government Service Hospital
Library
Nursing Facility
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
Recycling Collection Station, Public, subject to Sec. III-D.6.r Reverse Vending Machine, subject to Sec. III-D.6.u
Safety Service
School, Elementary, Middle and High
University or College Utility, minor

(3) Commercial Uses Animal Care, Limited Automated Teller Machine
Bank or Financial Institution
Bed and Breakfast Inn Broadcast/Recording Studio
Car Wash, subject to Sec. III-D.6.f
Construction Sales and Service, subject to Sec. III-D.6.bb Convenience Store
Entertainment Establishment in the City, subject to Sec. III-D.6.w
Event Center in the City, subject to Sec. III-D.6.w
Farmer's Market in the City, subject to Sec. III-D.6.jj Funeral Home
Hotel or Motel
Marine Facility, Recreational Medical Service

Nightclub in the City, subject to Sec. III-D.6.w
Nightclub in the County, subject to Sec. III-D.6.ff
Nursery and Garden Center, subject to Sec. III-D.6.z
Office, General
Parking Area, Commercial, subject to Sec III-D.6.cc
Pawnshop
Personal Care Service Person-
al Improvement Service Post
Office Substation Printing and
Copying, Limited
Recreation and Entertainment, Indoor Restau-
rant
Retail, General
Secondhand Store
Service Station
Sexually Oriented Business in the County, subject to Sec. III-D.6.ff
Tavern and Drinking Establishment, subject to Sec. III-D.6.w
Teen Club in the City, subject to Sec. III-D.6.w Vehi-
cle Repair, Limited
Vocational School
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d

(5) Agricultural Uses

Agriculture Agricul-
tural Research
Agricultural Sales and Service

c. Conditional Uses. The following Uses shall be permitted in the LC District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

None allowed by Conditional Use

(2) Public and Civic Uses

Neighborhood Swimming Pool, subject to Sec. III-D.6.aa
Utility, Major

(3) Commercial Uses [Note: See Sec. III-B.14.e]

Animal Care, General
Heliport
Kennel, Hobby and Boarding/Breeding/Training, subject to Sec. III-D.6.k
Monument Sales
Printing and Publishing, General
Recreation and Entertainment, Outdoor, subject to Sec. III-D.6.o Recrea-
tional Vehicle Campground
Vehicle and Equipment Sales (outdoor), subject to Sec. III-D.6.x Ware-
house, Self-Service Storage, subject to Sec. III-D.6.y

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, General Manufacturing, Limited, subject to Sec. III-D.6.m Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v

(5) Agricultural uses

None allowed by Conditional Use

d. Property development standards. Each Site in the LC District shall be subject to the following minimum property development standards. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: 2,500 square feet for Single-Family; 2,000 square feet per Dwelling Unit for Duplex; 580 square feet per Dwelling Unit for Multi-Family (maximum 75.1 Dwelling Units per acre); no minimum for nonresidential uses

(2) Minimum Lot Width: No minimum

(3) Minimum Front Setback: 20 feet, provided that the minimum required Front Setback may be reduced pursuant to Sec. III-E.2.e(5)

(4) Minimum Rear Setback: ten feet

(5) Minimum Interior Side Setback: zero feet, but if an interior side setback is provided it shall be at least five feet in width

(6) Minimum Street Side Setback: ten feet

(7) Maximum Height: 80 feet, plus two feet of additional height for each foot of Setback beyond the minimum required Setbacks

e. Special LC District regulations. The following special regulations shall apply to property in the LC District.

(1) Large projects. Projects in the LC District on Sites of six acres or more shall be subject to the Community Unit Plan (CUP) standards of Sec. III-C.2.

(2) Outdoor display. Merchandise that is for sale within a Building may be displayed in areas immediately Contiguous to and within ten feet of the Building, subject to the following standards.

(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 Governing Body.

(b) No required off-street Parking Space or Loading Space shall be utilized for display.

(c) No food or drink shall be displayed outside the Building except in accordance with standards and prior written approval of the Wichita Department of Environmental Services; outdoor service of food and drink accessory to the service of food and drink within a Building is permitted without limitation as to distance from the Building, in accordance with the provisions of Sec. III-D.6.w of this Code and all other applicable standards and licensing requirements.

(d) These provisions shall in no way be deemed to authorize the outdoor display of Motor Vehicles, rental trailers, rental equipment, used furniture, used appliances, used plumbing, used housewares, used building materials or similar items, except as such may otherwise be authorized 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.

(3) **Outdoor storage.** Storage of merchandise available for sale shall be allowed outside of an enclosed Building in the LC District only as an Accessory Use and only in compliance with the following standards.

(a) **Screening Fence or Screening Wall enclosure.** The area used for Outdoor Storage shall be enclosed by a Fence or Screening Wall not less than six feet in height nor less than the height of the merchandise to be screened except for Outdoor Storage within a Portable Storage Container when subject to the special provisions contained herein. The Fence or Screening Wall shall be comprised of material capable of Screening the merchandise from view. One opening, not exceeding ten feet in width, may be left open during business hours, but must be gated and capable of Screening merchandise from view when closed. When the material of the enclosure is not of the same general material as the Main Building, Screening as required by Sec. IV-B.3 and Landscaping as approved by the Zoning Administrator shall be provided and maintained outside the enclosure. For Outdoor Storage areas within a CUP, the Fence or Screening Wall provisions may be modified provided that a design plan is submitted with the CUP application and such plan is deemed by the Planning Commission to 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 stored.

(b) **Size of storage area.** 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 Principal Use within the Building. Such enclosure shall comply with the same Setback as is required for the Main Building. The area within the enclosure shall be calculated as Floor Area in determining the number of required off-street Parking Spaces. Outdoor Storage of between ten percent and 20 percent may be allowed upon application and approval of a Conditional Use processed in accordance with Sec. V-D of these regulations.

(c) **Conflicting provisions.** 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 Service Stations, nor shall it supersede any of special conditions of approval imposed on development projects, plans or permits.

(d) **Exemptions.** These Outdoor Storage requirements shall not apply to holiday tree sales and associated temporary activities.

(e) **Placement of Portable Storage Containers in LC.** On any Zoning Lot located in the LC District, one or more Portable Storage Containers may be permitted as accessory storage to the Principal Use(s) provided the following conditions are met:

1) The Floor Area contained in the Portable Storage Container shall be limited to no more than ten percent of the Floor Area of the Principal Use and be considered part of the total Outdoor Storage allowed on any Site, except that for Main Buildings with less than 3,200 square feet in size, the Portable Storage Container may be up to 320 square feet in size. In Buildings with multiple tenants, no single user shall be permitted more than ten percent of the Floor Area of its Use.

2) Portable Storage Containers shall be located at least five feet behind the wall line of the Main Building and be subject to Screening provisions specified herein.

3) Portable Storage Containers shall be required to meet Side and Rear Setback requirements for Buildings, shall be separated by no more than ten feet from the Main Building, except when screened in accordance with the Screening standards of Article IV.B.3, or when screened from view of a residential zoning district, residential use or arterial Street by Landscaping, berms, or by other nonresidential buildings; and shall be located at least 20 feet from any Contiguous property zoned TF-3 or more restrictive.

4) Required Screening may consist of the wall(s) of the Portable Storage Container if the Container has no openings or Signs facing a public Street or Adjacent property in a residential zoning district

and if the wall(s) match the predominant material and colors of the existing Structure or are an earth tone color that complements and appears inconspicuous against the color of the Main Building, or other screening materials as permitted in the Code per Sec. IV-B.3.

5) Signage on Portable Storage Containers shall be limited to one Sign per Container, not exceeding two square feet. The signage shall not be visible from any Abutting street or any Adjacent property in a residential zoning district.

6) Vertical stacking of Portable Storage Containers and stacking of any other materials or merchandise on top of any Portable Storage Container shall be prohibited. No running gear shall be left underneath any Portable Storage Container.

7) No Portable Storage Container shall be placed or located on a required Parking Space, circulation aisle/lane, or fire access lane.

Exception: Portable Storage Containers temporarily placed on Zoning Lots during a period of ongoing construction on the same Zoning Lot are exempted from the above requirements.

(4) **Outdoor business promotions and/or sales.** The Zoning Administrator may authorize outdoor business promotions and/or sales in the LC District within the City to be operated by vendors not permanently located on the subject LC tract, for a duration of no more than 48 hours and for no more than one two-day period per calendar month, provided a license is obtained as may be required by Section 3.04.010 of the Code of the City of Wichita. For onsite businesses in the LC District within the City, the Zoning Administrator may authorize outdoor business promotions and/or sales for a duration of no more than 48 hours and for no more than one two-day period per calendar month, provided written notification of intent to conduct such a promotion or sale is given to the Zoning Administrator prior to the event.

The Zoning Administrator may grant permission for more than 48 consecutive hours provided the two-day limit per calendar month is maintained. All outdoor promotions and/or sales in the LC District shall be subject to the following restrictions and limitations:

(a) No food or drink shall be dispensed as a part of such promotional and/or sales activity unless in accordance with all rules and regulations and prior written approval of the Wichita Department of Environmental Services.

(b) No admission fee shall be charged for entrance to, or participation in, any part of the promotional and/or sales 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 Code of the City of Wichita.

(d) The outdoor promotional and/or sales activity shall not occupy any part of the required off-street Parking Space for the Principal Use.

(e) All electrical connections, erections of temporary Structures, etc., shall be in compliance with the Code of the City of Wichita.

(5) Environmental performance standards. Uses and activities that are in violation of the Sedgwick County Code or the Code of the City of Wichita or that are out of character with ordinary and customary standards and practices for a Permitted Use to such an extent that the Use or activity is obnoxious, offensive or a nuisance due to odor, dust, smoke, noise, vibration or other similar causes, are prohibited in the LC District.

15. OW Office Warehouse District ("OW")

a. Purpose. The OW Office Warehouse District is primarily intended to accommodate office and warehousing activities for the building trades and similar businesses with operating characteristics that do not require highly visible locations or the type of vehicular access needed for retail and high-intensity office development. The OW District is generally compatible with the "Employment/Industry Center" designation of the *Wichita-Sedgwick County Comprehensive Plan*. It is primarily intended for application within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

b. Permitted Uses. The following Uses shall be permitted by-right in the OW District.

(1) Residential Uses

None allowed by-right

(2) Public and Civic Uses

Auditorium or Stadium
Community Assembly
Day Care Center, lLmited and General, subject to Sec. III-D.6.i Government Service
Library
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
Recycling Collection Station, Public, subject to Sec. III-D.6.r
Recycling Processing Center, subject to Sec. III-D.6.s Reverse Vending Machine, subject to Sec. III-D.6.u
Safety Service University or College Utility, Minor

(3) Commercial Uses [Note: See Sec. III-B.15.e]

Animal Care, Limited and General Automated Teller Machine
Bank or Financial Institution
Broadcast/Recording Studio Construction Sales and Service
Farmer's Market in the City, subject to Sec. III-D.6.jj
Monument Sales
Nurseries and Garden Centers Office, General
Personal Care Service
Personal Improvement Service
Post Office Substation Printing and Copying, Limited
Retail, General, subject to Sec. III-B.15e
Tattooing and Body Piercing Facility, subject to Sec. III.D.6.ee Vocational School
Warehouse, Self-Service Storage
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d Manufacturing, Limited
Research Services Warehousing
Wholesale or Business Services

(5) Agricultural Uses

Agriculture

c. Conditional Uses. The following Uses shall be permitted in the OW District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

None allowed by Conditional Use

(2) Public and Civic Uses

Cemetery Utility, Major

(3) Commercial Uses [Note: See Sec. III-B.15.e]

Airport or Airstrip
Heliport

(4) Industrial, Manufacturing and Extractive Uses

None allowed by Conditional Use

(5) Agricultural Uses

None allowed by Conditional Use

d. Property development standards. Each Site in the OW District shall be subject to the following minimum property development standards. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: 5,000 square feet

(2) Minimum Lot Width: No minimum

(3) Minimum Front Setback: 20 feet, provided that the minimum required front setback may be reduced pursuant to Sec. III-E.2.e(5)

(4) Minimum Rear Setback: ten feet

(5) Minimum Interior Side Setback: zero feet, but if an Interior Side Setback is provided it shall be at least five feet in width

(6) Minimum Street Side Setback: ten feet

(7) Maximum Height: 45 feet

e. Special OW District regulations. The following special regulations shall apply to property in the OW District.

(1) Accessory display and sales. A maximum 20% of Floor Area may be used for display and retail sales of items which are accessory to any Permitted Use. If any display and/or sales is conducted outdoors, it shall be within ten feet of the Building.

(2) Outdoor Storage. Storage of merchandise shall be allowed outside of an enclosed Building in the OW District only as an Accessory Use and only in compliance with the following standards and with Sec. IV-B.3.b.

(a) No required off-street Parking Space or Loading Space shall be utilized for storage.

(b) The area used for Outdoor Storage shall not exceed 100% of the floor area of all Buildings on the Zoning Lot.

(c) Items stored outdoors shall not be visible from any Adjacent non-elevated Street nor from ground level view in any Adjacent Lot.

(3) Environmental performance standards. Uses and activities that are in violation of the Sedgwick County Code or the Code of the City of Wichita or that are out of character with ordinary and customary standards and practices for a Permitted Use to such an extent that

the

Use or activity is obnoxious, offensive or a nuisance due to odor, dust, smoke, noise, vibration or other similar causes, are prohibited in the OW District.

16. GC General Commercial District ("GC")

a. Purpose. The purpose of the GC General Commercial District is to accommodate retail, commercial, office and other complementary land uses. The GC District is generally compatible with the "Regional Commercial" designation of the *Wichita-Sedgwick County Comprehensive Plan*. It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

b. Permitted Uses. The following Uses shall be permitted by-right in the GC District.

(1) Residential Uses

Single-Family
Duplex
Multi-Family
Manufactured Home (only in the County and subject to Sec. III-D.6.l) Accessory Apartment, subject to Sec. III-D.6.a
Assisted Living
Group Home
Group Residence, Limited and General

(2) Public and Civic Uses

Auditorium or Stadium
Cemetery
Church or place of Worship
Community Assembly
Correctional Placement Residence, Limited and General, subject to Sec. III-D.6.h
Day Care, Limited and General, subject to Sec. III-D.6.i
Golf Course
Government Service Hospital
Library
Nursing Facility
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
Recycling Collection Station, Public, subject to Sec. III-D.6.r
Recycling Processing Center, subject to Sec. III-D.6.s Reverse Vending Machine, subject to Sec. III-D.6.u
Safety Service
School, Elementary, Middle and High University or College
Utility, Minor

(3) Commercial Uses

Animal Care, Limited and General
Automated Teller Machine
Bank or Financial Institution
Bed and Breakfast Inn Broad-
cast/Recording Studio
Car Wash, subject to Sec. III-D.6.f Con-
struction Sales and Service Convenience
Store
Entertainment Establishment in the City, subject to Sec. III-D.6.2
Event Center in the City, subject to Sec. III-D.6.w
Farmer's Market in the City, subject to Sec. III-D.6.jj Fu-
neral Home
Hotel or Motel
Kennel, Hobby and Boarding/Breeding/Training, subject to Sec. III-D.6.k
Marine Facility, Recreational
Medical Service
Microbrewery
Monument Sales
Nightclub in the City, subject to Sec. III-D.6.w
Nightclub in the County, subject to Sec. III-D.6.ff
Nursery and Garden Center
Office, General
Parking Area, Commercial
Pawnshop
Personal Care Service
Personal Improvement Service
Post Office Substation
Printing and Copying, Limited
Printing and Publishing, General
Recreation and Entertainment, Indoor and Outdoor
Recreational Vehicle Campground
Restaurant
Retail, General
Rodeo in the City, subject to Sec. III-D.6.kk
Riding Academy or Stable
Secondhand Store
Service Station
Sexually Oriented Business, subject to Sec. III-D.6.ff
Tattooing and Body Piercing Facility, subject to Sec. III.D.6.ee
Tavern or Drinking Establishment, subject to Sec. III-D.6.w
Teen Club in the City, subject to Sec. III-D.6.w
Vehicle and Equipment Sales
Vehicle Repair, Limited and General
Vocational School
Warehouse, Self-Service Storage
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d
Manufacturing, Limited and General, subject to Sec. III-D.6.n Re-
search Services
Storage, Outdoor, subject to Sec III-D.6.dd
Vehicle Storage Yard

Warehousing
Welding or Machine Shop, subject to Sec. III-D.6.n Wholesale or Business Services

(5) Agricultural Uses
Agriculture Agricultural Research
Agricultural Sales and Service

c. Conditional Uses. The following Uses shall be permitted in the GC District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

(2) Public and Civic Uses
Neighborhood swimming pool, subject to Sec. III-D.6.aa
Utility, Major

(3) Commercial Uses
Heliport

(4) Industrial, Manufacturing and Extractive Uses
Asphalt or Concrete Plant, General
Gas and Fuel Storage and Sales Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v

(5) Agricultural Uses
None allowed by Conditional Use

d. Property development standards. Each Site in the GC District shall be subject to the following minimum property development standards. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: 2,500 square feet for Single-Family; 2,000 square feet per Dwelling Unit for Duplex; 580 square feet per Dwelling Unit for Multi-Family (maximum 75.1 Dwelling Units per acre); no minimum for nonresidential uses

(2) Minimum Lot Width: No minimum

(3) Minimum Front Setback: 20 feet, provided that the minimum required Front Setback may be reduced pursuant to Sec. III-E.2.e(5)

(4) Minimum Rear Setback: No minimum

(5) Minimum Interior Side Setback: zero feet, but if an Interior Side Setback is provided it shall be at least five feet in width

(6) Minimum Street Side Setback: No minimum

(7) Maximum Height: 80 feet, plus two feet of additional height for each foot of Setback beyond the minimum required Setbacks

e. Special GC District regulations. The following special regulations shall apply to property in the GC District.

(1) Large projects. Projects in the GC District on Sites of six acres or more shall be subject to the Community Unit Plan (CUP) standards of Sec. III-C.2.

(2) Environmental performance standards. Uses and activities that are in violation of the Sedgwick County Code or the Code of the City of Wichita or that are out of character with ordinary and customary standards and practices for a Permitted Use to such an extent that the Use or activity is obnoxious, offensive or a nuisance due to odor, dust, smoke, noise, vibration or other similar causes, are prohibited in the GC District.

17. IP-A Industrial Park – Airport District ("IP-A")

a. Purpose. The purpose of the IP-A Industrial Park - Airport District is to accommodate research and development, industrial, and manufacturing uses that can meet high development and performance standards and are compatible with the operation of Airport and related facilities. The IP-A District is generally compatible with the "Employment/Industry Center" designation of the *Wichita-Sedgwick County Comprehensive Plan.* It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Industrial Districts."

b. Permitted Uses. The following Uses shall be permitted by-right in the IP-A District.

(1) Residential Uses
None allowed by-right

(2) Public and Civic Uses
Government Service
Parks and Recreation, subject to Sec. III-D.6.ll.
Recycling Collection Station, Private, subject to Sec. III-D.6.q

Recycling Collection Station, Public, subject to Sec. III-D.6.r
Recycling Processing Center, subject to Sec. III-D.6.s Reverse Vnding Machine, subject to Sec. III-D.6.u
Safety Service Utility, Minor

(3) Commercial Uses

Car Wash, subject to Sec. III-D.6.f
Construction Sales and Service Monument Sales
Printing and Copying, Limited
Printing and Publishing, General
Warehouse, Self-Service Storage

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d
Freight Terminal Manufacturing, General Manufacturing,
Limited Research Services
Warehousing
Welding or Machine Shop Wholesale or Business Services

(5) Agricultural Uses

Agriculture

c. Conditional Uses. The following Uses shall be permitted in the IP-A District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

None allowed by Conditional Use

(2) Public and Civic Uses

Utility, Major

(3) Commercial Uses

Airport or Airstrip
Heliport

(4) Industrial, Manufacturing and Extractive Uses

None allowed by Conditional Use

(5) Agricultural Uses

None allowed by Conditional Use

d. Property development standards. Each Site in the IP-A District shall be subject to the following minimum property development standards. Setbacks

and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) **Minimum Lot Area:** No minimum, provided that the IP-A classification shall not be applied to projects of less than five acres

(2) **Minimum Lot Width:** No minimum

(3) **Minimum Front Setback:** 50 feet, provided that the minimum required Front Setback may be reduced pursuant to Sec. III-E.2.e(5)

(4) **Minimum Rear Setback:** 10 feet

(5) **Minimum Interior Side Setback:** 15 feet

(6) **Minimum Street Side Setback:** 50 feet

(7) **Maximum Height:** 60 feet

e. Special IP-A District regulations.

(1) **Outdoor Storage.** Storage of merchandise shall be allowed outside an enclosed Building in the IP-A District only as an Accessory Use and only in compliance with the following standards and with Sec. IV-B.3.b.

(a) No Outdoor Storage or work areas shall be permitted in the Front Setback.

(b) No required off-street Parking Space or Loading Space shall be utilized for storage.

(c) Items stored outdoors shall not be visible from any Adjacent non-elevated Street nor from ground level view in any Adjacent Lot.

(2) **Environmental performance standards.** Uses and activities that are in violation of the Sedgwick County Code or the Code of the City of Wichita or that are out of character with ordinary and customary standards and practices for a Permitted Use to such an extent that the Use or activity is obnoxious, offensive or a nuisance due to odor, dust, smoke, noise, vibration or other similar causes, are prohibited in the IP-A District.

(3) **Nonconformities.** All uses legally established on a parcel or tract prior on the date of publication of the ordinance or resolution that applies the IP-A District to the parcel or tract, which do not otherwise meet the requirements of the IP-A District, shall be considered Permitted Uses under this regulation subject to the following requirements: the

reconstruction, relocation, or conversion of any Use or Building must be for the same Use, a Use of lesser Intensity (as determined by maximum occupancies permitted in the Building Code), or any Use currently permitted by the IP-A District. This includes repairing or reconstruction in instances where a Building is damaged or destroyed by fire, wind, tornado, flood, or other natural disaster.

18. IP Industrial Park District ("IP")

a. Purpose. The purpose of the IP Industrial Park District is to accommodate limited commercial services, research and development, administrative facilities and industrial and manufacturing uses that can meet high development and performance standards. The IP District is generally compatible with the "Employment/Industry Center" designation of the Wichita-Sedgwick County *Comprehensive Plan*. It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

b. Permitted Uses. The following Uses shall be permitted by-right in the IP District.

(1) Residential Uses

None allowed by-right

(2) Public and Civic Uses

Auditorium or Stadium
Community Assembly
Day Care Center, Limited and General subject to Sec. III-D.6.i Government Service
Library
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
Recycling Collection Station, public, subject to Sec. III-D.6.r
Recycling Processing Center, subject to Sec. III-D.6.s Reverse Vending Machine, subject to Sec. III-D.6.u
Safety Service University or College Utility,
Minor

(3) Commercial Uses

Animal Care, Limited and General Automated Teller Machine
Bank or Financial Institution
Broadcast/Recording Studio
Car Wash, subject to Sec. III-D.6.f Construction Sales and Service Convenience Store
Farmer's Market in the City, subject to Sec. III-D.6.jj Monument Sales

Office, General Personal Care Service
Personal Improvement Service
Post Office Substation Printing and Copying, Limited
Printing and Publishing, General Restaurant
Tattooing and Body Piercing Facility, subject to Sec. III.D.6.ee
Vocational School
Warehouse, Self-Service Storage
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d
Freight Terminal
Manufacturing, Limited and General Research Services
Warehousing
Welding or Machine Shop Wholesale or Business Services

(5) Agricultural Uses

Agriculture

c. Conditional Uses. The following Uses shall be permitted in the IP District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

None allowed by Conditional Use

(2) Public and Civic Uses

Cemetery Utility, Major

(3) Commercial Uses

Airport or Airstrip
Heliport

(4) Industrial, Manufacturing and Extractive Uses

None allowed by Conditional Use

(5) Agricultural Uses

None allowed by Conditional Use

d. Property development standards. Each Site in the IP District shall be subject to the following minimum property development standards. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3)

for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: No minimum, provided that the IP classification shall not be applied to projects of less than five acres

(2) Minimum Lot Width: No minimum

(3) Minimum Front Setback: 50 feet, provided that the minimum required Front Setback may be reduced pursuant to Sec. III-E.2.e(5)

(4) Minimum Rear Setback: ten feet

(5) Minimum Interior Side Setback: 15 feet

(6) Minimum Street Side Setback: 50 feet

(7) Maximum Height: 60 feet

e. Special IP District regulations.

(1) Outdoor Storage. Storage of merchandise shall be allowed outside an enclosed Building in the IP District only as an Accessory Use and only in compliance with the following standards and with Sec. IV-B.3.b.

(a) No Outdoor Storage or work areas shall be permitted in the Front Setback.

(b) No required off-street Parking Space or Loading Space shall be utilized for storage.

(c) Items stored outdoors shall not be visible from any Adjacent non-elevated Street nor from ground level view in any Adjacent Lot.

(2) Environmental performance standards. Uses and activities that are in violation of the Sedgwick County Code or the Code of the City of Wichita or that are out of character with ordinary and customary standards and practices for a Permitted Use to such an extent that the Use or activity is obnoxious, offensive or a nuisance due to odor, dust, smoke, noise, vibration or other similar causes, are prohibited in the IP District.

19. CBD Central Business District ("CBD")

a. Purpose. The purpose of the CBD Central Business District is to accommodate retail, commercial, office and other complementary land uses within the downtown core area of the City of Wichita. The CBD District is generally compatible with the "Downtown Regional Center" designation of the *Wichita-Sedgwick County Comprehensive Plan*. It is intended for application

only within the City of Wichita and only within the downtown core area and certain nearby areas being redeveloped with similar patterns of uses and site development standards such as but not limited to zero Lot Setbacks, shared Parking, public streetscapes as landscaping and urban design elements and mixed uses within a Building.

b. Permitted Uses. The following Uses shall be permitted by-right in the CBD District.

(1) Residential Uses

Single-Family
Duplex
Multi-Family
Accessory Apartment, subject to Sec. III-D.6.a Assist-
ed Living
Group Home
Group Residence, Limited and General

(2) Public and Civic Uses

Auditorium or Stadium
Cemetery
Church or Place of Worship
Community Assembly
Correctional Facility, subject to Sec. III-D.6.h
Correctional Placement Residence, Limited and General, subject to Sec. III-D.6.h
Day Care, Limited and General, subject to Sec. III-D.6.i
Golf Course
Government Service
Hospital Li-
brary Nursing
Home
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
Recycling Collection Station, Public, subject to Sec. III-D.6.r
Recycling Processing Center, subject to Sec. III-D.6.s Re-
verse Vending Machine, subject to Sec. III-D.6.u
Safety Service
School, Elementary, Middle and High
University or College Utili-
ty, Minor

(3) Commercial Uses

Animal Care, Limited and General
Automated Teller Machine
Bank or Financial Institution
Bed and Breakfast Inn Broad-
cast/Recording Studio
Car Wash, subject to Sec. III-D.6.f
Construction Sales and Service Conven-
ience Store

Entertainment Establishment in the City, subject to Sec. III-D.6.w
Event Center in the City, subject to Sec. III-D.6.w
Farmer's Market in the City, subject to Sec. III-D.6.jj Funeral Home
Hotel or Motel
Marine Facility, Recreational
Medical Service Microbrewery
Monument Sales
Nightclub in the City, subject to Sec. III-D.6.w Nursery and Garden Center
Office, General
Parking Area, Commercial
Pawnshop
Personal Care Service
Personal Improvement Service
Post Office Substation Printing and Copying, Limited
Printing and Publishing, General
Recreation and Entertainment, Indoor and Outdoor Restaurant
Retail, General
Secondhand Store
Service Station
Tavern or Drinking Establishment, subject to Sec. III-D.6.w
Teen Club in the City, subject to Sec. III-D.6.w
Vehicle and Equipment Sales Vehicle Repair, Limited and General Vocational School
Warehouse, Self-Service Storage
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d Manufacturing, Limited and General
Research Services
Storage, Outdoor, subject to Sec III-D.6.dd Vehicle Storage Yard
Warehousing
Welding or Machine Shop Wholesale or Business Services

(5) Agricultural Uses

Agriculture Agricultural Research
Agricultural Sales and Service

c. Conditional Uses. The following Uses shall be permitted in the CBD District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses

None allowed by Conditional Use

(2) Public and Civic Uses
Utility, Major

(3) Commercial Uses
Heliport

(4) Industrial, Manufacturing and Extractive Uses
Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v

(5) Agricultural Uses
None allowed by Conditional Use

d. Property development standards. Each Site in the CBD District shall be subject to the following minimum property development standards. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Sec. III-E.2.e(2) for Front Setbacks on unplatted tracts. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: 2,500 square feet for Single-Family; 2,000 square feet per Dwelling Unit for Duplex; 250 square feet per Dwelling Unit for Multi-Family (maximum 174.2 Dwelling Units per acre); no minimum for nonresidential uses

(2) Minimum Lot Width: No minimum

(3) Minimum Front Setback: No minimum

(4) Minimum Rear Setback: No minimum

(5) Minimum Interior Side Setback: No minimum, but if an Interior Side Setback is provided it shall be at least five feet in width

(6) Minimum Street Side Setback: No minimum

(7) Maximum Height: No maximum

e. Special CBD District regulations. The following special regulations shall apply to property in the CBD District.

(1) Environmental performance standards. Uses and activities that are in violation of the Sedgwick County Code or the Code of the City of Wichita or that are out of character with ordinary and customary standards and practices for a Permitted Use to such an extent that the Use or activity is obnoxious, offensive or a nuisance due to odor,

dust,

smoke, noise, vibration or other similar causes, are prohibited in the CBD District.

20. LI Limited Industrial District ("LI")

a. Purpose. The purpose of the LI Limited Industrial District is to accommodate moderate intensity manufacturing, industrial, commercial and complementary land uses. The LI District is generally compatible with the "Employement/Industry Center" designation of the *Wichita-Sedgwick County Comprehensive Plan*. It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

b. Permitted Uses. The following uses shall be permitted by-right in the LI District.

(1) Residential Uses

None allowed by-right

(2) Public and Civic Uses

Auditorium or Stadium
Cemetery
Church or Place of Worship
Community Assembly
Correctional Facility, subject to Sec. III-D.6.h
Correctional Placement Residence, Limited and General, subject to Sec. III-D.6.h
Day Care, Limited and General, subject to Sec. III-D.6.i
Golf Course
Government Service
Hospital Li-
brary
Nursing Facility
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q
Recycling Collection Station, Public, subject to Sec. III-D.6.r
Recycling Processing Center, subject to Sec. III-D.6.s Re-
verse Vending Machine, subject to Sec. III-D.6.u
Safety Service Universi-
ty or College Utility,
Minor

(3) Commercial Uses

Animal Care, Limited or General Automat-
ed Teller Machine
Bank or Financial Institution Broad-
cast/Recording Studio
Car Wash, subject to Sec. III-D.6.f Construc-
tion Sales and Service

Convenience Store
Entertainment Establishment in the City, subject to Sec. III-D.6.w
Event Center in the City, subject to Sec. III-D.6.w
Farmer's Market in the City, subject to Sec. III-D.6.jj
Funeral Home
Hotel or Motel
Kennel, Boarding/Breeding/Training, subject to Sec. III-D.6.k
Marine Facility, Recreational
Medical Service
Microbrewery
Monument Sales
Nightclub in the City, subject to Sec. III-D.6.w
Nightclub in the County, subject to Sec. III-D.6.ff
Nursery and Garden Center
Office, General
Parking Area, Commercial
Pawnshop
Personal Care Service
Personal Improvement Service
Post Office Substation
Printing and Copying, Limited
Printing and Publishing, General
Recreation and Entertainment, Indoor and Outdoor
Restaurant
Retail, General
Rodeo in the City, subject to Sec. III-D.6.kk
Secondhand Store
Service Station
Sexually Oriented Business, subject to Sec. III-D.6.ff
Tattooing and Body Piercing Facility, subject to Sec. III-D.6.ee
Tavern or Drinking Establishment, subject to Sec. III-D.6.w
Teen Club in the City, subject to Sec. III-D.6.w
Vehicle and Equipment Sales
Vehicle Repair, Limited and General
Vocational School
Warehouse, Self-Service Storage
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited, subject to Sec. III-D.6.d
Freight Terminal
Gas and Fuel Storage and Sales Manufactur-
ing, Limited and General Research Services
Storage, Outdoor, subject to Sec. III-D.6.dd
Vehicle Storage Yard
Warehousing
Welding or Machine Shop
Wholesale or Business Services

(5) Agricultural Uses Ag-
riculture Agricultural
Processing Agricultural
Research

Agricultural Sales and Service
Grain Storage

c. Conditional Uses. The following Uses shall be permitted in the LI District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential uses
None allowed by Conditional Use

(2) Public and civic uses
Day Reporting Centers, subject to Sec. III-D.6.ii
School, Elementary, Middle and High Utili-
ty, Major

(3) Commercial uses
Airport or Airstrip
Heliport

(4) Industrial, manufacturing and extractive uses
Asphalt or Concrete Plant, General
Landfill
Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator, subject to Sec. III-D.6.v Trans-
fer Station
Wrecking/Salvage Yard, subject to Sec. III-D.6.e

(5) Agricultural uses
None allowed by Conditional Use

d. Property development standards. Each site in the LI District shall be subject to the following minimum property development standards. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: No minimum

(2) Minimum Lot Width: No minimum

(3) Minimum Front Setback: 20 feet, provided that the minimum required Front Setback may be reduced pursuant to Sec. III-E.2.e(5)

(4) Minimum Rear Setback: No minimum

(5) Minimum Interior Side Setback: zero feet, but if an Interior Side Setback is provided it shall be at least five feet in width

(6) Minimum Street Side Setback: No minimum

(7) Maximum Height: 80 feet, plus two feet of additional height for each foot of Setback beyond the minimum required Setbacks

e. Special LI District regulations.

(1) Environmental performance standards. Uses and activities that are in violation of the Sedgwick County Code or the Code of the City of Wichita or that are out of character with ordinary and customary standards and practices for a Permitted Use to such an extent that the Use or activity is obnoxious, offensive or a nuisance due to odor, dust, smoke, noise, vibration or other similar causes, are prohibited in the LI District.

21. GI General Industrial District ("GI")

a. Purpose. The purpose of the GI General Industrial District is to accommodate a wide range of manufacturing, industrial, commercial and complementary land uses. The GI District is generally compatible with the "Processing Industry" designation of the Wichita-Sedgwick County *Comprehensive Plan*. It is intended for application primarily within the City of Wichita, although it may be appropriate for application in areas of unincorporated Sedgwick County that have been designated as "Wichita 2030 Urban Growth Area."

b. Permitted Uses. The following Uses shall be permitted by-right in the GI District.

(1) Residential Uses

None allowed by-right

(2) Public and Civic Uses

Auditorium or Stadium
Cemetery
Church or Place of Worship
Community Assembly
Correctional Facility, subject to Sec. III-D.6.h
Correctional Placement Residence, Limited and General, subject to Sec. III-6.D.h
Golf Course Govern-
ment Service Hospital
Library
Parks and Recreation
Recycling Collection Station, Private, subject to Sec. III-D.6.q

Recycling Collection Station, Public, subject to Sec. III-D.6.r
Recycling Processing Center, subject to Sec. III-D.6.s Reverse Vending Machine, subject to Sec. III-D.6.u
Safety Service University or College Utility, Minor

(3) Commercial Uses

Animal Care, Limited or General Automated Teller Machine
Bank or Financial Institution Broadcast/Recording Studio
Car Wash, subject to Sec. III-D.6.f Construction Sales and Service Convenience Store
Entertainment Establishment in the City, subject to Sec. III-D.6.w
Event Center in the City, subject to Sec. III-D.6.w
Farmer's Market in the City, subject to Sec. III-D.6.jj
Funeral Home
Hotel or Motel
Kennel, Boarding/Breeding/Training, subject to Sec. III-D.6.k
Marine Facility, Recreational
Medical Service
Microbrewery
Monument Sales
Nightclub in the City, subject to Sec. III-D.6.w
Nightclub in the County, subject to Sec. III-D.6.ff
Nursery and Garden Center
Office, General
Parking Area, Commercial
Pawnshop
Personal Care Service
Personal Improvement Service
Post Office Substation
Printing and Copying, Limited
Printing and Publishing, General
Recreation and Entertainment, Indoor and Outdoor
Restaurant
Retail, General
Rodeo in the City, subject to Sec. III-D.6.kk
Riding Academy or Stable
Secondhand Store
Service Station
Sexually Oriented Business, subject to Sec. III-D.6.ff
Tattooing and Body Piercing Facility, subject to Sec. III.D-6.ee
Tavern or Drinking Establishment, subject to Sec. III-D.6.w
Teen Center in the City, subject to Sec. III-D.6.w
Vehicle and Equipment Sales
Vehicle Repair, Limited and General
Vocational School
Warehouse, Self-Service Storage
Wireless Communication Facility, subject to Sec. III-D.6.g

(4) Industrial, Manufacturing and Extractive Uses

Asphalt or Concrete Plant, Limited and General
Freight Terminal
Gas and Fuel Storage and Sales Manufactur-
ing, Limited and General Research Services
Storage, Outdoor Vehi-
cle Storage Yard Ware-
housing
Welding or Machine Shop Whole-
sale or Business Services

(5) Agricultural Uses Ag-
riculture Agricultural
Processing Agricultural
Research
Agricultural Sales and Service
Grain Storage

c. Conditional Uses. The following Uses shall be permitted in the GI District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses
None allowed by Conditional Use

(2) Public and Civic Uses
Day Care, Limited and General, subject to Sec. III-D.6.i
Day Reporting Center, subject to Sec. III-D.6.ii
Nursing Facility
School, Elementary, Middle and High
Utility, Major

(3) Commercial Uses
Airport or Airstrip
Heliport

(4) Industrial, Manufacturing and Extractive Uses
Basic Industry Hazard-
ous Operations Landfill
Mining or Quarrying
Oil and Gas Drilling
Rock Crushing
Solid Waste Incinerator Trans-
fer Station
Wrecking/Salvage Yard, subject to Sec. III-D.6.e

(5) Agricultural Uses
None allowed by Conditional Use

d. Property development standards. Each site in the GI District shall be subject to the following minimum property development standards. Setbacks and heights are for Principal Structures. See Sec. III-D.7.e for Setbacks and heights for Accessory Structures. See also Secs. III-E.2.e(2) and III-E.2.e(3) for Front Setbacks on unplatted tracts or major roadways. Compatibility standards in Secs. IV-C.4 and IV-C.5 may take precedence.

(1) Minimum Lot Area: No minimum

(2) Minimum Lot Width: No minimum

(3) Minimum Front Setback: 20 feet, provided that the minimum required Front Setback may be reduced pursuant to Sec. III-E.2.e(5)

(4) Minimum Rear Setback: No minimum

(5) Minimum Interior Side Setback: zero feet, but if an Interior Side Setback is provided it shall be at least five feet in width

(6) Minimum Street Side Setback: No minimum

(7) Maximum Height: 80 feet, plus two feet of additional height for each foot of Setback beyond the minimum required Setbacks

e. Special GI District regulations. No special regulations apply in the GI District.

22. AFB, Air Force Base District ("AFB")

a. Purpose. The purpose of the AFB Air Force Base District is to accommodate the Use of lands owned by the government of the United States for the purpose of operating an air force base. The AFB District is generally compatible with the "Major Institutional" designation of the Wichita-Sedgwick County *Comprehensive Plan.* It is intended only for application on air force base property.

b. Permitted uses. The following Uses shall be permitted by-right in the AFB District.

(1) Residential Uses
All

(2) Public and Civic Uses
All

(3) Commercial Uses
All

(4) Industrial, Manufacturing and Extractive Uses
All

(5) Agricultural Uses
All

c. Conditional Uses. The following Uses shall be permitted in the AFB District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Sec. V-D.

(1) Residential Uses
None allowed by Conditional Use

(2) Public and Civic Uses
None allowed by Conditional Use

(3) Commercial Uses
None allowed by Conditional Use

(4) Industrial, Manufacturing and Extractive Uses
None allowed by Conditional Use

(5) Agricultural Uses
None allowed by Conditional Use

d. Property development standards. Each site in the AFB District shall be subject to the following minimum property development standards.

(1) Minimum Lot Area: No minimum

(2) Minimum Lot Width: No minimum

(3) Minimum Front Setback: No minimum

(4) Minimum Rear Setback: No minimum

(5) Minimum Interior Side Setback: No minimum

(6) Minimum Street Side Setback: No minimum

(7) Maximum Height: No maximum

e. Special AFB District regulations. No special regulations apply in the AFB District.

C. SPECIAL PURPOSE AND OVERLAY ZONING DISTRICTS

1. PUD Planned Unit Development District ("PUD")

a. Purpose. The Planned Unit Development ("PUD") zoning District is a special purpose zoning district that is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

(1) reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;

(2) allowing greater freedom in selecting the means to provide access, light, open space and design amenities;

(3) promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses; and

(4) allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this Code.

b. Initiation and method of adoption. An application for PUD approval shall be submitted in accordance with Sec. V-C of this Code.

c. Uses and development standards.

(1) Permitted Uses. Any Use may be permitted within the PUD zoning District, provided that it is consistent with the purposes of this Code and the approved PUD plan.

(2) Development intensity. The total number of Dwelling Units and level of nonresidential Development allowed within a PUD shall not exceed the level that can be adequately served by public facilities. To provide information on the capacity of Streets and other facilities serving a PUD, the Director may require the applicant to conduct a traffic impact study or other infrastructure capacity analyses to provide information on the Development's expected impacts on existing and planned facilities.

(3) Other zoning standards and regulations. The following otherwise applicable zoning standards and regulations may be varied or modified as part of the PUD plan approval and rezoning process, subject to the limitations imposed by Sec. III-C.1.c(2): Lot Area, Building Height, Setbacks, Open Space, off-street Parking and Loading Space, Sign, Screening, Landscaping and compatibility standards.

2. CUP Community Unit Plan Overlay District ("CUP")

a. Purpose. The Community Unit Plan ("CUP") Overlay District is intended to provide well planned and well organized Developments for residential Uses of

varying densities and for office, commercial, industrial and/or mixed Uses that are held under unified control at the time of initial approval. It is intended to protect the public safety, convenience, health and general welfare through standards and provisions that establish requirements as to Lot coverage, Building Height, Setback and Screening that permit review of the size, shape and location of such facilities with due regard to the tract as a whole so as to ensure the development of facilities with proper ingress and egress, Parking, drainage facilities, Screening, sign control, environmental control and other requirements and amenities. The character of the Development should be appropriate to the neighborhood and conditions and safeguards should be provided to ensure that the development will minimize any diminution, if any, in value of surrounding property. Two types of CUP regulations are set out in this section: nonresidential and residential. Additionally, a unified Nonresidential and Residential CUP can be developed so long as it adheres to the CUP requirements of Secs. III-C.2.b and III-C.2.c.

b. Nonresidential CUPs. The following nonresidential CUP regulations shall apply to development or construction on Sites with a Contiguous area of six acres or more that are held under unified control at the time of initial approval and that are now or hereafter zoned either LC or GC, or a combination thereof. If a nonresidential project is zoned LC or GC in combination with a P-O, Protective Overlay District, compliance with the nonresidential CUP regulations of this section shall not be mandatory. At the property Owner's discretion, the nonresidential CUP regulations may also be applied to Sites that are less than six acres in size that are under unified control at the time of initial approval and that are now or hereafter zoned either LC or GC, and on lands of any size that are now or hereafter zoned either NO, GO, NR, CBD, OW, IP, LI, GI or U or a combination thereof.

(1) Permitted Uses and Structures. The following Uses and Structures may be allowed as part of a nonresidential CUP:

(a) all Permitted and Conditional Uses in the zoning classification in which the Development is proposed, subject to all applicable site development regulations such as, but not limited to, Supplementary Use Regulations and Special District Regulations.

(b) Signs, provided that no portable Signs shall be permitted. Off-site Signs in any CUP approved prior to the effective date of this amendment may be permitted only after an amendment has been reviewed by the MAPC and approved by the appropriate Governing Body. Off-site signage located within any CUP shall be installed within five years of the approval by the Governing Body. No permit authorizing the installation of off-site signage located within a CUP shall be issued after the end of the five years unless a new request has been reviewed by the Metropolitan Area Planning Commission and approved by the Governing Body.

(c) Uses and Structures that are customarily accessory and clearly incidental and subordinate to permitted Principal Uses and Structures

and that do not involve operations or Structures that are incompatible with the District; and

(d) in cases where a nonresidential CUP Development proposes a mixture of nonresidential and residential Uses, the CUP Development plan shall indicate the proposed location and general types of such Uses and the method of Screening, Landscaping and buffering.

(2) Development standards.

(a) Minimum Setback requirements. The grouping of Buildings and Parking Areas shall be designed to protect residential areas, and Screening from noise and light shall be provided. All projects subject to the CUP standards shall comply with the following minimum standards.

1) All Main Buildings or Structures shall set back at least 35 feet from all Street Right-of-Way Lines or Alleys.

2) Where the proposed Development Abuts a residential District, all Buildings shall be set back at least 35 feet from such District line.

3) There shall be a rear Yard, Alley, service drive or combination thereof with a depth of at least 30 feet.

(b) Maximum Lot coverage. Buildings shall not cover more than 30 percent of the land upon which the Development is proposed.

(c) Height regulations. The height standards of the underlying zoning District shall control unless reduced heights are specified as part of the CUP Development provisions.

(d) Screening. A Solid Screening Wall with a height of between six and eight feet shall be required to prevent the passage of debris and light and to mitigate adverse visual impacts. The wall shall be constructed of brick, stone, masonry, architectural tile or other similar material (not including wood or woven wire). Screening walls shall be installed in accordance with the following standards:

1) A Screening Wall shall be required along the property line when a residential district is Contiguous to the proposed Development. The wall shall be reduced to three feet in height for that portion that lies between the Side or Front Setback Lines of the Contiguous residential property and the property line Abutting any public street, unless the reduction in height is determined by the Governing Body to be inappropriate (See *Figure 4-1*);

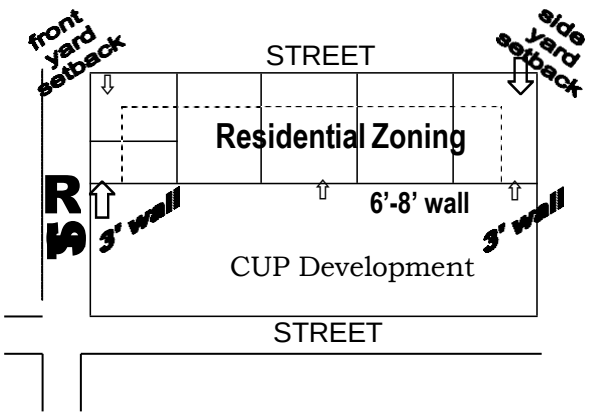

Figure 4-1

2) Along the property line when Adjacent to a residential District and separated by a public way, Street or Alley if the storage area, service area or rear of the Building face directly such residential District;

3) When a part of the property on which there is a proposed commercial or industrial Development includes the NO, NR or GO District as a buffer between Adjacent residential Districts and the commercial or industrial Development, then the wall shall be constructed at the boundary between the buffer and said residential District (See *Figure 4-2*).

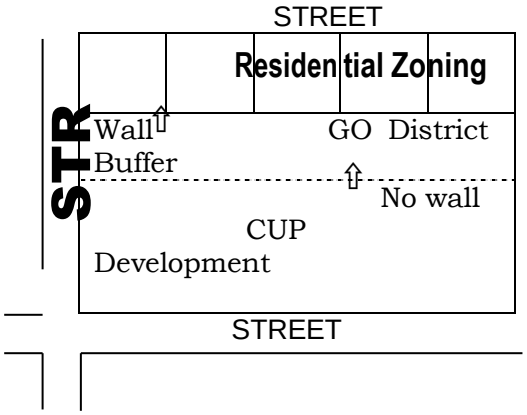

Figure 4-2

c. Residential CUPs. The Owner or Owners of any tract of land permitting residential Uses may submit to the Planning Director a plan for the use and development of all such tracts of land for residential purposes. Such Development plan shall be referred to the Planning Commission for public hearing. The Planning Commission may approve, approve with conditions or modifications, or disapprove the Development plan. If the Development plan is approved, such Development may occur even though the Use of the land and the use and location of the Structures, including the Yards and Open Spaces required by this Code, do not conform in all respects to the regulations

contained in other sections of this Code. However, the Development shall conform with the following conditions.

(1) The land within the residential CUP shall be used only for residential purpose, for nonresidential uses permitted in the SF-5 District, and customary accessory uses, such as passenger vehicle Parking Areas, Garages, recreation and common areas.

(2) The average Lot Area per Family contained in the Site, exclusive of the area occupied by Streets, shall be not less than the Lot Area per Family required for the District in which the residential CUP is located.

d. Waivers. When otherwise considering a CUP, the Planning Commission or Governing Body may modify or waive the Setback, including compatibility Setback, Lot coverage, Building Height, Parking and/or Screening requirements in this section and elsewhere in this Code as part of the approval or amendment of a CUP, where the objectives of the *Comprehensive Plan* and good planning practices are furthered, provided that the Planning Commission or Governing Body must set forth the specific reasons for such modification and an explanation of how such modification or waiver meets the criteria and purpose of this section.

3. U University District ("U")

a. Purpose. The U University District is intended to accommodate the development of Universities, Colleges, seminaries, or other institutions of higher learning. The district is designed to serve as a base District or as an Overlay District. As a base District or an Overlay District, the U District shall be applied to the campus Owned or leased by the educational institution, its subsidiaries or affiliates. It may also be applied on Adjacent residential zoned properties as an Overlay District when the Planning Commission and the Governing Body have determined that the Adjacent area is a logical and desirable location for:

(1) expansion of the University, College, seminary or other institution of learning;

(2) fraternities, sororities, dormitories, student housing and related Uses;

(3) offices, meeting rooms, laboratories and other facilities for educational, fraternal, professional, religious and research organizations and institutions with a demonstrated relationship to the University or College; and

(4) Libraries, art galleries, museums, athletic facilities, public health facilities and other nonprofit cultural facilities that would provide a public benefit by such locations.

The U District corresponds generally to the "Major Institutional" land Use designation of the Wichita-Sedgwick County *Comprehensive Plan*.

b. Base District permitted Uses. When the U District is applied as a base district, the following uses shall be permitted by-right:

Universities, colleges, seminaries and other institutions of learning, including their

buildings owned or leased for administrative and faculty offices, classrooms, laboratories, chapels, Auditoriums or Stadiums, lecture halls, Libraries, Hospitals, Government Services, Safety Services, student, faculty and alumni centers, athletic facilities and dormitories, Group Home, Group Residences, Day Care general and student and faculty housing; provided, however, the above facilities are located on campus. Permitted outside activities shall include marching, drill, band, athletics, campus celebrations and displays, graduations, scientific research, music and drama presentations, off-street Parking, open air classroom instruction and similar functions. Excluded are those primary Uses that are conducted outside a Structure or have major Outdoor Storage of materials used in the instructional process, including the teaching of repair, maintenance or driving of heavy equipment or trucks; the teaching of body or fender work; metal forming or such other trade that involves basically physical or manual skills; flying instruction; weapon instruction; fire fighting instruction and other similar uses.

c. Overlay District on campus permitted Uses. When the U District is applied as an Overlay District on campus, the Uses permitted by-right shall be the Base District permitted Uses and Multi-Family, Assisted Living, Bank or Financial Institution, Broadcast/Recording Studio, Hotel or Motel, Medical Service, Office, General, Personal Care Service, Personal Improvement Service, Printing and Publishing, General, Restaurant, Retail, General, Manufacturing, Limited, subject to Sec. III-D.6.n., Research Services, Agricultural Research, commercial experiential learning facilities and other similar uses.

d. Overlay District on Adjacent residential zoned properties permitted Uses. When the U District is applied as an Overlay District on Adjacent residential zoned properties, the Uses allowed by-right within the Underlying residential District shall constitute the Permitted Uses by-right.

e. Overlay District on Adjacent residential zoned properties Conditional Uses. When the U District is applied as an Overlay District on Adjacent residential zoned properties, the Uses allowed as Conditional Uses within the Underlying residential District shall be Conditional Uses within the U Overlay. The following Uses shall also be Conditional Uses within the U Overlay district:

(1) fraternities and sororities, dormitories, student housing and related Uses;

(2) Libraries, art galleries, museums, athletic facilities, public health facilities and other nonprofit cultural groups;

(3) offices, meeting rooms, laboratories and other facilities for educational, fraternal, professional, religious and research organizations and institutions having a demonstrated relationship to the university or college;

(4) Parking Areas or lots for Passenger Vehicles accessory to Uses permitted in the U District;

(5) Accessory Structures and Uses when such are located on the same Lot and are traditionally and customarily incidental to any of the Permitted Uses in this zoning District.

f. Property development standards. Each site in the U District shall be subject to the following minimum property development standards.

(1) Minimum Lot size. The minimum Lot size in the U District shall vary depending on whether the District is applied as a base District or as an Overlay District, as follows.

(a) Base District and Overlay District on campus: no minimum

(b) Overlay District on Adjacent residential zoned properties: standard of Underlying base District controls.

(2) Minimum Lot width. The minimum Lot width in the U District shall vary depending on whether the District is applied as a base District or as an Overlay District, as follows.

(a) Base District and Overlay District on campus: no minimum

(b) Overlay District on Adjacent residential zoned properties: standard of Underlying base District controls

(3) Minimum Front Setback. The minimum Front Setback in the U District shall vary depending on whether the District is applied as a base District or as an Overlay District, as follows.

(a) Base District and Overlay District on campus: 20 feet if frontage on public Street

(b) Overlay District on Adjacent residential zoned properties: standard of Underlying base District controls

(4) Minimum Rear Setback. The minimum Rear Setback in the U District shall vary depending on whether the district is applied as a base District or as an Overlay District, as follows.

(a) Base District and Overlay District on campus: 20 feet if Setback is taken from public Street or residentially zoned Lot

(b) Overlay District on Adjacent residential zoned properties: standard of Underlying base District controls

(5) Minimum Interior Side Setback. The minimum Interior Side Setback in the U District shall vary depending on whether the District is applied as a base District or as an Overlay District, as follows.

(a) Base District and Overlay District on campus: 20 feet if Setback is taken from residentially zoned Lot

(b) Overlay District on Adjacent residential zoned properties: standard of Underlying base District controls

(6) Minimum Street Side Setback. The minimum Street Side Setback in the U District shall vary depending on whether the District is applied as a base District or as an Overlay District, as follows.

(a) Base District and Overlay District on campus: 20 feet if Setback is taken from public Street

(b) Overlay District on Adjacent residential zoned properties: standard of Underlying base District controls

(7) Maximum Height. The maximum height limit in the U District shall vary depending on whether the District is applied as a base District or as an Overlay District, as follows.

(a) Base District and Overlay District on campus: no maximum

(b) Overlay District on Adjacent residential zoned properties: standard of Underlying base District controls

(8) Maximum Floor Area Ratio

(a) Base District and Overlay District on campus: 0.50

(b) Overlay District on Adjacent residential zoned properties: Standard of Underlying base District controls

g. Special regulations. The following special regulations shall apply to property in the U District.

(1) Base District or Overlay District. The U District may be applied and mapped as a separate base zoning District or as an Overlay District in combination with any one of the residential Districts. The U Overlay District shall not be combined with an office, commercial, or industrial base District.

3. OT-O Old Town Overlay District ("OT-O")

a. Purpose. The OT-O Old Town Overlay District is intended to recognize the special location, architectural character and proposed land-use mix of the Old Town area within the City of Wichita by allowing appropriate deviations from the standards of the Underlying base District. The design review provisions applicable within the OT-O are intended to preserve the area's special historic and architectural character and to protect private property values and public investments in and near the Old Town area by ensuring that the exterior alterations to buildings and grounds are undertaken with sensitivity to the area's special character. The OT-O district is an Overlay District; property within the district shall comply with the Overlay District regulations of this section and the standards of the Underlying District. In the case of conflict between the regulations in this section and those of the Underlying zoning District, the regulations in this section shall prevail.

Two special Subdistricts of the OT-O district are recognized. Both of these Subdistricts are special in that they have unique differences from the remaining OT-O district; however, both of the Subdistricts are consistent with the above stated purpose and intent of the OT-O. The first is the Theater Subdistrict ("OT-O/TH"); this Subdistrict is generally located between 2nd Street North and 3rd Street North, and between Rock Island Avenue and the BNSF Railroad tracks. Some design standards of the OT-O/TH Subdistrict differ from those of the remaining OT-O, recognizing that all the buildings are new construction and that a multi-screen cinema is the anchor of a planned, high-energy, entertainment area.

The second special Subdistrict is the Northeast End Subdistrict (OT-O/NE), generally located north of 2nd Street North and east of Rock Island Avenue. The Parking requirements for this Subdistrict differ from the remaining

larger OT-O, recognizing more limited Parking circumstances. Buildings in this Subdistrict cover most of the Lot area, with little land available for Parking and no plans to develop public Parking. Therefore it is appropriate to relax some Parking standards in order to encourage redevelopment while preserving the existing Buildings.

b. Use regulations. The Use regulations of the Underlying zoning District shall control within the OT-O district, provided however, that all Uses allowed as Permitted and Conditional Uses within the residential zoning Districts shall also be allowed as Permitted or Conditional Uses, respectively, in the OT-O district; except that Tattooing and Body Piercing facilities and any Sexually Oriented Business in the City shall not be allowed as a Permitted or a Conditional Use.

c. Special parking regulations. The following special Parking regulations shall apply within the OT-O District.

(1) Residential. Parking for residential dwellings shall be provided at a minimum ratio of one Parking Space per Dwelling Unit.

(2) Taverns and Drinking Establishments, Nightclubs (when permitted) and Restaurants.

(a) Restaurants shall provide off-street Parking at a minimum ratio of one Parking Space for every four occupants permitted.

(b) Taverns and Drinking Establishments, Nightclubs (when not qualifying as an "Adult Entertainment Establishment" of the Code of the City of Wichita) shall provide off-street Parking at a minimum ratio of one Parking Space for every three occupants permitted.

(3) Retail and office. Parking for retail and office Uses shall be provided at a minimum ratio of one Parking Space per 300 square feet of Floor Area.

(4) Theaters. Parking for theaters shall be provided at a minimum ratio of one Parking Space for every four seats.

(5) Public assembly. Public assembly uses, except those that have parking requirements specified elsewhere in this regulation, shall provide the following minimum amounts of off-street Parking:

(a) concentrated use assembly areas (e.g., auction rooms, Auditoriums, lodge rooms, reviewing stands, etc. that typically do not have fixed seats, but if chairs are provided they are not accompanied by a table) - one Parking Space per 28 square feet of Floor Area used for public assembly;

(b) less concentrated use assembly areas that may have fixed seats and tables (e.g., bingo parlors, conference rooms, exhibit rooms, museums, galleries, etc.) - one Parking Space per 60 square feet of Floor Area used for public assembly.

(6) Parking districts. When additional off-street Parking is required to be provided for a new Building or an addition or a change of Use to all or a portion of a Building, the requirements shall be waived if the property for which the Parking is required is located within the boundaries of a parking district established by the Governing Body and if the property owner meets other requirements as established by resolution of the Governing Body.

(7) Northeast End Subdistrict. Special Parking standards for the Northeast End Subdistrict are as follows:

(a) The requirements for a shared parking plan written agreement and provision for revocation of occupancy permit (Secs. IV-A.9.c and IV-A.9.d) shall be waived for Parking Spaces shared or leased to meet the off-street Parking requirements for a use if: such parking is available to the general public; is paved, dimensioned, and marked in accordance with the requirements of this Code and the City Engineer; is not needed to meet off-street parking requirements for other uses at the same time; and the lease is current and placed on file with the Office of Central Inspection.

(b) Off-street Parking shall be allowed on Parking Areas east of Washington Street in compliance with off-site Parking requirements except for separation by an arterial Street (Sec. IV-A.10.b).

d. Design review standards and procedures.

(1) Review procedures.

(a) Applicability. Except as provided in Secs. III-C.4.d(3) and III-C.4.d(4), no alterations to Building exteriors, including painting, nor alterations to fences, grounds or temporary on-site Signs may be made, and no permits involving alterations to building exteriors, or permits for Signs, sidewalks, driveways or demolition shall be issued by the Office of Central Inspection for any Structure or Site located wholly or partially within the OT-O district until an application for such permit has been reviewed for compliance with the design standards of this section and approved by the Planning Director, with the concurrence of the Zoning Administrator.

(b) Application. An application for a permit with the OT-O district shall be submitted in a form required by the Planning Director. A complete application should include, as necessary, to-scale drawings, elevations, sections, relevant plans of Site and/or immediate environs if appropriate, and shall indicate materials and colors to be used, as well as any other information the Planning Director deems necessary to conduct an adequate review of the application.

(c) Action. After reviewing the completed application, the Planning Director with the concurrence of the Zoning Administrator shall approve,

approve with conditions or modifications, or deny the request, in accordance with the design standards of this section. Any property Owner in the OT-O may appeal the decision of the Planning Director to the Board of Zoning Appeals.

(d) Time limit on action. If within ten days from the date of receipt of a complete application by the Planning Director, no action has been taken on the application, the Office of Central Inspection may issue the necessary permits and the project may proceed. This time limit may be waived by mutual consent of the applicant and staff. It shall not apply if Historic Preservation Board review is required pursuant to Sec. III-C.4.d(1)(e).

(e) Historic Preservation Board review. Projects involving Lots 2-18 of the 700 Block of East Douglas, East Wichita Addition, being included in the East Douglas Historic District (H 85-1) and projects in the "environs" (as defined by state law) of a Building on the State or National Register, shall be reviewed by the Historic Preservation Board in accordance with these standards.

(2) Design standards.

(a) General.

1) Alterations should be respectful of the character of one of Wichita's earliest commercial and warehousing districts whose architectural type and elements represent a style unique to the past. The OT-O District encompasses that section of Wichita that historically was its jobbing, wholesale and warehouse district, laid out on a gridiron street pattern. Red brick warehouse and commercial structures predominate, exemplifying the industrial and Italianate commercial architectural styles of the early Twentieth Century. Warehouse Structures are trimmed in limestone, with mullioned windows, and commercial Buildings have large, plate-glass windows. Roofs are generally flat and tarred, although some are trimmed with red or green clay tiles. Doors are of wood or metal, and are found both at grade and at loading-dock height. The Buildings are no more than four and one-half stories in Building Height, and have uniform Setbacks.

2) The Building Height of all new Buildings and Building additions should be limited to the shorter of four and one-half stories or 50 feet.

3) For each Structure, the roofing materials visible from the street should be matching clay or synthetic tiles similar to clay in size, color and appearance, or of sheet metal, standing-seam or metal shingle construction; the exterior of the wall of each building should be finished in red or brown brick and trim of wood, metal, terra cotta or other glazed tile, glass block, limestone or grey concrete.

4) Mirrored glass windows for Buildings should not be used.

5) Metal windows and doors should be anodized or properly primed and enameled.

6) Awnings or canopies should be made of metal or of cloth material.

7) Walkway coverings should be of sheet metal, metal shingles or of standing-seam construction, or of canvas or cloth.

8) Colors used in painting building exteriors should favor earth tones.

9) Iron railings should be of utilitarian styling as represented in the District.

10) Permanent fences should avoid wire materials whenever possible.

(b) Standards for rehabilitation/remodeling.

1) Facades should be retained.

2) Existing windows and openings should be retained.

3) Tile roofs and/or trim should be retained.

4) Architectural features, such as enriched cornice window heads, enriched trim, cast-iron elements, should be retained.

5) Additions to Buildings should be compatible in appearance by coordinating style, materials, scale and detail with the original Buildings in the District.

6) All remodeling or rehabilitation of exteriors should ensure the visual integrity of the building, and be compatible with the overall architectural character of the District.

7) Facades that have been hidden since original construction should be restored in conjunction with any facade rehabilitation work.

8) Accessory Buildings should generally be compatible with the other structures on the Street and be subject to these guidelines.

9) Routine maintenance, repairs or replacements of elements on portions of existing facades shall not require an applicant to bring the entire facade into compliance with these standards.

10) Repainting of surfaces with colors that duplicate the existing colors shall be permitted.

11) Existing doors and windows may be replaced with new products of design and/or materials similar to those which existed at the time of passage of this Code.

(c) Standards for new construction.

1) All Building designs should be compatible with the major elements of the historical architecture within the District. Red brick Buildings with limestone or grey concrete trim are encouraged.

2) All Buildings should be set back from the Street uniformly to present a continuous facade line along the Street, except that minor recesses or projections for entries, arcades and similar elements may be acceptable.

3) Off-street Parking should be screened along Street frontages with Landscaping and/or low brick walls and otherwise be designed in compliance with applicable Landscaping regulations.

4) Mechanical or electrical equipment and trash receptacles should be hidden or screened from Street level view.

(d) Signs. Signage within the OT-O district shall be subject to the provisions of the Sign Code of City of Wichita, as well as the following requirements.

1) General design standards.

a) All Signs, including interior and exterior window Signs, must be approved as to design, colors, materials, placement, method of attachment, method of illumination (if applicable).

b) No illuminated Sign may contain flashing or moving elements or change its brightness, except as otherwise provided in this division; except that within the OT-O/TH Subdistrict, illuminated Signs may contain flashing and moving elements and may change brightness; but such Signs shall not include strobe lights or any lights which could be mistaken for emergency vehicle lighting.

c) Signs must be illuminated indirectly, except that individual letters may be backlit; and in the OT-O/TH Subdistrict, a theater marquee Sign may be backlit.

d) The use of plastic on the exterior of a Sign is prohibited; except for individual backlit letters, and in the OT-O/TH Subdistrict, a theater marquee sign may be plastic.

e) The use of a fluorescent color on a Sign is discouraged.

f) The use of neon and/or incandescent bulbs is allowed.

g) No Sign nor part of a Sign may move or rotate, with the exception of a wind device, the motion of which is not restricted; except that within the OT-O/TH Subdistrict, a Sign or part of a Sign may move or rotate.

h) For buildings with multiple tenants, one Sign for all tenants is encouraged.

i) Window Signs should be painted or gold-leafed directly on windows.

j) The repainting of faded or "ghost Signs" on brick exteriors is encouraged.

k) Whenever possible, painted Signs should be placed in bands within the space above or below windows.

l) Letter forms should not be overly intricate nor of overtly modern styling. Suitable letter forms include, but are not limited to, the following: Helvetica, Helvetica Medium, Univers 55, Univers 65, Optima, Optima Semi-bold, Melior, Craw Clarendon, American Typewriter Medium.

m) Logos and symbols may be incorporated into signage, but must otherwise conform to the criteria contained in these guidelines.

n) Off-site advertising Signs should be directional in nature, and shall be limited to advertising for enterprises within the district.

2) Building Signs.

a) Building Signs overhanging the public way are permitted, except that no Sign should project more than eight feet from the vertical plane of the Building; except for a theater marquee Sign in the OT-O/TH Subdistrict.

b) Building Signs should be located so as not to dominate the Building, and so as to emphasize architectural elements; such Signs should not obscure architectural details or cover windows or moldings.

c) No more than one temporary on-site Sign may be displayed on a premise at any given time.

d) Window Signs and temporary on-site Signs attached to or painted on a window may not cover more than 25 percent of the window surface area.

3) Pole and ground Signs.

a) No pole or ground Sign should have an effective area greater than 32 square feet.

b) No pole and ground Sign should have a total height greater than 15 feet.

c) Portable Signs shall be limited to unlit A-frame signs, and shall require a minor street permit if in the Street right-of-way, and shall not obstruct pedestrian traffic nor impede vehicular traffic.

d) No portable Sign may exceed a height of four feet and a total area of 12 square feet.

e) No more than one portable sign may be displayed on a premise at any given time.

4) Canopy Signs. All canopy signs shall be subject to the provisions of Chapter 23 (for awnings, canopies and marquees) of the Code of the City of Wichita, as well as the following requirements.

a) No canopy Sign should be lower than eight feet above walking grade.

b) No canopy sign should project vertically above the surface of the canopy or awning.

(3) Exceptions and modifications.

(a) Alterations that are not visible from public Streets or Alleys shall be exempt from the OT-O District design standards and review procedures.

(b) The design standards in this section shall be modified or waived by the Planning Director, with the concurrence of the Superintendent of Central Inspection, to allow for alterations that are required in order to maintain the continued functional viability of existing Uses, or in extraordinary situations of Development characteristics, economic hardship or other circumstances, provided that the purposes and intent of these standards are maintained through such interpretation.

(4) Emergency repairs. The Superintendent of Central Inspection may waive the standards and review procedures of this section in instances in which emergency repairs are required, provided that subsequent repairs comply with these standards.

(5) Conflicts with other Code provisions. No section of this Code shall be construed to compel alterations that will conflict with any health or safety codes, or prohibit any alterations that are required to bring Buildings into compliance with the Building Code.

4. A-O Airport Overlay District ("A-O")

a. Purpose. The intent and purpose of the A-O Airport Overlay District regulations is to specify land Use controls in addition to those in Underlying zoning District that will ensure a compatible relationship between air force base operations and other land Uses in the vicinity. The A-O District standards will protect both the public and the Airport by reducing to a minimum, land Uses that concentrate large numbers of persons underneath runway takeoff and approach paths, where aircraft accidents are most likely to occur and noise levels are inappropriate for urban-density residential and high intensity nonresidential uses. The area protected falls into both hazard zones and accidental potential zones. In the event of conflict between the A-O standards of this section and any other regulation applicable to the same property, the more restrictive regulation or standard shall govern and prevail.

b. A-O Districts established. The following A-O Districts are hereby established:

MAP CODE	DISTRICT NAME
A-O I-N	Airport Overlay I-North
A-O II-N	Airport Overlay II-North
A-O III-N	Airport Overlay III-North
A-O I-S	Airport Overlay I-South
A-O II-S	Airport Overlay II-South
A-O III-S	Airport Overlay III-South

c. A-O District boundaries. For purposes of establishing the A-O Districts, the following measurements shall be used.

(1) A-O I-N. The width of Airport Overlay I-North ("A-O I-N") beginning at the ends of the McConnell AFB parallel runways, 19R and 19L, is 3,800 feet. A-O I-N comprises an overlap of two 3,000-foot widths centered upon each of the two parallel run ways' centerlines that are separated by 800 feet on centerline. The length of this District extends northeast from the ends of the parallel runways 3,750 feet. A-O I-N contains three Subdistricts as described in Secs. III-C.4.g.(1)(a) and III-C.4.g.(1)(b). It is intended that all Buildings in existence in A-O I-N at the time of the adoption of this resolution are in the West Subdistrict.

(2) **A-O II-N.** Airport Overlay II-North ("A-O II-N"): extends northeast from A-O I-N 4,250 feet in length, and 3,800 feet in width.

(3) **A-O III-N.** Airport Overlay III-North ("A-O III-N") extends northeast from A-O II-N 6,000 feet in length, 3,800 feet in width.

(4) **A-O I-S.** The width of airport overly I-south ("A-O I-S") beginning at the ends of the McConnell AFB parallel runways, O1R and O1L, is 3,800 feet. A-O I-S comprises an overlap of two 3,000-foot widths centered upon each of the two parallel runways' centerlines which are separated by 800 feet on centerline. The length of this District extends southwest from the ends of the parallel runways 3,000 feet. A-O I-S contains three Sub-districts as described in Secs. III-C.4.g.(1)(a) and III-C.4.g.(1)(b).

(5) **A-O II-S.** Airport overlay II-South ("A-O II-S"): extends southwest from A-O I-S 5,000 feet in length, and 3,800 feet in width.

(6) **A-O III-S.** Airport overlay III-South ("A-O III-S") extends southwest from A-O II-S, 7,000 feet in length, 3,800 feet in width.

d. **Official Map.** The location and boundaries of Airport Overlay Districts northeast and southwest of McConnell Air Force Base shall be shown on the Official Map. In the event of conflicts between the Official Map and these measurements, boundaries established by the map shall control. All notations, dimensions, and designations depicted on the map shall be a part of these regulations. Any changes in the District due to changes in aircraft path patterns and operations will be noted on this map as regulations are amended as provided by law. A copy of the map will be on file at the Metropolitan Area Planning Department.

e. **Interpretation of District boundaries.** Where property is unplatted or undeveloped, only such portions of that land actually within the boundary lines of any A-O District shall be considered included therein. Whenever the boundary line of any A-O District divides a platted Lot or a Building, that entire Lot or Building is deemed to be within the Overlay District. If a platted Lot or Building is located within two Overlay Districts, that entire Lot or Building is deemed to be within the more restrictive District.

f. **General regulations.** The following regulations apply to all A-O districts.

(1) All regulations of the Underlying zoning District will apply except where specifically modified by this regulation.

(2) No Lot or tract devoted to retail/wholesale trade, Vehicle Repair, Construction Sales and Service, Manufacturing, Personal Care/Improvement Services, General Office or Medical Office Uses shall exceed 0.20 FAR.

(3) No land area used in a Building permit that has maximized the FAR allowed may be used in another Building permit.

(4) All Uses legally established on a parcel or tract prior to August 31, 2007, which do not otherwise meet the special requirements of these Overlay Districts, shall be considered Permitted Uses under this regulation subject to the following requirements:

(a) The reconstruction, relocation, or conversion of any Use or Building must be for the same Use, a Use of lesser intensity (as determined by maximum occupancies permitted in the Building Code), or any Use currently permitted by these Overlay Districts and the Underlying zoning District of the parcel or tract. This includes repairing or reconstruction in instances where a Building is damaged or destroyed by fire, wind, tornado, flood, or other natural disaster.

(b) In any event when a Building or Structure is to be replaced, substantially altered, repaired or rebuilt, a Building permit must be secured.

(c) The relocation of any Use or Building within the Districts must be to a location on the same Lot or tract or on an Adjacent Lot or tract that is under the same ownership, and shall not be to a more restrictive District or Subdistrict. In the event a Use or Building is relocated, the Use of the vacated Building, Lot or tract shall no longer be considered a Permitted Use under Sec. III-C.5.f.(4).

(d) Except as provided by Sec III.C.5.f.(4)(e), any Use or Building may be expanded so long as the total expansion of the Use or Building:

1) does not exceed 25 percent of the Use or Building at the time of adoption of these regulations;

2) does not violate the height limitations established in the Airport Hazard Zoning Code;

3) is intended as an Accessory Use for storage, warehousing, or other similar low occupancy Use; and,

4) does not result in an expansion into a more restrictive District or Subdistrict.

For purposes of this Sec. III-C.5.f.(4)(d) increases in Floor Areas within an existing Building or expansion outside the boundaries of these Districts shall not be considered an expansion.

(e) Existing Dwelling Units may be expanded without any Floor Area limitation in accordance with the Underlying zoning District.

(f) The designation of any prior Nonconforming Use shall not be affected by this Sec. III-C.5.f.(4).

(5) Administrative offices, engineering offices, computer operations, and similar uses which are accessory to a main Use of an industrial or manufacturing nature and are on the same Lot or tract or one Adjacent to the Lot or tract containing the main Use shall be considered as part of the industrial or manufacturing Use.

g. Permitted Uses.

(1) A-O I-N and A-O I-S.

(a) Central Subdistrict. The following Uses shall be permitted by-right in that portion of A-O I-N and A-O I-S designated as the Central Subdistrict, which extends from 350 feet west of the extended centerline of the west AFB runway to 350 feet east of the extended centerline of the east AFB runway:

1) Agriculture, excluding livestock farming/animal breeding, agricultural structures, and retail or wholesale sales permitted by Sec. III.D.6.b.

2) Surface Parking lots, outside storage areas, airplane runways and taxiways that are accessory to Adjacent Uses.

(b) East and West Subdistricts. The following uses shall be permitted in the remaining portions of A-O I-N and A-O I-S, Subdistricts East and West:

1) Agriculture, excluding livestock farming/animal breeding, agricultural structures, and retail or wholesale sales permitted by Sec. III.D.6.b.

2) Surface Parking lots, outside storage areas, airplane runways and taxiways that are accessory to Adjacent Uses.

3) All other Uses legally established prior to August 31, 2007, subject to the limitations set forth in Sec. III-C.5.f.

(2) A-O II-N and A-O II-S. All Uses allowed within the Underlying base District shall be similarly allowed in the A-O II-N and A-O II-S Districts, except for the following list of prohibited Uses:

(a) Residential Uses

(b) Hotel or Motel or Recreational Vehicle Campground

(c) Restaurant, Taverns and Drinking Establishment, Sexually Oriented Business and Nightclub

(d) Retail food stores with gross Floor Area exceeding 3,000 square feet

(e) Hospital, Nursing Facility or Funeral Home

(f) Day Care Center, Correctional Placement Residence and Day Reporting Center

(g) University or College, Elementary, Middle, and High School, Vocational School, Government service, Library, museum

(h) Church or Place of Worship and related facilities

(i) Correctional facility

(j) All Indoor/Outdoor Recreation and Entertainment, Auditorium or Stadium, Parks and Recreation, or Community Assembly uses that would attract more than 25 spectators and/or participants per acre at any one time

(3) A-O III-N and A-O III-S. All Uses allowed within the Underlying base District shall be similarly allowed in the A-O III-N and A-O III-S Districts, except for the following list of prohibited Uses:

(a) Residential Uses with less than 40,000 square feet of Lot area per Dwelling Unit

(b) Hotel or Motel or Recreational Vehicle Campground

(c) Restaurant, Tavern and Drinking Establishments, Sexually Oriented Businesses and Nightclubs

(d) Retail food stores with gross floor area exceeding 3,000 square feet

(e) Hospital, Nursing Facility or Funeral Home

(f) Day Care Center, Correctional Placement Residence, Day Reporting Centers

(g) University or College, Elementary, Middle, and High School, Vocational School, Government Service, Library, museum

(h) Church or Place of Worship and related facilities

(i) Correctional Facility

(j) All Indoor/Outdoor Recreation and Entertainment, aAuditorium or Stadium, Parks and Recreation, or Community Assembly Uses that would attract more than 25 spectators and/or participants per acre at any one time

5. P-O Protective Overlay District ("P-O")

a. Purpose. The P-O Protective Overlay District, may be applied in combination with any base zoning District. By tailoring Use or property Development standards to individual projects or specific properties, the P-O District is intended to:

(1) ensure compatibility among incompatible or potentially incompatible land uses;

(2) ease the transition from one zoning district to another;

(3) address sites or land uses with special requirements; and

(4) guide development in unusual situations or unique circumstances.

b. Use and property development standards. The P-O District, can be used to modify and restrict the use and property development standards of an Underlying base zoning District. All requirements of a P-O District are in addition to and supplement all other applicable standards and requirements of this Code. Restrictions and conditions imposed by a P-O District shall be limited to the following.

(1) prohibiting otherwise permitted or Conditional Uses and Accessory Uses; or making an otherwise permitted Use a Conditional Use;

(2) decreasing the number or average density of Dwelling Units that may be constructed on the Site;

(3) increasing minimum Lot Area or Lot Width;

(4) increasing minimum Setback requirements;

(5) restrictions on access to Abutting properties and nearby roads, including specific design features; and

(6) any other specific Development standards required or authorized by this Code.

c. Method of adoption. Restrictions imposed through a P-O District are considered part of this zoning Code text and accompanying map. All property included in a P-O District shall be identified on the Official Zoning District Map by adding the letters "P-O" and a number to the base zoning District symbol. The number shall be assigned when the application is filed and numbers shall run consecutively beginning with number 1. The ordinance or resolution zoning or rezoning property to the P-O District shall specifically state the modifications imposed pursuant to Sec. III-C.6.b. The restrictions imposed shall be considered part of the text of this Code, and a violation of the restrictions shall be a violation of this Code. The restrictions shall continue in full force and effect until modified in accordance with the amendment or adjustment procedures of Secs. V-C.13 and V-C.14.

d. Effect of P-O designation. When the P-O zoning designation is applied in combination with a base zoning District it shall always be considered to result in a more restrictive designation than if the base district did not have the P-O classification. In the event that the P-O designation was not originally requested as part of the rezoning application, but instead is added during the staff review or public hearing process, renotification and re-advertisement of the requested zoning change shall not be required.

6. H-O Historic Landmark Overlay District ("H-O")

a. Purpose. The H-O Historic Landmark Overlay District is intended to provide a means of designating on the Official Zoning District Map those properties determined by the Governing Body to be historic landmarks or historic landmark Districts.

b. Applicability. The provisions of this section shall apply only within the City of Wichita.

c. Determination of eligibility. A determination of eligibility for designation as a historic landmark or historic landmark District shall be based on the conclusions and findings of fact of the Historic Landmark Preservation Committee and upon the recommendations of the Planning Commission following a public hearing. Upon recommendation of the Historic Landmark Preservation Committee, an application may be initiated for the designation of a historic landmark or historic landmark district on legally described property or properties that have been incorporated into the historic preservation plan of the City of Wichita.

d. Application contents. The applicant shall provide the names of the owner of record, together with an accurate legal description of the property proposed to be designated. The applicant shall also identify the specific criteria set out in Sections 2.2.1019 and 2.12.1020(2) of the City of Wichita Code, under which the described property is proposed to be designated as a historic landmark or District. The application shall be accompanied by the required filing fee.

e. Notice. Upon receipt of the complete application and fee, the Planning Director shall give notice of the application and of the upcoming hearing on the application by the Planning Commission. The notice shall be sent by certified mail to the owner of record of the property directly involved and shall be published once in a newspaper of general circulation at least 20 days prior to the hearing date.

f. Planning Commission hearing and action. At the conclusion of the public hearing, the Planning Commission shall forward its recommendation for approval or disapproval of historic designation to the Governing Body. In the event that the Governing Body takes action to approve the historic designation of the property involved, the Planning Director, on the basis of the public meeting record, shall set out on the Official Zoning District Map a

designation corresponding to the case number and a delineation of the property involved.

g. Effect of historic landmark status. The establishment of the historic landmark designation shall in no way alter the Uses allowed by the zoning classification of the property.

h. Effect of demolition or removal. In the event a permit is issued, pursuant to Section 2.12.1024 of the City of Wichita Code, for the demolition or removal of a designated historic landmark structure not located within a landmark District, the Zoning Administrator shall instruct the Planning Director to remove the designation from the Official Zoning District Map, provided that, upon removal of a structure within a historic landmark District, the land shall retain its classification as a designated historic landmark District.

7. D-O Delano Neighborhood Overlay District ("D-O")

a. General parameters.

(1) Purpose. The D-O Delano Neighborhood Overlay District ("D-O") is intended to preserve, enhance, and promote the character of the Delano neighborhood as prescribed in the Delano Neighborhood Revitalization Plan. The D-O District is an Overlay District; property Development within the District shall comply with the Delano Neighborhood Design Guidelines and the standards of this District and the Underlying zoning District. The design review provisions applicable within the D-O District are intended to recognize the special architectural character and proposed land-use mix of the Delano neighborhood, and to protect the private property values and public investments in the Delano Neighborhood. In the case of conflict between the regulations in this section and those of the Underlying zoning District, the regulations in this section shall prevail.

(2) Boundaries of the Delano Neighborhood Overlay District. The Delano Neighborhood Overlay District applies to all property within the following geographic boundaries:

West Boundary - Meridian Street from Central Avenue south to Kellogg
North Boundary - Central Avenue east to the Arkansas River and following the Arkansas River to Kellogg
East Boundary - the Arkansas River
South Boundary -Kellogg from the Arkansas River west to Meridian Street
See attached map "Delano Overlay";

but exempting from the D-O District, those properties falling within that portion of the Urban Village Redevelopment Area as depicted on Page 26, Figure 15 of the Delano Neighborhood Revitalization Plan and located east of Seneca Street, south and west of McLean Boulevard, and north of Douglas Avenue (except any properties directly fronting on Douglas Avenue or Seneca Street). The Urban Village redevelopment area has

been excluded from these guidelines on the basis that the City of Wichita will be a partner in any major redevelopment initiatives. While flexibility will be key to encouraging redevelopment initiatives, the City itself should play an important role in finalizing any land use mix and design approach proposed. The City has the ability to ensure that redevelopment in the Urban Village area is done in a fashion that is compatible with the Delano neighborhood, and reflective of the spirit and intent of the Urban Village design guidelines contained in the Delano Neighborhood Revitalization Plan. The City Council also has the authority to amend the D-O District under the procedures of this Code, as it deems appropriate in the future, to include portions or all of the Urban Village redevelopment area.

b. Use regulations. The Use regulations of this Overlay District shall control over the Underlying zoning District.

(1) Prohibited uses. Subject to Section III-C.8.c(1)(b), the following Uses are explicitly prohibited in the D-O District, regardless if said Uses are stated as permitted or Conditional Uses in the Underlying Districts:

Asphalt or Concrete Plant, Limited and General
Businesses of an adult entertainment nature requiring a license under the Code of the City of Wichita, Chapters 3.05, 3.07, 3.56 and 3.74
Correctional Facility
Correctional Placement Residence, Limited and General
Gas and Fuel, Storage and Sales
Manufactured Home Subdivision
Manufactured Home Park Min-
ing or Quarrying
Oil and Gas Drilling
Rock Crushing
Sign (off-site)
Solid Waste Incinerator Vehi-
cle Storage Yard
Wireless Communication Facility
Wrecking/Salvage Yard

(2) Conditional uses. Subject to Section III-C.8.c(1)(b), the following Uses shall be allowed only as a Conditional Use in the D-O District, regardless if said Uses are stated as permitted Uses in the Underlying Districts:

Car Wash Conven-
ience Store Freight
Terminal
Manufacturing, General and Limited
Parking Area, Commercial Restau-
rant (drive-in/drive-through) Service
Station
Storage, Outdoor
Utility, Major
Vehicle and Equipment Sales (indoor)
Vehicle and Equipment Sales, Outdoor

Vehicle Repair, General
Vehicle Repair, Limited
Warehouse, Self-service Storage
Warehousing
Wholesale or Business Services

(3) Accessory uses. The following Accessory Uses shall be prohibited in the D-O District regardless if said Uses are allowed in the Underlying District:

Portable Storage Containers

c. Design review standards and procedures.

(1) Review procedures.

(a) Applicability. Except as provided in Section III-C.8.d, no permits for Building demolition, construction or alterations, Signs, fences Abutting public Streets (not including Alleys), sidewalks, Parking areas and driveways may be issued for any property, Structure or Site located wholly or partially within the D-O District, unless a permit has been reviewed for compliance with this District and the Delano Neighborhood Design Guidelines and approved by the Design Review Committee.

(b) No Nonconformities created by adoption of the D-O District. No Use of a Building, Structure or property that complied with the zoning ordinance or zoning resolution in effect prior to the effective date of the D-O District shall become or be deemed to have become nonconforming due to the adoption of the D-O District. However, all other nonconforming provisions of Article VII shall apply.

(c) Application. An application for a design approval within the D-O District shall be submitted in a form required by the Design Review Committee. A complete application shall include building elevations, a Site plan and list of the types of building materials to be used, along with any other information deemed necessary by the Design Review Committee to conduct an adequate review of the application.

(d) Design Review Committee. The Planning Director, the Zoning Administrator and the Historic Preservation Officer shall constitute a Design Review Committee that shall administer and render decisions on applications that require compliance with the Delano Neighborhood Design Guidelines. The Design Review Committee shall have the authority to approve all applications submitted in accordance and compliance with the Delano Neighborhood Design Guidelines. The Design Advisory Committee shall advise the Design Review Committee on those applications submitted that do not conform to the requirements of the Delano Neighborhood Design Guidelines. In making its decisions, the Design Review Committee shall specify those critical exterior design elements (e.g. roof pitch,

architectural style, window rhythm, Porch requirements) and Screening requirements that cannot be changed without reapplying to the Design Review Committee. All other aspects of exterior design changes would be subject to approval by any individual member of the Design Review Committee.

(e) **Design Advisory Committee.** A Design Advisory Committee shall be appointed by the City Manager that includes representation from the Delano Business Association, the Delano Clergy Association, the Delano Neighborhood Association, the Delano Development Corporation, the Wichita Historic Preservation Board, the District IV Advisory Board, the Metropolitan Area Planning Commission, the Wichita Area Builders Association, the Wichita Independent Business Association, or the successors of such, or any other organization with a substantial interest in the Delano district. The Design Advisory Committee shall advise the Design Review Committee on all decisions pertaining to those applications submitted that do not conform to the requirements of the Delano Neighborhood Design Guidelines.

(f) **Action.** After reviewing the completed application, the Design Review Committee shall approve, approve with conditions or modifications, or deny the request, in accordance with the design standards of this section. Any person with standing may appeal the written decision of the Design Review Committee to the City Council, by filing a written notice of appeal to the Planning Director within 30 days of the date of the written decision of the Design Review Committee.

(g) **Time limit on action.** If within 20 days from the date of receipt of a complete application by the Planning Director, no action has been taken on the application, the Office of Central Inspection may issue the necessary permits and the project may proceed. This time limit may be waived by mutual consent of the applicant and staff. It shall not apply if review by the Historic Preservation Board is required.

(2) **Design standards.** All applications for design review approval within the D-O district area shall comply with the criteria established in the Delano Neighborhood Design Guidelines, and all subsequent amendments to said design guidelines, as established by the Governing Body of the City of Wichita.

d. Exceptions and modifications.

(1) Alterations, repairs, improvements or construction that does not require a Building Permit shall be exempt from the D-O District design standards and review procedures. Notwithstanding the aforementioned exemption, Fences Abutting a public Street shall be subject to the D-O District design standards and review procedures, as shall the removal of more than 40% live material in a residential Front or Side Yard Abutting a public Street (Alleys are excluded).

(2) Routine maintenance and repairs, including roof re-shingling and building re-siding using natural or synthetic materials with the same appearance, shall be exempt from the D-O District design standards and review procedures.

(3) Any Buildings or Structures in lawful existence prior to the effective date of this D-O District that are subsequently damaged or destroyed may be reconstructed or repaired in their prior architectural style and character.

(4) In addition to the requirements of Chapter 24.04 of the Code of the City of Wichita, existing non-conforming off-site Signs may be modified or altered on existing Sites if, in the opinion of the Design Review Committee, such modifications or alterations will improve the overall appearance and compatibility of said Signs within the Delano district.

(5) The design standards in this section shall be modified or waived by the Design Review Committee to allow for alternatives which are required in order to maintain the continued functional viability of existing Uses, or in extraordinary situations of development characteristics, economic hardship, or other circumstances, provided that the purposes and intent of these standards are maintained through such interpretation.

e. Emergency repairs. The Superintendent of Central Inspection may waive the standards and review procedures of this section in instances in which emergency repairs are required, provided that subsequent repairs of a non-emergency nature comply with these standards.

f. Conflicts with other Code provisions. No section of this Code shall be construed to compel alterations that will conflict with any health or safety codes, or prohibits any alterations that are required to bring Buildings into compliance with the Building Code.

8. AFBP-O Air Force Base Protection Overlay District ("AFBP-O")

a. Purpose. The AFBP-O Air Force Base Protection Overlay District is intended to provide protection to McConnell Air Force Base through Site Development regulations for properties Adjacent to the air force base that limit the risk of terrorist activities from threatening the air force base and its personnel.

b. Official Zoning District Map. The location and boundaries of the AFBP-O shall be shown on the Official Zoning District Map. All notations, dimensions, and designations depicted on the Official Zoning District Map shall be a part of these regulations.

c. Property development standards. All structures within the AFBP-O shall be limited to a maximum height of 25 feet.

d. Nonconformities. All Structures legally established on a property within the AFBP-O prior to the effective date of this regulation shall be considered permitted Uses under this overlay District and may be replaced, substantially

altered, repaired or rebuilt to a height not exceeding the existing Structure height.

e. Zoning Adjustments. The Planning Director, with the concurrence of the Zoning Administrator, shall have the authority to approve a Zoning Adjustment to the property Development standards of the AFBP-O as specified in Section V-I.2.o.

9. CP-O Corridor Preservation Plan Overlay District ("CP-O")

a. Purpose. The CP-O Corridor Preservation Plan Overlay District recognizes the impact transportation corridor improvement projects can have on private and public land use expectations. New transportation improvements can lead to requests for more intense zoning and Development applications before public services required to support the more intense Development can be effectively planned and efficiently installed. The Development review provisions applicable within the CP-O District are intended to assure a comprehensive review of the impact of proposed land Uses on the anticipated character of neighborhoods immediately surrounding proposed transportation corridor improvement projects. This District is established to ensure that land use or Development decisions that could result in the need for further public improvements or public investments consider the viability and prudence of such investments in light of changes expected to occur as a result of anticipated corridor improvements. Properties located within the CP-O District shall comply with the regulations contained within the Overlay District and the standards contained in the Underlying or base zoning District. In case of a conflict between the regulations in this section and those of the Underlying zoning District, the regulations in this section shall prevail.

b. Use regulations. No property within the CP-O District shall be devoted to any Use, including any agricultural Use, requiring a Building Permit, other than those Uses existing at the time the CP-O District was established. Any new Use, whether allowed by right by the Underlying zoning, by Conditional Use, or as an Accessory Use in the Underlying zoning District, shall be allowed only after the proposed new Use has been approved as provided for in this section.

c. Review procedures. Requests requiring CP-O District zoning approval shall follow the same review procedures as required by Conditional Use applications contained in Article V-D of the Wichita-Sedgwick County Unified Zoning Code, except that in all cases final approval shall rest with the appropriate Governing Body. The action of the Metropolitan Area Planning Commission shall be advisory to the Governing Body.

d. Review criteria. In addition to the review criteria contained in Article V-C.8, the following criteria shall be used to evaluate CP-O District requests:

(1) the duration of the proposed Use;

(2) the anticipated start and completion dates of the planned transportation corridor improvement project;

(3) the compatibility of the proposed use with the expected character of the neighborhood following the completion of the planned transportation corridor improvement project;

(4) the extent to which the proposed Use will detrimentally affect the public benefits otherwise arising from the transportation corridor improvement project; and

(5) the extent to which the proposed Use will require public improvements or investments that may be altered or eliminated by the planned transportation corridor improvement project.

e. Property development standards. Each site in the CP-O District shall be subject to the property development standards of the Underlying zoning District except the following:

(1) Setbacks. In areas where the right-of-way of a proposed transportation corridor has been identified on an adopted map, whether or not that right-of-way has been acquired, minimum Setbacks shall be measured from the proposed right-of-way line. In no event shall any Building be erected, enlarged, moved in or reconstructed so as to be closer to the centerline of a proposed transportation corridor than 150 feet.

f. Administrative approvals. The Zoning Administrator shall have the authority to waive application of the requirements of this section for Building Permits that do not increase the Floor Area by 1,000 square feet, or ten percent, whichever is less; or the appraised value of the property by more than $10,000, or ten percent, whichever is less.

The Zoning Administrator may also terminate any conditions imposed under this section if the property involved is no longer contained within the designated District.

g. Corridor Preservation Plan Overlay District designation. The Governing Body may adopt, and amend from time to time, maps designating a CP-O District. Any such adoption or amendment shall be shown on the Official Zoning District Map.

10. CBS, Construction Burn Site, General District ("CBS, General")

a. Purpose. In the normal course of the development, or the improvement of land, woody tree waste is generated. In some cases, the woody tree waste can be burned on the site where the clean tree waste was generated; in other situations the clean tree waste must be hauled off-site for disposal. For a variety of reasons, placing tree waste in a municipal or construction and demolition landfill is undesirable. The Construction Burn Site, General ("CBS, General") district is a special purpose district that allows for the

controlled burning of clean tree waste on a property other than a landfill or the site that generated the clean tree waste.

b. Permitted Uses. Clean tree waste as described in Sec. II-B. 3.k is permitted to be disposed by use of air curtain technology or a similar technology designed to promote a clean burn by minimizing smoke, soot and particulates, subject to the conditions listed below, on a site other than the property that generated the waste.

c. Initiation. A Construction Burn Site, General is permitted in the RR Rural Residential, SF-20 Single-family Residential, LI Limited Industrial and GI General Industrial districts only after review and approval of a Conditional Use permit as detailed in Sec. V. D. of this code.

d. Property Development Standards.

(1) Required permits and site plan: Prior to filing for a Conditional Use permit the applicant shall first obtain a burn permit from the appropriate fire department. When filing for the burn permit, the applicant is to present for review and approval a site plan that, at a minimum, indicates: the address, legal description or the name of the construction project of the property where the burn is to occur; size of the site; property boundaries and dimensions; the location of any improvements (structures, driveways, parking, fuel storage, utilities, parking, etc.), if any, including buried utilities or pipelines; the location of tree or shrub rows or any other flammable material on the site; and the location where the burn is to occur on the site. Prior to burning, the applicant shall "flag" all underground utilities. The applicant shall also provide the address, legal description or the name of the construction project of the property that is generating the tree waste, and the name of the company, firm or individuals hauling the tree waste. In addition to the burn permit and Conditional Use approval, the applicant is responsible to obtain all other applicable permits, and conduct the burn in conformance with all applicable laws, regulations, ordinances, resolutions and codes, whether federal, state or local. The burn is to be attended by at least one person until completely extinguished. When the burn is completed, the applicant is to notify the appropriate fire department that the burn is completed.

(2) Type of burn: No open fires are permitted. Only fires utilizing air curtain technology or a similar approved technology designed to minimize smoke and particulates is permitted.

(3) Minimum setbacks: The burn area shall be setback a minimum of 300 feet from property lines, structures, power lines, public roadways, fuel storage areas, pipelines or other fuel sources.

(4) Time limits: The applicant shall complete all approved burns within 30 days. In the event that a burn ban is issued after the issuance of a construction site burn permit, but before the burn can be completed, the time limit to complete the burn shall be extended by the same number of

calendar days that the burn ban was in effect, but not to exceed 30 days following the expiration of the burn ban.

(5) Frequency of burns: The number of, and interval between, Construction Burn, Limited, burns shall be established by the appropriate fire department as part of the burn permit review and approval; however as a condition of the Conditional Use permit, but only after the MAPC has received a recommendation from the appropriate fire department.

(6) Burn location: The actual location of the burn shall be determined in consultation with representatives from the appropriate fire department, and the location of the burn shall be marked by a stake. In general, the burn area is to be located in a manner to minimize the likelihood that the burn could spread or ignite material or structures not intended to burn, and to minimize recognizable negative impacts on Adjacent property, such as noise, smoke, soot, particulates or excessive truck traffic.

(7) Access: Access to the site shall be controlled to prevent unauthorized dumping or the placement of unauthorized materials on the site. The applicant is responsible to see that the material burned is only approved material, and the opportunity for unauthorized burning is minimized.

(8) Disposal of ash: The ash created by the burn may only be disposed of in the following manner: buried in the burn pit; if the ash is removed from the burn pit, the ash is to be wetted and removed as a slurry-like substance and taken to an approved C&D land fill; or applied to the land as a soil amendment.

11. CBS, CONSTRUCTION BURN SITE, LIMITED DISTRICT ("CBS, Limited")

a. Purpose. In the normal course of the development, or the improvement of land, woody tree waste is generated. In some cases, the woody tree waste can be burned on the site where the clean tree waste was generated; in other situations the clean tree waste must be hauled off-site for disposal. For a variety of reasons, placing tree waste in a municipal or construction and demolition landfill is undesirable. The Construction Burn Site, Limited ("CBS, Limited") district is a special purpose district that allows for the controlled burning of clean tree waste on a property other than a landfill or the site that generated the clean waste.

b. Permitted Uses. Clean tree waste as described in Sec. II-B. 3. 1 is permitted to be disposed by use of air curtain technology or a similar technology designed to promote a clean burn by minimizing smoke, soot and particulates, subject to the conditions listed below, on a site other than the property that generated the waste.

c. Initiation. A Construction Burn Site, Limited is a permitted use in the RR Rural Residential, SF-20 Single-family Residential, LI Limited Industrial and GI General Industrial districts provided the site can meet the property

development standards listed below. If the site cannot meet the minimum standards outlined below then the uses may be permitted only after review and approval of a Conditional Use permit as detailed in Sec. V. D. of this code.

d. Property Development Standards.

(1) Required permits and site plan: Prior to filing for a Conditional Use permit the applicant shall first obtain a burn permit from the appropriate fire department. When filing for the burn permit, the applicant is to present for review and approval a site plan that, at a minimum, indicates: the address, legal description or the name of the construction project of the property where the burn is to occur; size of the site; property boundaries and dimensions; the location of any improvements (structures, driveways, parking, fuel storage, utilities, parking, etc.), if any, including buried utilities or pipelines; the location of tree or shrub rows or any other flammable material on the site; and the location where the burn is to occur on the site. Prior to burning, the applicant shall "flag" all underground utilities. The applicant shall also provide the address, legal description or the name of the construction project of the property that is generating the tree waste, and the name of the company, firm or individuals hauling the tree waste. In addition to the burn permit and Conditional Use approval, the applicant is responsible to obtain all other applicable permits, and conduct the burn in conformance with all applicable laws, regulations, ordinances, resolutions and codes, whether federal, state or local. The burn is to be attended by at least one person until completely extinguished. When the burn is completed, the applicant is to notify the appropriate fire department that the burn is completed.

(2) Type of burn: No open fires are permitted. Only fires utilizing air curtain technology or a similar approved technology designed to minimize smoke and particulates is permitted.

(3) Minimum setbacks: The burn area shall be setback a minimum of 300 feet from property lines, structures, power lines, public roadways, fuel storage areas, pipelines or other fuel sources.

(4) Time limits: The applicant shall complete all approved burns within 30 days from the issuance of the permit. In the event that a burn ban is issued after the issuance of a construction site burn permit, but before the burn can be completed, the time limit to complete the burn shall be extended by the same number of calendar days that the burn ban was in effect, but not to exceed 30 days following the expiration of the burn ban.

(5) Frequency of burns: The number of, and interval between, Construction Burn, Limited, burns shall be established as part of the review and approval of the burn permit; however in no case shall the same site be issued more than three burn permits in a calendar year.

(6) Burn location: The actual location of the burn shall be determined in consultation with representatives from the appropriate fire department,

and the location shall be marked by a stake. In general, the burn area is to be located in a manner to minimize the likelihood that the burn could spread or ignite material or structures not intended to burn, and to minimize recognizable negative impacts on Adjacent property, such as noise, smoke, soot, particulates or excessive truck traffic.

(7) **Access**: Access to the site shall be controlled to prevent unauthorized dumping or the placement of unauthorized materials on the site. The applicant is responsible to see that the material burned is only approved material, and the opportunity for unauthorized burning is minimized.

(8) **Disposal of ash**: The ash created by the burn may only be disposed of in the following manner: buried in the burn pit; if the ash is removed from the burn pit, the ash is to be wetted and removed as a slurry-like substance and taken to an approved C&D land fill; or applied to the land as a soil amendment.

D. USE REGULATIONS

1. **Principal Use Regulations Schedule.** The Use Regulations Schedule of this section provides a tabular summary of the Principal land Use types allowed within each zoning District. The schedule is intended for reference and does not necessarily reflect all of the regulations that may apply to particular Uses or Districts. In the event of conflict between the Use Regulations Schedule and the Use regulations found within the individual District sections of this Code, the text of the individual District regulations shall prevail.

2. **Permitted by-right.** Uses identified in a particular District column of the Use Regulations Schedule with a "P" are "permitted by-right" and shall be permitted in such District, subject to such supplementary Use regulations as may be indicated in the "conditions" column and all other requirements of this Code.

3. **Conditional Uses.** Uses identified in a particular district column of the Use Regulations Schedule with a "C" are "Conditional Uses" and shall be permitted in such district if reviewed and approved by the Planning Commission in accordance with the standards of Sec. V-D (Conditional Use review procedures). Conditional Uses shall be subject to such supplementary Use regulations as may be indicated in the "conditions" column and all other requirements of this Code and as may be determined by the Planning Commission.

4. **Not permitted.** Uses not identified in a particular District column of the Use Regulations Schedule as permitted by-right or by Conditional Use are not allowed in such District unless otherwise expressly permitted by other regulations of this Code.

5. **Conditions.** A letter in the final "conditions" column of the Use Regulations Schedule refers to supplementary Use regulations applicable to a particular Use in one or more of the districts in which such use is allowed. The referenced regulations appear in Sec. III-D.6 (supplementary use regulations). For example,

condition "D.6.g" refers to supplementary use regulations contained in Sec. III-D.6.g.

a. Accessory Uses. Uses identified in Sec. III-D.1 Use Regulation Schedule are for Principal Uses or Principal Structures, with the exception of Vehicle Storage Yard in RR and Accessory Apartment. Regulations for Accessory Uses and Accessory Structures are contained in Sec. III-D.7.

P + Permitted Use
C = Conditional Use

USE TYPE	ZONING DISTRICTS																					conditions
	RR	SF20	SF10	SF5	TF3	MF18	MF29	B	MH	NO	GO	NR	LC	OW	GC	IP-A	IP	CBD	LI	GI	AFB	
RESIDENTIAL																						
Single-Family	P	P	P	P	P	P	P	P	P	P	P	P	P		P			P			P	
Duplex					P	P	P	P		P	P	P	P		P			P			P	
Multi-Family					C	P	P	P		C	P	P	P		P			P			P	
Manufactured Home	P	P	P						P												P	D.6.l
Manufactured Home Subdivision									P												P	D.6.l
Manufactured Home Park									P												P	D.6.l
Accessory Apartment	C	C	C	C	C	P	P	P	C	C	P	P	P		P			P			P	D.6.a
Assisted Living					C	P	P	P	C	C	P	P	P		P			P			P	
Group Home	P	P	P	P	P	P	P	P	P	P	P	P	P		P			P			P	
Group Residence, Limited	C	C	C	C	C	C	C	P		C	P	P	P		P			P			P	
Group Residence, General	C	C						C			P		P		P			P			P	
PUBLIC AND CIVIC																						
Auditorium or Stadium														P	P		P	P	P	P	P	
Cemetery	C	C	C	C	C	C	C	P			P		P		P			P	P	P	P	
Church or Place of Worship	C	P	P	P	P	P	P	P	P	P	P	P	P		P			P	P	P	P	
Community Assembly	C	C	C	C	C	C	C	P	C	C	P	C	P	P	P		P	P	P	P	P	
Correctional Facility	C	C																P	P	P	P	D.6.h
Correctional Placement Residence, Limited	C	C								C	P	P	P		P			P	P	P	P	D.6.h
Correctional Placement Residence, General	C	C									P		P		P			P	P	P	P	D.6.h
Day Care, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	C	P	D.6.i
Day Care, General	C	C	C	C	C	P	P	P	C	P	P	P	P	P	P		P	P	P	C	P	D.6.i
Day Reporting Center																			C	C	P	D.6.ii
Golf Course	P	P	P	P	P	P	P	P	P	P	P		P		P			P	P	P	P	
Government Service	C	C	C	C	C	C	C	C		C	C	C	P	P	P	P	P	P	P	P	P	
Hospital		C						P	P		P		P		P			P	P	P	P	

										P									P	

USE TYPE	ZONING DISTRICTS																					conditions
	RR	SF20	SF10	SF5	TF3	MF18	MF29	B	MH	NO	GO	NR	LC	OW	GC	IP-A	IP	CBD	LI	GI	AFB	
Library	C	C	P	P	P	P	P	P	P	P		P	P	P	P		P	P	P	P		
Neighborhood Swimming Pool	C	C	C	C	C	C	C	C	C	C	C	C	C		C						P	D.6.aa
Nursing Facility								P			P		P		P			P	P	C	P	
Parks and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D.6.ll.
Recycling Collection Station, Private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D.6.q
Recycling Collection Station, Public													P	P	P	P	P	P	P	P	P	D.6.r
Recycling Processing Center														P	P	P	P	P	P	P	P	D.6.s
Reverse Vending Machine													P	P	P	P	P	P	P	P	P	D.6.u
Safety Service	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	
School, Elementary, Middle & High	C	P	P	P	P	P	P	P	P	C	P	P	P		P			P	C	C	P	
University or College								P		C	P		P	P	P		P	P	P	P	P	
Utility, Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL																						
Airport or Airstrip	C	C												C		C	C		C	C	P	
Animal Care, Limited	C										C		P	P	P		P	P	P	P	P	D.6.c
Animal Care, General	C												C	P	P		P	P	P	P	P	
Automated Teller Machine										P	P	P	P	P	P		P	P	P	P	P	
Bank or Financial Institution											C	P	P	P	P		P	P	P	P	P	
Bed and Breakfast Inn	C	C	C	C	C	C	C	C			P	P	P		P			P			P	
Broadcast/Recording Studio											P	P	P	P	P		P	P	P	P	P	
Car Wash													P		P	P	P	P	P	P	P	D.6.f
Construction Sales and Service													P	P	P	P	P	P	P	P	P	D.6.bb
Convenience Store													P		P		P	P	P	P	P	
Entertainment Establishment in the City													P		P			P	P	P	P	D.6.w
Event Center in the City													P		P			P	P	P	P	D.6.w
Farmer's Market in the City													P	P	P		P	P	P	P	P	D.6.jj
Funeral Home											P		P		P			P	P	P	P	
Heliport								C			C	C	C	C	C	C	C	C	C	C	P	See 9.24 City Code
Hotel or Motel											P		P		P			P	P	P	P	D.6.j
Kennel, Hobby	P	C											C		P						P	D.6.k
Kennel, Boarding/Breeding/Training	C	C											C		P				P	P	P	D.6.k
Marine Facility, Recreational								P			P		P		P			P	P	P	P	
Medical Service								P		P	P	P	P		P			P	P	P	P	
Microbrewery															P			P	P	P	P	
Monument Sales													C	P	P	P	P	P	P	P	P	

USE TYPE	ZONING DISTRICTS																					conditions
	RR	SF20	SF10	SF5	TF3	MF18	MF29	B	MH	NO	GO	NR	LC	OW	GC	IP-A	IP	CBD	LI	GI	AFB	
Nightclub in the City													P		P			P	P	P	P	D.6.w
Nightclub in the County													P		P				P	P	P	D.6.ff
Nurseries and Garden Centers													P	P	P			P	P	P	P	D.6.z
Office, General										P	P	P	P	P	P		P	P	P	P	P	
Parking Area and/or Accessory Drive, Ancillary	C	C	C	C	C	C	C	C	C	C											P	D.6.p
Parking Area, Commercial											P	P	P		P			P	P	P	P	D.6.cc
Pawnshop													P		P			P	P	P	P	
Personal Care Service											C	P	P	P	P		P	P	P	P	P	
Personal Improvement Service											C	P	P	P	P		P	P	P	P	P	
Post Office Substation													P	P	P		P	P	P	P	P	
Printing and Copying, Limited											C	P	P	P	P	P	P	P	P	P	P	
Printing and Publishing, General													C		P	P	P	P	P	P	P	
Recreation and Entertainment, Indoor	C	C											P		P			P	P	P	P	
Recreation & Entertainment, Outdoor	C	C											C		P			P	P	P	P	D.6.o
Recreational Vehicle Campground	C	C											C		P						P	
Restaurant												P	P		P		P	P	P	P	P	D.6.t
Retail, General												P	P	P	P			P	P	P	P	
Riding Academy or Stable	C	C													P					P	P	
Rodeo in the City															P				P	P	P	D.6.kk
Secondhand Store													P		P			P	P	P	P	
Service Station													P		P			P	P	P	P	
Sexually Oriented Business in the City															P				P	P	P	D.6.ff
Sexually Oriented Business in the County													P		P				P	P	P	D.6.ff
Tattooing and Body Piercing Facility (City)														P	P		P		P	P	P	D.6.ee
Tattooing and Body Piercing Facility (County)																					P	See Personal Improvement Service
Tavern and Drinking Establishment													P		P			P	P	P	P	D.6.w
Teen Club in the City													P		P			P	P	P	P	D.6.w
Vehicle and Equipment Sales, Outdoor													C		P			P	P	P	P	D.6.x+D.6.hh
Vehicle Repair, Limited													P		P			P	P	P	P	
Vehicle Repair, General															P			P	P	P	P	
Vocational School											C		P	P	P		P	P	P	P	P	
Warehouse, Self-Service Storage											C		C	P	P	P	P	P	P	P	P	D.6.y
Wireless Communication Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	D.6.g
INDUSTRIAL, MANUFACTURING AND EXTRACTIVE																						
Asphalt or Concrete Plant, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D.6.d
																					P	

USE TYPE	ZONING DISTRICTS																					conditions
	RR	SF20	SF10	SF5	TF3	MF18	MF29	B	MH	NO	GO	NR	LC	OW	GC	IP-A	IP	CBD	LI	GI	AFB	
Asphalt or Concrete Plant, General	C	C											C		C				C	P		
Basic Industry																				C	P	
Construction Burn Site, Limited	P	P																	P	P		C.12
Construction Burn Site, General	C	C																	C	C		C.11
Freight Terminal																P	P		P	P	P	
Gas and/or Fuel Storage and Sales															C				P	P	P	
Hazardous Operations																				C	P	
Landfill	C																		C	C	P	
Manufacturing, Limited													C	P	P	P	P	P	P	P	P	D.6.m+D.6.n
Manufacturing, General															P	P	P	P	P	P	P	D.6.n
Mining or Quarrying	C	C	C	C	C	C	C	C			C	C	C		C			C	C	C	P	D.6.gg
Oil and Gas Drilling	C	C	C	C	C	C	C	C			C	C	C		C			C	C	C	P	
Research Services														P	P	P	P	P	P	P	P	
Rock Crushing	C	C	C	C	C	C	C	C			C	C	C		C			C	C	C	P	
Solid Waste Incinerator	C	C	C	C	C	C	C	C			C	C	C		C			C	C	C	P	D.6.v
Storage, Outdoor, as a Principal Use															P			P	P	P	P	D.6.dd
Transfer Station	C																		C	C	P	
Vehicle Storage Yard	C														P			P	P	P	P	D.6.mm
Warehousing														P	P	P	P	P	P	P	P	
Welding or Machine Shop															P	P	P	P	P	P	P	D.6.n
Wholesale or Business Services														P	P	P	P	P	P	P	P	
Wrecking/Salvage Yard																			C	C	P	D.6.e+D.6.dd
AGRICULTURAL																						
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D.6.b
Agricultural Processing																			P	P	P	
Agricultural Research	C	C											P		P			P	P	P	P	
Agricultural Sales and Service	C	C											P		P			P	P	P	P	
Grain Storage	C																		P	P	P	

6. **Supplementary Use Regulations.** No permit shall be issued for any Development or Use of land unless the activity is in compliance with all applicable supplementary use regulations specified in this section. The supplementary use regulations of this section are not applicable to Lots in the AFB Air Force Base District. In the case of conflict with zoning District property Development standards or other regulations of this Code, the more restrictive requirement shall apply, unless otherwise specifically provided.

a. Accessory Apartments. Accessory Apartments shall be subject to the following standards.

(1) Number of units. A maximum of one Accessory Apartment may be allowed on the same Lot as a Single-Family Dwelling Unit and may be within the Main Building, within an accessory Building or constructed as an accessory Building.

(2) Appearance. The appearance of an Accessory Apartment shall be compatible with the main Dwelling Unit and with the character of the neighborhood.

(3) Ownership. The Accessory Apartment shall remain accessory to and under the same ownership as the principal Single-Family Dwelling Unit, and the ownership shall not be divided or sold as a condominium.

(4) Utility Service. The water and sewer service provided to the Accessory Structure shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

b. Agriculture. There shall be no retail or wholesale sales permitted in conjunction with Agriculture Uses in the SF-10 District through the NR District, except on Sites of at least ten acres in size, unless a Conditional Use permit has been approved in accordance with Sec. V-D.

c. Animal Care, Limited, in GO and LC. Limited animal care facilities shall be subject to the following standards when located within the GO and LC districts.

(1) Noise and odor. No noise or odors shall be discernible at the property line.

(2) Animals. Treatment shall be limited to dogs, cats and other small animals.

(3) Outdoor runs. All animals shall be harbored indoors.

d. Asphalt or Concrete Plant, Limited. The following standards shall apply to Limited Asphalt or Concrete Plants in all zoning Districts where permitted, except that they shall not apply in the GI District. If any one of these standards cannot be complied with, the plant shall be classified as a "General Asphalt or Concrete Plant."

(1) The Limited Asphalt or Concrete Plant and related materials and equipment shall be located no closer than 1,000 feet to any residence other than the residence of the Owner of the land upon which the temporary plant is to be located.

(2) The Asphalt or Concrete Plant shall comply with state air pollution regulations and shall obtain a permit from the Kansas Department of Health and Environment.

(3) No contaminated soils may be stockpiled on the Site, used for remediation or used in the operation of the Asphalt or Concrete Plant.

(4) All fuel tanks shall include fuel/spill containment systems as approved by the appropriate local and state agency.

(5) Any spills of materials capable of contaminating groundwater shall be cleaned up immediately to the satisfaction of the appropriate local and state agency.

(6) No washing or cleaning of trucks or truck beds shall be allowed onsite unless a wastewater containment system is used to the satisfaction of the appropriate local and state agency.

(7) No waste, production materials, discarded equipment or other such items shall be buried onsite.

(8) All equipment and materials utilized in the operation of the Limited Asphalt or Concrete Plant shall be removed from the Site and the Site returned to its original condition, or better, within 30 days following completion of the construction project for which the plant was established.

e. Wrecking/Salvage Yard in LI and GI. Wrecking/Salvage Yards may be approved as a Conditional Use in the LI and GI Districts, provided that such operation:

(1) is not Abutting an arterial Street, expressway or freeway;

(2) in the opinion of the Planning Commission, will not adversely affect the character of the neighborhood; and

(3) is enclosed by a Fence or wall not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such Fence.

f. Car Wash. The following standards shall apply to Car Wash facilities in all zoning Districts, whether the Car Wash facilities are Principal Uses or Accessory Uses:

(1) Conditional Use when near residential zoning. Although listed as permitted Uses in some zoning Districts, Car Washes shall always be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 200 feet of residential zoning Districts. This distance shall be measured from the nearest Lot Line of a

zoning Lot with residential zoning to the nearest Lot Line of the zoning Lot containing the Car Wash.

(2) **Setbacks from major Streets.** All Buildings shall be set back at least 35 feet from all arterials, expressways or freeways.

(3) **Setbacks from other Streets.** For all Streets other than arterial Streets, expressways or freeways, the minimum Street Setback shall be the lesser of the following:

(a) 20 feet from the Street Right-of-Way Line;

(b) the Setback described on the recorded subdivision plat; or

(c) the average Setback calculated pursuant to Sec. III-E.2.e(5)(b).

(4) **Setbacks from residential.** All Structures shall be set back at least 60 feet (excluding any Street, Alley or intervening public way) from the Lot Line of any Lot located within a residential zoning District. This Setback shall not apply where the Abutting property is being used for a non-residential Use permitted by-right in the Underlying District or where the Governing Body has formally adopted a policy of looking with favor on the establishment of LC or higher intensity zoning for the Contiguous area.

(5) **Fences.** A Fence with a minimum height of six feet shall be provided along the interior side and rear property line, when Adjacent to a Dwelling Unit, to protect the Dwelling Unit from light and noise and eliminate blowing debris, and to protect Adjacent property values. Whenever a Fence shall be located in the required Front Setback, such Fence shall not be higher than three feet. The Fence shall be constructed of masonry, concrete, wood or other similar materials.

(6) **Paving.** All of the area to be utilized by the washing and drying operations, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete or similar hard surfacing material.

(7) **Lighting.** The lighting shall be in compliance with the lighting requirements of Sec. IV-B.4. No string-type lighting shall be permitted.

(8) **Signs.** Signs are limited to those permitted in the Underlying District.

(9) **Noise.** The noise levels shall be in compliance with the noise standards of Sec. IV-C.6.

(10) **Circulation plan.** 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 County Engineer for the County or the Traffic Engineer for the City for approval prior to the filing

of the application. There shall be no ingress or egress from unpaved public ways.

(11) **Parking.** All Parking Areas shall have adequate guards to prevent the extension or overhanging of Vehicles beyond property lines or Parking Spaces.

(12) **Street access.** There shall be no ingress or egress from minor or residential Streets having 60 feet of right-of-way or less, unless there are two free-moving lanes at all times. (Example: A 30-foot paved Street with Parking permitted on one side would provide two free-moving lanes.)

(13) **Drainage.** All drainage, both natural and that created by the operation, shall be handled in a manner satisfactory to the Department of Public Works.

(14) **Maintenance.** The area shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash.

g. **Wireless Communication Facilities.** Whether allowed by right, subject to a Building Permit, by Administrative Permit, by CUP adjustment/amendment, by P-O adjustment/amendment or by Conditional Use approval, Wireless Communication Facilities shall be subject to the following provisions.

(1) All Wireless Communication Facilities shall be evaluated in terms of their conformance to the guidelines in the "Wireless Communication Master Plan" as adopted by the Governing Body, and applications for such facilities shall include information for review as required in that Plan.

(2) The following Wireless Communication Facilities are permitted by right in any zoning District, subject to the issuance of a Building Permit, if they conform to the Location/Design Guidelines in this chapter:

(a) new facilities that are concealed in or mounted on top of or the side of existing buildings (excluding single-family and duplex residences) and other Structures, including support structures up to 20 feet above the Building or the maximum height permitted by a Building Permit or an Administrative Permit in the underlying zoning District, whichever is greater;

(b) modification and/or replacement of support structures (light poles, flag poles, electrical poles, private dispatch towers, etc.) that are not significantly more visible or intrusive, including cumulative height extensions of up to 25 percent above the original Structure height;

(c) modification and/or replacement of Wireless Communication Facilities, including cumulative height extensions of up to 25 percent above the original structure height that comply with the compatibility height standards as outlined in Sec. IV-C.5; or

(d) new or modified lattice towers no larger than 18 inches wide on any side up to 80 feet in height measured from grade.

If the Zoning Administrator determines that the Wireless Communication Facility does not conform to the Location/Design Guidelines, the Building pPermit shall be denied. Denied Building Permits may be appealed by applying for an Administrative Permit or a Conditional Use. An Administrative Permit shall be approved subject to conditions that maintain conformance with the Location/Design Guidelines. Wireless Communication Facilities that do not conform to the Location/Design Guidelines may be approved for a Conditional Use on a case-by-case basis as circumstances warrant.

(3) The following Wireless Communication Facilities shall be approved by Administrative Permit in any zoning District, under the procedures in Sec. VI-G.9 and Sec. VI-H.5, if they conform to the Location/Design Guidelines in the "Wireless Communication Master Plan" and, for zoning Lots located within the City, are designated on the “Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map” of Sec. I- L.:

(a) new disguised ground-mounted facilities up to 85 feet in height;

(b) new undisguised ground-mounted facilities up to 65 feet in the SF-10, SF-5, TF-3, MF-18, MF-29, B and MH zoning Districts that comply with the compatibility height standards as outlined in Sec. IV-C.5, which shall not be reduced or waived through the provisions of Sec. V-I.2.d;

(c) new undisguised ground-mounted facilities up to 85 feet in the NO, GO and NR zoning Districts that comply with the compatibility height standards as outlined in Sec. IV-C.5, which shall not be reduced or waived through the provisions of Sec. V-I.2.d;

(d) new ground-mounted facilities up to 120 feet in height in the RR, SF-20, LC, OW, and GC zoning Districts that comply with the compatibility height standards as outlined in Sec. IV-C.5, which shall not be reduced or waived through the provisions of Sec. V-I.2.d; or

(e) New ground-mounted facilities up to 150 feet in height in the IP, CBD, LI and GI zoning Districts that comply with the compatibility height standards as outlined in Sec. IV-C.5, which shall not be reduced or waived through the provisions of Sec. V-I.2.d.

If the property on which the facility is located is within a CUP or P-O, the Administrative Permit shall also be considered as an application for an adjustment of the CUP or P-O as outlined in Sec. V-E.14, excluding the requirement of V-E.14.a, or Sec. V-C.14, as applicable.

(4) All Wireless Communication Facilities that do not meet the requirements of Sec. III-D.6.g(2) or Sec. III-D.6.g(3) shall be reviewed through the

Conditional Use process as outlined in Sec. V-D or, if the property on which the facility is located is within a CUP or P-O, as an amendment to the CUP or P-O as outlined in Sec. V-E.13. or Sec. V-C.13, as applicable.

(5) There shall be no nighttime lighting of or on Wireless Communication Facilities except for aircraft warning lights or similar emergency warning lights required by applicable governmental agencies. Flashing white obstruction lights shall not be permitted for nighttime operation. Lighting for security purposes shall be permitted at the base of wireless communication facilities. Temporary lighting for nighttime repairs shall be permitted.

(6) No signs shall be allowed on an antenna support structure other than those required by applicable governmental agencies.

(7) At the time of requesting a Conditional Use, a CUP amendment, a P-O amendment, an Administrative Permit, or a Building Permit for a new ground-mounted Wireless Communication Facility, as applicable, the applicant shall demonstrate to the satisfaction of the approving authority that: (a) there is no available space on existing or approved wireless communication facilities or other structures that can be utilized to meet the communication needs (an existing site will be considered "available space" only if the site is technically feasible with a ready, willing, and able landlord); and (b) there is no other economically and technically feasible opportunity to modify or rebuild an existing structure on which the communication equipment may be located. The technical feasibility of existing, modified or rebuilt structures may be reviewed by consultants to the Planning Department.

(8) At the time of requesting a Conditional Use, a CUP amendment, a P-O amendment, an Administrative Permit, or a Building Permit for a Wireless Communication Facility, as applicable, the owner of a proposed new undisguised ground-mounted Wireless Communication Facility, and the Owner of the land, if not the same, shall agree in writing that (a) the support structure is designed, and the ground area is adequate or will be made adequate, to accommodate at least one other carrier, if more than 80 feet in height, and at least two other carriers, if more than 100 feet in height; (b) reasonable accommodations will be made to lease space on the facility to other carriers so as to avoid having a proliferation of support structures that are not fully utilized; and (c) the owner(s) shall make available in the future the opportunity for another party to pay the cost to modify or rebuild the Structure to support additional communication equipment where economically and technically feasible. Lattice towers no larger than 18 inches on any side shall be excluded from the co-location requirements of subsection (a) of this paragraph.

(9) Unused facilities, including the uppermost 20 percent of support structures that are unused (except where removal of the uppermost 20 percent would require the removal of a lower portion the support structure that is in use, in which case the required removal will be raised to the next highest portion of the support structure not in use), shall be removed by the owner

within 60 days if the Wireless Communication Facility, or portion thereof, has been unused for 12 consecutive months. If such a facility or portion of a facility is not removed by the owner, then the City or County may employ all legal measures, including, if necessary, obtaining authorization from a court of competent jurisdiction, to remove it, and after removal may place a lien on the subject property for all direct and indirect costs incurred in its dismantling and disposal, including court costs and reasonable attorney fees. Under this paragraph, "owner" shall include both the Owner of the real property and the owner of the Wireless Communication Facility, whether such ownership is divided or in the same person.

(10) All Wireless Communication Facilities shall comply with all federal, state, and local rules and regulations.

h. Correctional Facility and Correctional Placement Residence. Although listed as permitted uses in certain Districts, Correctional Facilities and Correctional Placement Residences, Limited and General, shall always be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 750 feet (measured from property line to property line) of a residential zoning District, unless separated by a Major Barrier. Correctional Placement Residences shall comply with all applicable federal, state and local regulatory requirements, and if such facilities are not directly operated by a unit of government they shall meet licensure requirements that further specify minimum service standards.

i. Day Care, Limited and General. Day Care Centers, Limited and General shall be subject to the following standards:

(1) Compliance with state regulations. Day Care Centers shall comply with all applicable state regulations.

(2) Compliance with Home Occupation standards. When located in the residence of the care provider in a residential zoning District, Day Care Centers shall comply with the general Home Occupation standards of Sec. IV-E.3.

(3) Outdoor play in residential areas. Outdoor play shall be limited to the hours of 7:30 a.m. to 6:30 p.m. if located within 100 feet of a Lot containing a Dwelling Unit.

(4) Parking and Loading. Provision of Parking Spaces in Sec. IV-A.4 may be provided by shared Parking when the Day Care is located within an existing Church or Place of Worship, however, the Day Care shall provide convenient off-street loading facilities as required in Sec. IV-A.14.

j. Hotel or Motel in GO. Hotel or Motel in the GO District shall be subject to the following standards.

(1) Lot Area. The minimum Lot Area for a Hotel or Motel Use shall be 25,000 square feet.

(2) Setbacks from residential. No Principal Building or any portion thereof that is used for any assembly or occupancy shall have any door other than required exits facing Contiguous, residential zoning District, unless such opening is set back at least 25 feet from the property line of such Contiguous parcel.

(3) Recreational Uses. Outdoor recreational Uses shall be limited to nonprofit, noncommercial activities used in connection with and operated by the Hotel or Motel.

(4) Commercial Uses. No commercial Uses or activities shall be allowed except for sale of soft drinks, news media, tobacco, candies and toiletries. All such sales to be within the office area for such Use except when sold from a vending machine. Under no circumstances shall eating establishments, Restaurants, Service Stations, gift shops, sales offices, nightclubs, dance halls, or Taverns and Drinking Establishments be allowed or permitted as an associated use of a Hotel or Motel within the GO zoning District.

(5) Street access. A Hotel or Motel Use shall be located along and have access to a Street that is classified as an arterial Street or higher classification.

k. Kennel, Boarding/Breeding/Training and Hobby. When allowed as a permitted or Conditional Use, Boarding/Breeding/Training Kennels and Hobby Kennels shall be subject to the following standards:

(1) Minimum Lot Area. The minimum Lot Area for Hobby Kennels shall be two acres, unless all animals are harbored indoors with no discernible noise or odor at the property lines. The minimum lot size for Boarding/Breeding/Training Kennels shall be five acres, unless all animals are harbored indoors with no discernible noise or odor at the property lines.

(2) Setbacks. Outside runs, holding pens or other open-air type enclosures and shelters shall be located behind the Front Setback Line and located at least 200 feet from any Dwelling Unit other than the Owner's and at least 50 feet from Contiguous property lines.

(3) Screening. Screening shall be provided except for those facilities located 600 feet or more from Contiguous property lines. Screening shall be provided by Structure, solid or semi-solid Fencing, landscape materials, earth berms or natural Site features maintained for the purpose of concealing the view of the animals behind such Fence, landscape material, berm or natural feature from activities on Contiguous properties. If Fencing is used, it shall not be less than four nor more than eight feet in height. If Fences over six feet in height, landscape materials or earth berms are used, a plan shall be submitted for approval to the Planning Director and Zoning Administrator. Fences used for Screening may have no more than five percent open surface. Landscape materials must provide the

desired Screening effect within the first growing season following installation and throughout the year every year thereafter.

I. Manufactured Homes in County. In the unincorporated County, only Residential-Design Manufactured Homes may be placed on individual Lots and/or tracts, except as provided in Secs. III-D.6.1(2-4) below. After August 29, 1997, no Mobile Home, as defined in this Code, shall be moved, relocated, be changed in Use or otherwise be placed on any property, including within any Manufactured Home Park, Manufactured Home Subdivision or on an individual Lot, whether platted or unplatted.

(1) Standards. All Manufactured Homes installed in the unincorporated portion of Sedgwick County shall:

(a) Be placed in accordance with the Manufactured Home siting standards of Sedgwick County, and amendments thereto; provided said standards have been adopted. In the event such standards are not adopted or until such standards are adopted, the following shall apply:

1) The Manufactured Home shall be placed on a permanent enclosed perimeter foundation, or be skirted around the perimeter of the home, within 45 days of the placement of the home, by solid concrete or masonry walls or a material designed to be used as Mobile Home skirting that does not have a flame spread rating in excess of 25. Vinyl skirting shall be a minimum of 30 mil thickness and metal skirting shall be a minimum of 30 gauge thickness. Metal skirting shall have vertical metal supports of at least 20 gauge thickness spaced not more than five feet on centers. All skirting over 36 inches in height shall be supported with vertical supports spaced not more than five feet on centers, and a horizontal support centered between the ground and the bottom of the mobile home, of at least 20 gauge metal. Metal and vinyl skirting shall be fastened with screws, or by other means, to manufacturers' specifications;

2) The Manufactured Home shall be provided with handrails on all outside stairs that have a rise of more than 30 inches from grade to finished floor elevation; and,

3) The Manufactured Home shall have any stairs, porches and handrails constructed so as to be structurally sound.

(2) Exceptions.

(a) The tract of land is at least 20 acres in size and there has been no unplatted division of less than 20 acres from the original tract unless the division was permitted under the platting exemption provisions of applicable Subdivision Regulations. No more than one Single-Family

Dwelling Unit or Manufactured Home shall be permitted on a Lot of any size under this exception.

(b) The tract of land is a buildable Lot under this Code and the applicable Subdivision Regulations and has received a Conditional Use in accordance with Sec. V-D for the temporary placement of an accessory Manufactured Home under a hardship conditions as provided in Sec. III-D.6.1(3) below.

(c) The tract of land is a buildable Lot under this Code and the applicable Subdivision Regulations and has received a temporary permit for the placement of a Manufactured Home as provided in Sec.III-D.6.1(4) below.

(3) Temporary, accessory Manufactured Home Dwelling Unit in the County. The placement of an accessory Manufactured Home on a residentially zoned Lot located within the unincorporated portion of Sedgwick County may be permitted on a temporary basis, as a Conditional Use in accordance with Sec. V-D, subject to the following conditions and requirements.

(a) The location of the Manufactured Home shall conform to all Setback requirements of the District in which located.

(b) The Lot Area for the Manufactured Home need not comply with the area requirements of the zoning District, provided that the unit is connected to a public water supply and a municipal-type sewer system. If the property is not served by a public water supply and municipal type sewer system, the minimum Lot Area shall be determined by the County Health Department.

(c) The unit shall comply with all of the standards of Secs. III-D.6.l(1) and III-D.6.l(2).

(d) The applicant shall show due cause that hardship exists and that the hardship cannot reasonably be alleviated without the granting of the Conditional Use.

(e) The Planning Commission shall determine a reasonable time limit for each individual case. The Manufactured Home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the Conditional Use.

(4) Temporary Manufactured Home in the County. The placement of a Manufactured Home on a residentially zoned Lot within the unincorporated portion of Sedgwick County may be permitted on a temporary basis while a Single-Family Dwelling Unit is being constructed, or while an existing Single-Family Dwelling Unit is being substantially remodeled and during this remodeling the main residence is not occupied, subject to the following conditions.

(a) The location of the temporary Manufactured Home shall conform to all Setback requirements of the District in which it is located.

(b) The Lot Area for the temporary Manufactured Home need not comply with the area requirements of the zoning District, provided that the unit is connected to a public water supply and a municipal-type sewer system. If the property is not served by a public water supply and municipal type sewer system, the minimum Lot Area shall be determined by the County Health Department.

(c) The temporary Manufactured Home shall be allowed on the property for a maximum of one year from the date of the issuance of the Building Permit for the Single-Family Dwelling Unit being constructed or remodeled on the same Lot. In the event an additional time period is needed beyond said one year, an extension of the Conditional Use may be granted in accordance with Sec. V-D, provided good cause can be shown as to why more than one year is necessary.

(d) The Manufactured Home shall be set-up in accordance with the Manufactured Home siting standards of Sedgwick County, and amendments thereto. The unit shall comply with all of the standards of Sec. III-D.6.l(1).

(e) No Manufactured Home shall be permitted on the same Lot and/or tract as a Dwelling Unit being remodeled wherein the Dwelling Unit is occupied during remodeling.

(5) Replacement of Manufactured and/or Mobile Home in the County. The replacement of a nonconforming Manufactured or Mobile Home within the unincorporated area of the County with a newer and/or larger Manufactured Home shall be permitted without rezoning the property to the MH District; provided the Manufactured Home is placed on the same property and complies with all siting requirements of the County.

m. Manufacturing, Limited, in LC. Limited Manufacturing Uses shall be subject to the following standards when located within the LC District.

(1) Building size. The gross Floor Area of the Building housing the Limited Manufacturing Use shall not exceed one square foot of Floor Area to three square feet of Lot Area.

(2) Setbacks. The minimum Setback of any Building from any property line shall be 30 feet.

(3) Outdoor Storage. No outside storage shall be permitted.

(4) Paving. All Parking and Loading Spaces shall be paved with concrete or asphalt and must not cover more than one-half of required Open Space.

(5) **Number of employees.** The maximum number of employees on any one shift shall not exceed 15 per acre of Lot Area.

n. **Manufacturing and Welding or Machine Shops in GC.** No Building may be erected or used for any Manufacturing, Limited or General, or Welding or Machine Shop Use in the GC District unless the entire frontage of the ground floor along the principal Street frontage is used for office space, display or wholesale or retail sales.

o. **Recreation and Entertainment, Outdoor.** When allowed as a Conditional Use, Outdoor Recreation and Entertainment Uses shall be limited to tennis courts, miniature golf courses and similar uses that the Planning Commission has determined will not produce undue noise or attract large numbers of spectators. The following standards shall apply.

(1) **Street access.** The property shall be Contiguous to an arterial or expressway.

(2) **Lighting.** The lighting shall be in compliance with the lighting requirements of Sec. IV-B.4. No string type lighting or banners shall be permitted.

(3) **Noise.** The noise level shall be in compliance with the noise standards of Sec. IV-C.6.

(4) **Paving.** All driveways, parking, loading and vehicle circulation areas shall be paved with concrete or asphalt.

(5) **Operating hours.** The Planning Commission may establish operating hours as part of Conditional Use approval if the property is located in close proximity to residential areas.

(6) **Maintenance.** 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.

p. **Parking Areas (and/or accessory drives), Ancillary in RR through NO Districts.** Ancillary Parking Areas approved as Conditional Uses in any District RR through NO shall be subject to the following minimum standards.

(1) **Location.** The Ancillary Parking Area shall be within 600 feet (along lines of public access) from the boundary of the Use for which Parking is provided.

(2) **Use.** The Ancillary Parking Area shall be used for Passenger Vehicles only and in no case shall it be used for sales, repair work, or the storage, dismantling or servicing of any Vehicles, equipment, materials or supplies.

(3) **Setbacks.** Parking and circulation aisles shall not be located within a required Front Yard. Entrance/exit drives may cross the required Front Yard.

(4) **Paving.** The Ancillary Parking Area and all entrance/exit drives on private property shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable hard surfacing material that meets the approval of the Planning Commission, and shall be maintained in good condition and free of all weeds, trash and other debris.

(5) **Layout.** Ancillary Parking Areas shall be designed in accordance with applicable City and County standards, including the City Public Works Department's *Typical Standards for Off-Street Parking*. Parking Spaces shall have adequate guards to prevent extension or overhanging of Vehicles beyond the property lines or Parking Spaces. Adequate markings for channelization and movement of Vehicles shall be provided.

(6) **Screening and Landscaping.** At a minimum, Screening shall be provided in accordance with Sec. IV-B of this Code. Landscaping shall be provided in accordance with any applicable Landscape Ordinances or resolutions but shall, at a minimum, include sufficient numbers of trees, shrubs, and ground covers within the required Front Yard Setback to maintain the residential appearance of the block in which the Ancillary Parking Area is located.

(7) **Lighting.** If lighting facilities are provided, the lighting shall be in compliance with the lighting requirements of Sec. IV-B.4 .

(8) **Signs.** Only such Signs as are necessary for the proper operation of the Ancillary Parking Area shall be permitted.

(9) **Parking fees prohibited.** In no case shall a fee be charged for Parking facilities provided hereunder.

(10) **Additional requirements.** The Planning Commission may establish additional conditions if determined necessary in order to protect Adjacent property Owners and the public interest.

q. **Recycling Collection Stations, Private.** Private Recycling Collection Stations shall be subject to the following standards.

(1) Containers shall not exceed a height of eight feet nor occupy an area greater than 100 square feet.

(2) No storage shall be allowed outside the containers.

(3) No power-driven equipment shall be used to bale, crush, separate or process the materials at the Site.

(4) No payment shall be made to the contributor for the Recyclable Materials brought to the station.

(5) The containers shall be screened by a Solid Fence or Screening Wall of a height equal to or greater than the height of the containers if the containers are visible at ground level view from a residential District (other than the subject Lot).

(6) Private Recycling Collection Stations shall be considered Accessory Structures and shall be subject to all Accessory Structure Setback requirements of the zoning District in which the Structures are located and shall be subject to the compatibility site design standards for dumpsters of Sec. IV-C.7.b.

(7) Prior to establishing a Private Recycling Collection Station, the operator shall obtain a location permit from the Zoning Administrator. The operation of Private Recycling Collection Stations shall be subject to appropriate local health codes.

r. Recycling Collection Stations, Public. Public Recycling Collection Stations shall be subject to all of the following standards when located in the LC District. When located in any other permitted District, they shall be subject only to the standard of Sec. III-D.6.r(9).

(1) Containers shall not exceed a height of ten feet.

(2) No storage shall be allowed outside the containers.

(3) No power-driven equipment shall be used to bale, crush, separate or process the materials at the Site.

(4) A minimum of two off-street Parking Spaces shall be provided within 50 feet of the station. The station shall not occupy any Parking Spaces required for other Uses on the Site.

(5) The station shall be located at least 100 feet from residential zoning Districts and Lots containing residential Dwelling Units.

(6) Access to the station shall be from an arterial or collector Street.

(7) The owner or operator of the station shall police the Site no less than once a day to assure that no litter accumulates and that the containers are emptied as needed.

(8) Informational Signs shall be posted that indicate how materials are to be separated and stating any limitations on the types of materials accepted for recycling. The Signs shall be posted on the walls of the containers, and shall not occupy more than 25 percent of the surface area of the containers nor extend more than two feet above the top of the containers.

(9) Prior to establishing a Public Recycling Collection Station, the operator shall obtain a location or Building Permit, as applicable, from the Zoning Administrator. Operation of the station shall be subject to approval of appropriate local health codes.

(10) No payment shall be made to the contributors of the Recyclable Materials brought to the station.

s. Recycling Processing Centers. Recycling processing centers shall be subject to the following standards.

(1) The operation of Recycling Processing Centers shall be subject to approval by appropriate local health codes.

(2) Recycling Processing Centers shall be permitted as an indoor Use in the GC, CBD, LI and GI Districts. Such uses may be allowed as an outdoor Use in the LI District if first reviewed and approved as a Conditional Use pursuant to Sec. V-D.

(3) Recycling Processing Centers shall be permitted also as an outdoor Use in the GI District.

t. Restaurant in NR. In the NR District, Restaurants shall not exceed 2,000 square feet in gross Floor Area, nor shall they provide any drive-up window service or in-vehicle food service. Delivery and carry-out services are acceptable.

u. Reverse Vending Machines. Reverse Vending Machines shall be subject to all of the following standards when located in the LC District. When located in any other permitted District, they shall be subject only to the standard of Sec. III-D.6.u(6).

(1) A minimum of two off-street Parking Spaces shall be provided within 50 feet of the Reverse Vending Machine. The Reverse Vending Machine shall not occupy any Parking Spaces required for other Uses on the Site.

(2) The Reverse Vending Machine shall be located at least 100 feet from residential zoning Districts and from Lots containing residential Dwelling Units, provided that if the Reverse Vending Machine sorts and/or reduces materials mechanically, it shall be setback from residential zoning and Uses at a distance necessary to ensure that the ambient noise level at the property line is no greater than five decibels above that existing prior to installation of the Reverse Vending Machine.

(3) Access to the Reverse Vending Machine shall be from an arterial Street or from a collector Street.

(4) The Owner or operator of the Reverse Vending Machine shall police the Site no less than once a day to assure that no litter accumulates and that the machine is emptied as needed.

(5) The maximum size for Reverse Vending Machine shall not exceed 120 square feet in size nor a height of 12 feet.

(6) Prior to installation of a Reverse Vending Machine, the operator shall obtain a location permit from the Zoning Administrator. Operation of the Reverse Vending Machine shall be subject to approval by appropriate local health codes.

v. Solid Waste Incinerator. Any Solid Waste Incinerator, except those located in the GI District, shall comply with the "Standards for Development of Resource Recovery Facilities," as published in June 1984 by the Metropolitan Area Planning Department.

w. Taverns and Drinking Establishments, clubs, Nightclubs in the City and Entertainment Establishments in the City. Although listed as permitted Uses in some Districts, Taverns, Drinking Establishments, clubs, Nightclubs in the City and Entertainment Establishments in the City, when considered Nightclubs in the City, shall be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. Event Centers in the City, Teen Clubs in the City and Entertainment Establishments, when not considered as Nightclubs in the City, shall be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures) when located within 200 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. These distances shall be measured from the nearest Lot Line of the Church or Place of Worship, public Park, School or residential zoning District to the nearest Lot Line of the premises on which the Tavern, Drinking Establishment, club, Nightclub, Entertainment Establishment, Event Center or Teen Club is located or of any Parking Area designated to be used by the patrons of such businesses, whichever is closest. For purposes of this measurement, the required Parking Spaces for such a business located within a multi-tenant Structure or shopping center are those located nearest the public entrance to the business. "Establishment" of any Tavern, Drinking Establishment, club, Nightclub business, Entertainment Establishment, Event Center or Teen Club shall be deemed to include the opening of such a business as a new business, the relocation of such businesses or the conversion of an existing business location to any such business use, or any expansion of such a business beyond the existing square footage of the premises. Nightclubs in the City that qualify as Sexually Oriented Businesses in the City shall be permitted Uses in those districts that allow Sexually Oriented Businesses in the City, if the location of the operation is no less than 500 feet from a Church or Place of Worship, School, public Park, licensed Day Care center, the boundary of any residential District, the boundary of the OT-O District, or any other Sexually Oriented Business.

Outdoor service of food and drink as an accessory part of the operation of a Tavern or Drinking Establishment, club or Nightclub shall always be subject to the following requirements and, if located within 200 feet of a Church or Place of Worship, public Park, School or residential zoning District, shall be considered a Conditional Use and subject to Sec. V-D of these regulations.

(1) No additional Parking Spaces or restroom facilities need be provided for the initial sixteen occupants to be served in the outdoor area, but Parking and restroom facilities shall be provided to full Code requirements for the portions of the permitted occupant load exceeding sixteen persons.

(2) No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the 'A' scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings in any ten-minute period.

(3) The outdoor area shall be Screened from ground level view from any residential-zoned property within 150 feet of the outdoor area, by Screening in accordance with the requirements of Sec. IV-B.

(4) If lighting facilities are provided, the intensity of light and arrangements of reflectors shall be such as not to interfere with residential Uses. The lighting shall be in compliance with the lighting requirements of Sec. IV-B 4.

(5) The outdoor Use shall be designed and maintained in compliance with all other licenses, regulations and requirements of the fire, health, and building codes, including requirements for emergency access to or from any barriers that limit ingress or egress.

x. Vehicle and Equipment Sales, Outdoor, in LC. Outdoor Vehicle and Equipment Sales shall be subject to the following standards when located within the LC District.

(1) Location shall be Contiguous to a major Street as designated in the *Transportation Plan* adopted by the Governing Bodies, and as amended from time to time.

(2) Visual Screening of areas Adjacent to residential zoning Districts shall be provided to protect Adjacent properties from light, debris and noise and to preserve Adjacent property values even when the change in use to Vehicle and Equipment Sales replaces a previous use that is of equal or greater intensity. In no case shall Screening be less than that required by Sec. IV-B.1-3.

(3) All Parking, Outdoor Storage and display areas shall be paved with concrete, asphalt or asphaltic concrete or any comparable hard surfacing material. Parking barriers shall be installed along all perimeter boundaries Abutting streets, except at driveway entrances or where Fences are erected, to ensure that parked Vehicles do not encroach onto public Street Right-of-Way.

(4) The lighting shall be in compliance with the lighting requirements of Sec. IV-B.4. No string-type or search lighting shall be permitted.

(5) The noise levels shall be in compliance with the compatibility noise standards of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted.

(6) No repair work shall be conducted except in an enclosed Building, and further provided that no body or fender work is done.

(7) Only those Signs permitted in the LC District shall be permitted on this Site, except that no portable, flashing, moving or off-site Signs shall be permitted and no streamers, banners, pennants, pinwheels, commercial flags, bunting or similar devices shall be permitted.

(8) There shall be no use of elevated platforms for the display of Vehicles.

y. Warehouse, Self-Service Storage, in GO and LC. Self-Service Storage Warehouse facilities shall be subject to the following standards when located within the GO or LC Districts.

(1) A tract for such use located in the GO District shall be Contiguous with a less restrictive District.

(2) The use must be located Contiguous to an arterial Street, and have direct access to the arterial Street, as designated in the *Transportation Plan* adopted by the Governing Bodies, and amended from time to time.

(3) All buildings shall set back at least 35 feet from arterial Street Rights-of-Way lines. There shall be a minimum 20-foot Building Setback line from all other Streets, unless a platted Building Setback line would require a greater Setback.

(4) Where the Lot is Contiguous to a residential zoning District, a landscaped Yard with a minimum depth of 15 feet shall be provided on the Lot Contiguous to the residential zoning District and a landscaped front Yard with a minimum depth of 15 feet shall be provided when within 100 feet of a residential zoning District or when across the street from a residential zoning District. The landscaping shall be in addition to any architectural Screening type Fences or face of the structures that shall be designed to Screen the use from the residential neighborhood. Such Fence, when required, shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units, wood or other similar material (not including woven wire) and shall be not less than six feet or more than eight feet in height. The landscaped Yard may be reduced in depth to not less than the minimum Side and Rear Setback required by the property development standards of the applicable zoning District of the Lot when the Contiguous residential zoning District is occupied by any legal Nonconforming office, commercial or industrial Use, or when Adjacent to a property where an adopted zoning policy by the Governing Body is to look with favor on office, commercial or industrial zoning for the area.

(5) When the Development is in close proximity to residential development, the architectural design shall be submitted to the Planning Director for review and a recommendation to the Planning Commission 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 Planning Commission, may be retained in the MAPC case file and by the Zoning Administrator to ensure that final Development plans and construction comply therewith.

(6) Any side of the Building providing doorways to storage areas shall be set back from the property line at least 40 feet when Contiguous to a residential zoning District.

(7) Off-street Parking shall be required on the basis of one space for each 8,000 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.

(8) All driveways, Parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete or comparable hard surfacing material. Adequate bumper guards or Fences shall be provided to prevent the extension of Vehicles beyond property lines.

(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.

(10) All storage on the property shall be kept within an enclosed Building, unless a portion of the property or Lot is properly zoned to otherwise permit a designated area for outside storage.

(11) No activities such as miscellaneous or garage sales shall be conducted on the premises.

(12) The servicing or repair of Motor Vehicles, boats, Trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

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

(14) All areas not paved in accordance with the requirements of this section 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.

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

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

(17) 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.

(18) No more than 45 percent of the Lot Area shall be covered by Buildings.

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

z. Nurseries and Garden Centers in LC. Nurseries and Garden Centers in LC that do not comply with the outdoor display and storage limitations specified in Secs. III-B.14.e(2) and III-B.14.e(3) may be permitted by Conditional Use subject to the following standards.

(1) A tract for such use shall be Contiguous to an arterial or expressway as designated on Official Transportation Plan or amendments thereto, or be located within a portion of the LC District or a more intense use district that is Contiguous to such a street.

(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 Sec. IV-B 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 Sec. IV-B when deemed appropriate.

(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 Contiguous 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.

(4) In addition to the Compatibility Standards of Sec. IV-C, all lights shall be shielded to reflect or direct light away from Adjacent properties. No string-type lighting shall be permitted.

(5) In addition to the Compatibility Standards of Sec. IV-C, no sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

(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) A site plan showing all Structures (existing and proposed), all ingress, egress, off-street Parking, off-street Loading Space, on-site circulation, storage and display areas shall be submitted with the application.

(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 Planning Commission.

(9) Any vehicles used in conjunction with the business must be stored within the main Structure, an enclosed Garage, or when approved by the Planning Commission as to adequate screening material and location, within an enclosed compound on the property.

(10) Due to the type of business, the amount of off-street Parking Spaces and Loading Spaces based on the gross floor area of Buildings could be inappropriate. The Planning Commission may, in the processing of the Conditional Use request, determine the number of Parking Spaces and Loading Spaces required for the use. The number of spaces shall be determined by the Planning Commission 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 Planning Commission 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.

(11) The Planning Commission may establish other conditions deemed necessary for the protection of Adjacent property, and including the maintenance of required improvements. The Planning Commission may also require a periodic report of compliance with all conditions of approval, and upon the recommendation of the Zoning Administrator, the Planning Commission may schedule a hearing for revocation or modification of the conditions of the Conditional Use approval.

aa. Neighborhood Swimming Pool. Although listed as a Conditional Use in all districts where allowed, a Neighborhood Swimming Pool shall be permitted by right if it is identified as a permitted Use in the platting of "reserves" or as a permitted use within a residential CUP, provided that a detailed site plan shall be submitted to the Planning Director for approval at the time the final plat is submitted for scheduling before the Subdivision Committee of the Planning Commission. Should the plan not be approved, an application for a Conditional Use may be filed in accordance with Sec. V-D of this Code.

bb. Construction Sales and Service in LC. When a Construction Sales and Service business is located in the LC District, it shall be mainly a Retail business and not Wholesale or Business Service and it shall comply with all limitations on outdoor display and Outdoor Storage as specified in Sec. III-B.14.e (Special LC District Regulations).

cc. Parking Areas, Commercial, in GO, NR and LC. When Commercial Parking Areas are located in the GO, NR and LC districts, the overnight parking of Commercial Vehicles exceeding 26,000 pounds gross vehicle weight rating shall not be permitted.

dd. Outdoor Storage and/or baling in LC through LI. In LC through LI, the Outdoor Storage and/or baling of junk, scrap, paper, bottles, rags or similar materials is prohibited. See Sec. III-B.14.e, III-B.15.3, III-B.17.e and III-B.18.e for limitations on other Outdoor Storage in LC, OW, IP-A and IP.

ee. Tattooing and Body Piercing Facilities. All Tattooing and Body Piercing Facilities within the City shall be located in the GC, OW, IP, LI GI or AFB zoning District and shall be subject to the following standards:

(1) All facilities shall be located a minimum of 200 feet from a school, park or residential zoning District. This distance shall be measured from the nearest lot line of the School, Park or residential zoning District to the nearest lot line of the premises on which the Tattooing and/or Body Piercing Facility is located or of any Parking Area designated to be used by the patrons of such businesses, whichever is closest. For purposes of this measurement, the required Parking Spaces for such a business located within a multi-tenant Structure or shopping center are those located nearest the public entrance to the business.

(2) All Tattooing and Body Piercing shall be conducted within an enclosed building.

ff. Sexually Oriented Business

(1) Sexually Oriented business in the County. Sexually Oriented Businesses shall be permitted in the unincorporated area of the County only when such business is properly licensed with the County pursuant to the County's Adult Entertainment Code (Article VIII of Chapter 17 of the *Sedgwick County Code*), and only when such business is in compliance with the requirements of said Adult Entertainment Code. No Sexually Oriented Business in the County shall be located less than 1,000 feet from a Church or Place of Worship, School, public Park, residential Dwelling Unit or other adult entertainment establishment, all as defined in the Adult Entertainment Code, subject to the amortization provisions set forth in the Adult Entertainment Code and in Sec. VII-J.1 herein.

(2) Sexually Oriented business in the City. Sexually Oriented Businesses shall be permitted in the City only when such business is properly located pursuant to this Code and is licensed with the City pursuant to Chapter 3.05 of the Code of the City of Wichita, and only when such business is in compliance with the requirements set out in this Code and Chapter 3.05 of the Code of the City of Wichita. No Sexually Oriented Business in the City shall be located less than 500 feet from a church, school, public park, licensed Day Care center, the boundary of any residential District, the

boundary of the OT-O District and from any other adult entertainment establishment defined in Chapter 3.05 of the Code of the City of Wichita, subject to the amortization provisions set forth in that Chapter and in Section VII-J.2 herein.

gg. Mining or Quarrying, sand and gravel extraction. Sand and gravel extraction operations shall be subject to the following conditions:

(1) The extraction operation on the Site shall proceed in accordance with an operational plan approved by the Planning Commission. The perimeter of the lake excavation shall conform to the approximate size and shape indicated on the approved operational plan. To assist in the enforcement of the operational plan, a copy of the approved operational plan shall be posted in the extraction office.

(2) The operational plan shall illustrate which area is to be excavated and at what time.

(3) As part of the Conditional Use approval, the development plan for Uses after the conclusion of the extraction operation shall be submitted to the Planning Director for review and a recommendation to the Planning Commission as to whether or not the development plan is compatible with surrounding land uses, the *Comprehensive Plan* or other plans or policies being utilized by the City or County.

(4) Abutting the perimeter of the application area, a minimum 60-inch high Fence shall be constructed prior to the beginning of any extraction operation and shall be maintained at the locations depicted on the approved operational plan. Said Fence shall be placed on steel posts that are not less than seven feet tall. The posts shall not be set more than 16 feet apart. The Fence shall be a minimum height of 60 inches and shall be of the following types of construction:

(a) a 48-inch high or higher chain link Fence with three or more strands of barbed wire; or

(b) a 48-inch high or higher solid metal or solid masonry Screening Wall with three or more strands of barbed wire; or

(c) a 48-inch high or higher wood Fence that may have cracks or openings not in excess of five percent of the area of such Fence, with three or more strands of barbed wire; whereby

(d) the term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of four inches apart and placed at the top of the Fence and gate at an angle not to exceed 160 degrees facing away from the excavation.

(5) The extraction shall be to at least a minimum depth of six feet below the normal water table, as determined by the Director of Sedgwick County Code Enforcement.

(6) The Owner of the property shall be responsible for minimizing blowing dust from the Site. To minimize blowing soil, overburden shall not be removed more than six months in advance of the lake being expanded into an area, unless the ground is covered within the next planting season with a perennial drought-resistant grass or combination of which will permit the establishment of sod cover to help prevent erosion. As part of the required operational plan, the site shall be divided into at least two distinct areas for the purpose of showing phased excavation over time.

(7) All slopes shall have vegetative covering consisting of a perennial drought-resistant grass or combination of grasses that will permit the establishment of sod cover to help prevent erosion.

(8) To provide for bank stabilization and safety of future uses, the side slopes of the extraction shall be no steeper than five horizontal to one vertical.

(9) Sufficient overburden material shall be retained in the area of extraction to grade and construct the banks so they are formed with overburden material rather than sand.

(10) The property shall be platted prior to the issuance of any zoning or Building Permits, except those permits necessary for the extraction operation.

(11) No commercial recreational activities, such as boating, fishing, skiing, etc., shall be permitted in the development area, unless duly authorized under provisions of this Code and amendments thereto.

(12) The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the City or County legal counsel (as applicable), prior to the commencement of any extraction operation, providing that no foreign matter, such as rubbish, trees, car bodies, etc., shall be deposited on the application area or within the extraction area.

(13) The storage of equipment or stockpiling of sand or overburden is not permitted closer than 100 feet to any public right-of-way or closer than 50 feet to any property line.

(14) Nothing in the approval of a Conditional Use shall be construed to permit a contractor's material and equipment storage yard. Within 60 days after completion of the extraction operation, the land surrounding the lake shall be properly graded and planted with a vegetative cover. Also, all stockpiled sand or overburden and sand pumping and related equipment shall be removed from the subject site.

(15) The length of time for the extraction operation and the hours of operation for removal of the overburden shall be set at the time of approval of the

Conditional Use. Subject operation is to cease after that period of time with all equipment and materials associated with the operation removed from the premises.

(16) Hours of operation for the removal of overburden shall be limited to 6:00 a.m. to sunset. The same hours of operation shall apply if sand removal is conducted with the use of non-electric driven equipment. If sand is removed with the use of an electrical pump, sand extraction may operate 24 hours a day.

(17) All on-site water and sewage facilities shall be approved by and constructed to the standards of the Department of Code Enforcement for the County or Department of Environmental Services for the City.

(18) Any water wells needed to operate the facility must comply with the Water Well Construction Standards contained in Article 30 of the Kansas Department of Health and Environment rules and regulations.

(19) The applicant shall make the Site available to the Department of Code Enforcement for land in the County or Department of Environmental Services for land in the City for the installation and management of groundwater monitoring wells.

(20) Any on-site storage of fuels or chemicals must be approved by the Sedgwick County Department of Environmental Resources for land in the County or Department of Environmental Services for land in the City.

(21) A drainage plan shall be submitted to and approved by City or County Public Works (as applicable) prior to starting the extraction operation. All of the area included within the fenced sand extraction operation shall be graded in accordance with the approved drainage plan. Additional requirements, such as a public drainage easement, a floodway reserve, or a covenant authorizing the area of the Site for use as a detention storage facility for public drainage purposes, may be required as a condition of approval for the drainage plan.

(22) All operational roads shall be maintained in a sand or graveled condition and shall be treated water or other acceptable dust retardant to minimize blowing dust.

(23) All applicable local, state, and federal permits necessary for the extraction operation shall be obtained and maintained.

hh. Vehicle and Equipment Sales, Outdoor, in GC. Outdoor Vehicle and Equipment Sales shall be subject to the following standards when located within the GC District.

(1) Visual Screening of areas Contiguous to residential zoning Districts shall be provided to protect Adjacent properties from light, debris and noise and to preserve Adjacent property values even when the change in Use to Vehicle

and Equipment Sales replaces a previous Use that is of equal or greater Intensity. In no case shall Screening be less than that required by Secs. IV-B.1-3.

(2) All Parking, Outdoor Storage and display areas shall be paved with concrete, asphalt or asphaltic concrete or comparable hard surfacing material. Parking barriers shall be installed along all perimeter boundaries Abutting streets, except at driveway entrances or where Fences are erected, to ensure that parked Vehicles do not encroach onto public right-of-way.

(3) The lighting shall be in compliance with the lighting standards of Sec. IV-B.4. No string-type or search lighting shall be permitted.

(4) The noise levels shall be in compliance with the compatibility noise standards of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted.

(5) No repair work shall be conducted except in an enclosed Building.

ii. Day Reporting Centers. Day Reporting Centers as defined by this Code shall always be considered Conditional Uses and subject to Sec. V-D (Conditional Use review procedures). Day Reporting Centers shall be subject to the following standards:

(1) compliance with all applicable federal, state and local regulatory requirements, and

(2) if such facilities are not directly operated by a unit of government they shall meet licensure requirements that further specify minimum service standards.

jj. Farmer's Markets in the City as an Accessory Use in Certain Districts. Farmer's Markets, as defined by this Code, shall be allowed as an Accessory Use within the LC, OW, GC, IP, CBD, LI and GI zoning Districts within the City. The Zoning Administrator may authorize Farmer's Markets only in allowed zoning Districts, and 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:

(a) the approximate dimensions of the area being used;

(b) the proximity to buildings, parking lots, right-of-ways or other such areas; and

(c) 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(s) 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 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 CUP, P-O or any other approved special purpose or Overlay District that does not allow the uses of the LC 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.

kk. Rodeo, in the City Rodeos, in the City, shall be subject to the following standards:

(1) Animals that are to be ridden, roped, raced or otherwise participate in Rodeo events shall be penned in by fencing materials that meet normally accepted industry standards and are normally used to confine livestock.

(2) Animals that are to be ridden, roped, raced or otherwise participate in Rodeo events shall be maintained in normally accepted industry standards with respect to handling, penning, veterinarian or ferrier care, feed, and water, waste collection, storage and disposal. Waste shall be collected often enough to minimize odor and fly infestation. Grain shall be stored in enclosed containers to minimize fly and rodent infestation.

(3) Animals shall be maintained and treated in accordance with Chapter 6.04 of the Code of the City of Wichita.

(4) The noise levels shall be in compliance with the compatibility noise standards of Sec. IV-C.6. Outdoor speakers and sound amplification systems shall not be permitted, except as approved under the Community Events Ordinance as set forth in Sec. III.D.6.kk(11).

(5) The lighting shall be in compliance with the lighting requirements of of Sec. IV-B.4. No string type or search lighting shall be permitted.

(6) All Parking Areas and vehicle circulation drives shall be paved with concrete, asphalt or asphaltic concrete or comparable hard surfacing material, except as approved under the Community Events Ordinance as set forth in Sec. III.D.6.kk(11).

(7) Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m., Sunday through Thursday, and 7:00 a.m. to 12:00 midnight on Friday and Saturday.

(8) For Rodeos not utilizing outside storage of livestock:

(a) a minimum Lot Area of three acres is required; and

(b) there must be at least 500 feet separation between the property line on which the Rodeo will be held and the Lot Line of any residentially zoned Lot, or existing Single-Family or Duplex Uses, unless separated by a Major Barrier.

(9) Even though listed as a permitted use in certain Districts, Rodeos with Outdoor Storage or penning shall require Conditional Use review and approval per Section V-D of this Code if any Rodeo on the site is to occur more than two days per calendar year, except temporary outdoor penning of livestock for no longer than 12 continuous hours is permitted without Conditional Use approval.

(10) For Rodeos with Outdoor Storage or penning of livestock:

(a) a minimum lot area of five acres is required;

(b) there must be at least 1,200 feet separation between the property line on which the rodeo will be held and the lot line of any residentially zoned lot, or any existing single-family or two-family uses, unless separated by a "major barrier."

(11) Rodeos held on property owned by the City of Wichita or Sedgwick County are exempt from the requirements of this code, provided that approval is obtained per the requirements of the Community Events Ordinance in Chapter 3.11 of the Code of the City of Wichita.

ll. Parks and Recreation in IP-A. In the IP-A district, Parks and Recreation shall not be permitted if the Use would attract more than 25 spectators and/or participants per acre at any one time.

mm. Vehicle Storage Yard in RR. Only Lots developed with a residence as the Principal Structure are eligible to apply for a Conditional Use to permit outdoor vehicle storage in excess of those permitted as an Accessory Use (see Sec. II-B.10.d and Sec. IV-E.7.l). A Vehicle Storage Yard, approved as a Conditional Use in the RR District shall be subject to the following minimum standards, provided, however, the Planning Commission may establish additional conditions if determined necessary in order to protect Adjacent property Owners and the public interest. All applicable requirements, inspections and permits shall be in place prior to the commencement of Vehicle storage.

(1) Location. The storage area shall be located behind the property's Principal Structure; and at no time shall any Vehicles be driven or Parked on or over any component of onsite wastewater treatment systems.

(2) Area. For sites two acres or less in area, a Vehicle Storage Yard may occupy up to 11 percent of the property's square footage; for sites greater than two acres the area devoted to the Vehicle Storage Yard shall not exceed 10,000 square feet.

(3) Use. The Vehicle Storage Yard shall be used for the storage of licensed operable Vehicles only, and in no case shall it be used for sales, repair work, dismantling, or mechanical servicing of any Vehicles or equipment, or for storage of materials or supplies. Non-mechanical servicing such as replacing windshield washer fluid, light bulbs and interior cleaning shall be allowed.

(4) Setbacks. The minimum Setback for any stored Vehicles from any residence constructed before the Conditional Use is approved shall be 20 feet. The Setback requirements can be modified or waived if the applicant demonstrates there is sufficient Screening to substitute for the Setback protections.

(5) **Paving.** The storage area and all entrance/exit drives on private property shall be surfaced with an all-weather surface that meets the approval of the Director of County Code Enforcement and shall be maintained in good condition and free of weeds, trash and other debris.

(6) **Screening.** Visual Screening of areas Contiguous to residential zoning Districts shall be provided to protect Adjacent properties from light, debris and noise, and to preserve Adjacent property values. In no case shall Screening be less than that required by Sec. IV-B.1-3, unless the applicant demonstrates adequate Screening may be provided through alternative means, and the requirements imposed by Sec. IV-B.1-3 would be overly burdensome on the applicant.

(7) **Lighting.** If lighting facilities are provided, lighting shall be in compliance with lighting standards of Sec. IV-B.4.

(8) **Noise.** The compatibility noise standards of Sec. IV-C.6 shall be complied with provided, however, outdoor speakers and sound amplification systems shall not be permitted.

7. **Accessory Uses.** Principal Uses specified as Permitted Uses or Conditional Uses by the District regulations of this article shall be deemed to include Accessory Uses and activities that are necessarily and customarily associated with, and appropriate, incidental and subordinate to the Principal Uses allowed in zoning Districts. Accessory Uses and activities shall be subject to the same regulations as apply to Principal Uses in each District, except as otherwise provided in these regulations (See Sec. III-D.7.e).

a. **Agricultural Accessory Uses.** In addition to the Accessory Uses specifically listed in Sec. III-D.7.b, agricultural Uses shall include Accessory Uses and activities customarily associated with agricultural operations, as determined by the Zoning Administrator.

b. **Residential Accessory Uses.** Residential and agricultural Uses shall include, but not be limited to, the following Accessory Uses, activities and Structures:

(1) antennas and support structures for AM/FM radio and television reception, amateur radio, and private dispatch systems;

(2) gardens;

(3) garage sales;

(4) Garages, carports and Private Parking Areas;

(5) gates and guard houses;

(6) storm shelters and fallout shelters;

(7) Home Occupations, subject to Sec. IV-E;

(8) playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;

(9) recreational and play facilities for the use of residents;

(10) solar energy systems;

(11) Storage of Vehicles and equipment in the City.

(a) The following Accessory Uses shall be permitted in the City of Wichita when such are the personal property of the occupant of the Dwelling Unit, provided that such Accessory Uses shall not occupy any part of the required front Yard and/or required street side Yard:

1) Motor Vehicles (except Inoperable Vehicles);

2) boats;

3) Trailers that are exempt from Motor Vehicle registration by the State of Kansas or are registered or are required by law to be registered with a 2M+ Kansas license plate; and

4) unoccupied Recreational Vehicles.

(b) No Outdoor Storage of equipment, materials or Vehicles used in a Home Occupation shall be allowed as a residential Accessory Use.

(12) *Parking for more than 72 hours and/or storage of Motor Vehicles and equipment in the County.

(a) The following Accessory Uses shall be permitted in the unincorporated area of the County when such are the personal property of the occupant of the Dwelling Unit and are Screened as specified in Section 19-22 of the Sedgwick County Code:

1) Parking and/or storage of Motor Vehicles whether operable or inoperable;

2) Parking and/or storage of boats;

3) Parking and/or storage of Trailers that are exempt from Motor Vehicle registration by the State of Kansas or are registered or are required by law to be registered with a 8M Kansas license plate;

4) Parking and/or storage of unoccupied Recreational Vehicles;

5) storage of construction equipment with less than 50 horsepower.

(b) No Outdoor Storage of equipment, materials or Vehicles used in a Home Occupation shall be allowed as a residential Accessory Use except as otherwise permitted by Sec. IV-E.6.

(13) Other necessary and customary Uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the Principal Use on the Lot, subject to compliance with any development and performance standards imposed by the Zoning Administrator as a means of ensuring land use compatibility.

c. Commercial and industrial, manufacturing and extractive Accessory Uses. Commercial Uses shall include, but not be limited to, the following Accessory Uses, activities and Structures:

(1) antennas and support structures for AM/FM radio and television reception, amateur radio, and private dispatch systems;

(2) Dwelling Units for security or maintenance personnel;

(3) gates and guard houses;

(4) cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors to the Principal Use;

(5) gift shops, news stands and similar commercial activities operated primarily for the convenience of employees, residents, clients, or visitors to the Principal Use;

(6) Parking Garages and off-street Parking Areas;

(7) recreation areas and facilities for the use of employees;

(8) other necessary and customary Uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the Principal Use on the Lot, subject to compliance with any development and performance standards imposed by the Zoning Administrator as a means of ensuring land use compatibility.

d. Public and civic Accessory Uses. Public and civic Uses shall include Accessory Uses and activities customarily associated with the purpose and function of the Principal Use, including but not limited to the following:

(1) refreshment stands and food and beverage sales located in uses involving public assembly;

(2) cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, patients or visitors to the Principal Use;

(3) gift shops, news stands and similar commercial activities operated primarily for the convenience of employees, residents, clients, patients or visitors to the Principal Use; and

(4) Other necessary and customary Uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the Principal Use on the Lot, subject to compliance with any development and performance standards imposed by the Zoning Administrator as a means of ensuring land use compatibility.

e. Accessory use development and performance standards. The following property development standards shall apply to all Accessory Uses and Structures in the most restrictive District through the MH District unless otherwise specifically provided.

(1) Rear Setback. Accessory Structures shall be set back at least ten feet from the centerline of any platted or dedicated Alley, and if no Alley exists, then five feet from the rear Lot Line. Accessory Structures may not utilize more than one-half of any required rear Yard.

(2) Front Setback. Accessory Structures shall not be located nearer to the front property line than the Principal Structure except on Lots five acres or more in area where the Front Setback for Accessory Structures shall be the same as required for Principal Structures.

(3) Side Setbacks. Accessory Structures shall comply with the Side Setback standards for Principal Uses, provided that an Accessory Structure shall not be required to set back more than three feet from an interior side Lot Line when all parts of the Accessory Structure are located more than one-half the depth of the Lot behind the front property line. Accessory Structures may not utilize more than one-half of any required side Yard.

(4) Corner Lot Setbacks. Whenever located on a Key Lot, Accessory Structures shall not project beyond the Front Setback line required on the Lot in the rear of such Key Lot.

(5) Setbacks from easements. No Accessory structure shall be located on any platted or recorded easement, or over any known utility.

(6) Height. No Accessory Structure shall exceed 60 percent of the allowable height requirements of the District unless the Accessory Structure conforms to all Setback requirements for Principal Structures in that District.

(7) Building separation. Unless attached to the Principal Structure, Accessory Structures shall be located at least three feet from the Principal Structure.

(8) Required Parking. No Accessory Structure or Use shall eliminate or reduce the amount of off-street Parking or Loading required by this Code.

E. PROPERTY DEVELOPMENT STANDARDS

The property development standards established by this Code shall be considered minimum standards for each and every Building or Structure existing on March 25, 1996, and for any Building or Structure hereafter erected or structurally altered. No land required for Setbacks or for Lot Area for an existing Building or Structure or required for any Building or Structure hereafter erected or Structurally altered, shall be counted as a Setback or Lot Area for any other Building or Structure.

Property development standards schedules. The following property development standards schedules provide tabular summaries of the dimensional and site development standards applicable within residential and nonresidential zoning Districts. The schedules are intended for reference and do not necessarily reflect all of the regulations that may apply to particular Uses or Districts. In the event of conflict between these property development standards schedules and the zoning district standards set out in Secs. III-B and III-C, the standards of Secs. III-B and III-C shall control. The compatibility standards of Sec. IV-C may require greater setbacks or allow lesser heights than specified in either the property development standards schedules or the zoning district standards. Also, other applicable City or County development codes may have requirements that take precedence.

Property Development Standards-Residential Zoning Districts

DEVELOPMENT STANDARD	ZONING DISTRICT								
	RR	SF-20	SF-10	SF-5	TF-3	MF-18	MF-29	B	MH
Minimum Lot Area (square feet)									
Single-family	2 Ac	20,000[1]	10,000	5,000	3,500	3,500	3,500	2,500	5,000[7]
Duplex (lot area per unit)	N/A	N/A	N/A	N/A	3,000	3,000	3,000	2,000	N/A
Multi-family (lot area per unit)	N/A	N/A	N/A	N/A	3,000	2,500	1,500	580	N/A
Nonresidential	2 Ac	20,000[1]	10,000	5,000	5,000	5,000	5,000	5,000	10,000
Minimum Lot Width (feet)	200	100	80	50	35	35/50[3]	35/50[3]	None	40[5]
Front Setback (feet)	30	25	25	25	25	25	25	20	25[8]
Rear Setback (feet)	25	25	25	20	20	20	20	15	20[8]
Interior Side Setback (feet)	20	10	10	6[6]	6[6]	6	6	5	20/5[8]
Street Side Setback (feet)	20	20	20	15	15	20	20	5	25/20/5[8]
Maximum Height (feet)	35[2]	35[2]	35	35	35	45	45	55[4]	35

1. Standards may be higher if private water or septic; minimum area for nonresidential established by County Health Dept.
2. Maximum height = 45 feet if located at least 25 feet from all lot lines; no height limit for barns, silos and similar farm buildings.
3. Minimum lot width = 35 feet for single-family; 50 feet for all other uses.
4. One foot of additional height is allowed for each foot of setback beyond minimum required setbacks.
5. 40 feet for lots within MH subdivisions; 200 feet for MH parks; 100 feet for all other uses.
6. For zero lot line developments, see the property development standards section of the use district.
7. 5,000 square feet for lots within MH subdivisions; 5 acre minimum lot area for MH parks in the city; minimum lot area of MH parks in the county determined by County Department of Code Enforcement.
8. See Section III-B.d.(4).

Property Development Standards-Nonresidential Zoning Districts

DEVELOPMENT STANDARD	ZONING DISTRICT											
	NO	GO	NR	LC	OW	GC	IP-A	IP	CBD	LI	GI	AFB
Minimum Lot Area (square feet)	5,000[3]	5,000[3]	5,000[3]	None[3]	5,000[3]	None[3]	5 AC	None[3]	None[3]	None[3]	None[3]	None
Minimum Lot Width (feet)	50	None	50	None	None	None	None	None	None	None	None	None
Front Setback (feet)	20	20	20	20	20	20	50	50	0	20	20	None
Rear Setback (feet)	10	10	10	10	10	0	10	10	0	0	0	None
Interior Side Setback (feet)	0[1]	0[1]	0[1]	0[1]	0[1]	0[1]	15	15	0[1]	0[1]	0[1]	None
Street Side Setback (feet)	15	15	15	10	10	0	50	50	0	0	0	None
Maximum Height (feet)	35	60[2]	35	80[2]	45	80[2]	60	60	None	80[2]	80[2]	None

1. No interior side setback is required in these districts, but if a side setback is provided it must be at least five feet in width.
2. Height may be increased above the 60 and 80 foot limits allowed. In the GO district, one foot of additional height is allowed for each foot of setback beyond minimum required setbacks. In the LC, GC, LI and GI districts, two feet of additional height is allowed for each one foot of setback beyond minimum required setbacks.
3. Minimum lot sizes are required for residential uses (see specific district); minimum lot sizes are established by County Health Dept. for use of private water or septic.

1. Property development standards.

a. District size. District size refers to amount of Contiguous land area with the same zoning District classification.

b. Lot Area. Lot Area refers to the amount of horizontal land area within Lot Lines. No building permit or development approval shall be issued for a Lot that does not meet the minimum Lot size requirements of this Code except in the following cases.

(1) Reduction for public purpose. When an existing Lot is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum Lot Area for the District in which it is located, then that remaining Lot shall be deemed to comply with the minimum Lot Area standards of this Code.

(2) Utility facilities. Utility facilities using land or an unoccupied building requiring less than 1,000 square feet of site area are exempt from the minimum Lot Area requirements of all zoning Districts.

(3) Single-Family Dwelling Unit exemptions. The minimum Lot Area requirements of this Code for Districts permitting Single-Family Dwelling Units shall not be interpreted as prohibiting the construction of a Single-Family Residential Dwelling Unit on a Lot of Record that existed prior to adoption of zoning for subject property.

c. Lot Width. Lot Width refers to the horizontal distance between the side Lot Lines as measured along a straight line parallel to the front Lot Line or the chord thereof. The minimum Lot Width shall be measured between the side Lot Lines along the line that is parallel to the front Lot Line and located the

minimum Front Setback distance from the front Lot Line. In the case of cul-de-sac Lots, the minimum Lot Width may be measured between the side Lot Lines along the line that is parallel to the front Lot Line and located at the actual front Building Setback Line.

d. Density. Density refers to the number of Dwelling Units for each (gross) acre of land. Density shall be calculated by dividing the number of Dwelling Units by the Lot Area (in acres).

e. Setbacks. Setbacks refer to the unobstructed, unoccupied Open Space between the furthermost projection of a structure and the property line of the Lot on which the Structure is located, except as modified by the standards of this section. Setbacks shall be unobstructed from the ground to the sky except as specified in this section.

(1) Features allowed within Setbacks. The following structures and features may be located within required Setbacks:

(a) trees, shrubbery or other features of natural growth; except that, within the City and those portions of the county along urban standard roads (curbs and gutters), when shrubbery or other features of natural growth have more than 80 percent opacity, the maximum height along the side Lot Line shall not exceed three feet within 20 feet of its intersection with the street right-of-way line, and further that along any Lot Line within 20 feet of the intersection of the street right-of-way with an ingress/egress driveway, the minimum height shall not exceed three feet.

(b) Fences or Screening Walls that do not exceed eight feet in height as measured on the side of the Fence with the least vertical exposure above finished grade; except that within the City and in those portions of the County along urban standard roads (curbs and gutters), for Fences or Screening Walls with more than 80 percent opacity, the maximum height along the side Lot Line shall not exceed three feet within 20 feet of its intersection with the street right-of-way with an ingress/egress driveway, the maximum height shall not exceed three feet.

(c) driveways, patios and sidewalks;

(d) Signs, if permitted by applicable Sign Code;

(e) bay windows, architectural design embellishments, and cantilevered Floor Areas of Dwelling Units that do not project more than two feet into the required Setback;

(f) eaves that do not project more than two and one-half feet into the required Setback;

(g) open outside stairways, decks, entrance hoods, terraces, canopies and balconies that do not project more than five feet into a required Front or Rear Setback nor more than two feet into a required Side Setback;

(h) chimneys, flues and ventilating ducts that do not project more than two feet into a required Setback and when placed so as not to obstruct light and ventilation;

(i) open, unenclosed Porches and carports that do not project more than eight feet into a required Front Setback nor more than five feet into a required Rear Setback;

(j) utility lines, wires and associated structures, such as power poles, or bus shelters;

(k) detached unenclosed canopy structures over motor fuel pump islands, drive-throughs, bank aisles, and Automated Teller Machines, provided that the supports for the structures and the equipment they cover shall be located at least ten feet from the right-of-way, and provided that no portion of the canopy shall project over the public right-of-way, utility easements, required landscape area, required Setback Abutting a residential zoning District, or any Abutting property line. Whenever the equipment ceases to be used for its purpose, the equipment and, all canopies shall be removed within 90 days or prior to conversion of the property to another use, whichever occurs first.

(l) window wells not over eight inches above grade may project a maximum of 44inches, including all structural elements.

(m) condensing units may be placed in accordance with the provisions of Secs. III-D.7.e(1) and III-D-7.e(3).

(2) **Setbacks measured from proposed rights-of-way.** In areas where a development plan for road improvements has been approved and adopted by the Governing Body, minimum Front Setbacks shall be measured from the proposed right-of-way line.

(3) **Setbacks from major roadways.** The minimum zoning District Setbacks notwithstanding, in the unincorporated area of the County no Building shall be erected, enlarged, moved in or reconstructed so as to be closer to the centerline of the roadway than is set forth in the following table:

Road	Minimum Setback (feet from center-line)
U.S. 54-U.S. 400	150
K-15	150
K-96	150
K-254	150
U.S. 81	125
K-42	125
K-296	125
K-53	125
Arterial Streets	100
Section Line Roads	85
Other Roads	
Urban Standards	60
Rural Standards	65

(4) Conflict with Building Setback Lines on recorded plats. If the minimum Setback standards imposed by this Code conflict with Building Setback Lines shown on valid, recorded plats, or with the remaining Building Setback Lines that are modified by a valid, recorded vacation order, the minimum Setback shall be the same distance shown on the valid, recorded plat or vacation order.

(5) Setback averaging.

(a) Residential Districts. If the existing Front Setbacks of developed Lots within the same block and same residential zoning District and fronting on the same side of the Street are less than the required Front Setback of the Underlying residential zoning District, applicants shall be allowed to use the "average" Front Setback on the block. In such cases, the "average Front Setback" shall be the mean (average) Front Setback of all Lots on the same side of the street within the same block as the subject property. In no event shall nonresidential Uses or undeveloped Lots be included in the calculation of the average Setback, and in no case shall more than five Lots on either side of the subject property be included in the calculation. This provision shall not be interpreted as requiring a greater Front Setback than imposed by the Underlying zoning District, and it shall not be interpreted as allowing Setbacks to be reduced to a level that results in right-of-way widths dropping below the minimums established by the *2020 Transportation Plan* adopted by the Governing Bodies in December, 1994, and amended from time to time.

(b) Nonresidential Districts. If the existing Front Setbacks of developed Lots within the same block and fronting on the same side of the street are less than the required Front Setback of the Underlying nonresidential zoning District, applicants shall be allowed to use the "average" Front Setback on the block. In such cases, the "average Front Setback" shall be the mean (average) Setback of all Lots on the same side of the street within the same block as the subject property. This provision shall not be interpreted as requiring a greater Front Setback than imposed by the Underlying zoning District, and it shall not be interpreted as allowing Setbacks to be reduced to a level that results in right-of-way widths dropping below the minimums established by the *2020 Transportation Plan* adopted by the Governing Bodies in December, 1994, and amended from time to time.

(6) Front Setbacks on Corner Lots. In the case of Corner Lots, a Front Setback shall be provided along the shorter street frontage, except that residential Key Lots platted after March 25, 1996, shall provide a Front Setback along all street exposures.

(7) Setbacks reduced for public purpose. When an existing setback is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining Setback is at least 75 percent of the required minimum Setback for the District in which it is located, then that remaining Setback shall be deemed to be in compliance with the minimum Setback standards of this Code without resort to the Board of Zoning Appeals.

(8) Rear Setbacks Adjacent to Alleys. Where an Alley has been platted or otherwise dedicated Adjacent to the rear of a Lot, half the width of the Alley may be included in the rear Yard Setback requirement.

f. Height. Building Height refers to the vertical distance between the average finished grade at the base of the building and: (a) the highest point of the coping of a flat roof; (b) the deck line of a mansard roof; or (c) the average height level between the eaves and ridge line of a gable, hip or gambrel roof. In the case of Fences or Screening Walls, height shall be measured on the side with the least vertical exposure above finished grade of the Building or Structure being Screened to the top of the Fence or Screening Wall.

(1) Exemptions from height standards. The following Structures and features shall be exempt from the Height requirements of this Code to the extent indicated, except that the compatibility standards of Sec. IV-C shall still be applicable for all structures and features other than utility poles:

(a) chimneys, smokestacks or flues;

(b) cooling towers and ventilators;

(c) elevator bulkheads and stairway enclosures;

(d) fire towers;

(e) utility poles;

(f) belfries, spires and church steeples;

(g) tanks, water towers, and silos;

(h) monuments and ornamental towers;

(i) Wireless Communication Facilities, provided that no portion of the tower, antenna, aerial or any anchor or guy may encroach upon the land area or Open Space of any required Front Setback or into any utility easement, and provided that Wireless Communication Facilities that are under City or County government franchise or ownership shall be permitted within the utility easements so long as they otherwise adhere to utility easement agreements.

(j) Energy Generating Structures not exceeding 45 feet in height, provided that such Structure shall not be located in any required Setback nor be located closer to any Adjacent property than the height of the Energy Generating Structure;

(k) Noncommercial, ground or structure supported, antennas and aerials that do not exceed a total height of 60 feet above natural grade, provided that no portion of the tower, antenna, aerial or any anchor or guy may encroach upon the land area or Open Space of any required Front Setback or into any utility easement, provided that noncommercial, ground or structure supported antennas and aerials that are under City or County government franchise or ownership shall be permitted within the utility easements so long as they otherwise adhere to utility easement agreements. This 60-foot height limit shall not apply if, after reviewing the application the Zoning Administrator determines that the antenna complies with the following standards:

1) the antenna structure shall not be located any closer to an interior side property line, a rear property line or utility easement, than one-half of the height of the structure; and

2) no antenna shall exceed the height permitted by Federal Communications Rules and Regulations pertaining to the Amateur Radio Service and Citizens Radio Service.

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SECTIONS

A. OFF-STREET PARKING AND LOADING

1. **Applicability.** The standards of this section shall apply to all new Development and to existing Development that is modified to the extent that it includes Uses or Buildings that were not specifically shown on previously approved plans, provided that Development in the CBD and OT-O districts shall be exempt from compliance with the Parking, queuing and Loading regulations in Secs. IV-A.4, IV-A.11 and IV-A.14.

   a. **No reduction below minimum requirements. .** Existing Parking and Loading Spaces shall not be reduced below the minimums required in this section. Any change in Use of a Building or Lot that increases the off-street Parking as required under this Code shall be unlawful and a violation of this Code until such time as the off-street Parking complies with the provisions of this Code.

   b. **New Development.** Off-street Parking and Loading facilities shall be provided for any new Building constructed and for any new Use established, in accordance with the standards of this section.

   c. **Enlargements of existing Development.** Except as provided in this section for existing Multi-Family Dwelling Units and nonresidential Uses, when an existing Structure or Use is expanded or enlarged, accessory off-street Parking shall be provided in accordance with the off-street Parking schedule of Sec. IV-A.4.

      (1) **Multi-Family Dwelling Units in existence prior to July 16, 1991.** When additional Dwelling Units are added to an apartment building or apartment complex that was in existence prior to July 16, 1991, only the additional Dwelling Units shall be required to provide off-street Parking Spaces in accordance with these regulations. The construction of additional Dwelling Units shall not trigger a requirement that off-street Parking Spaces be provided for the apartment Dwelling Units in existence prior to July 16, 1991.

      (2) **Nonresidential Use in existence prior to July 16, 1991.** When the expansion of a nonresidential Use in existence prior to July 16, 1991 and not having sufficient Parking to meet the Parking regulations that became effective on that date does not exceed ten percent of the total Floor Area of the existing Use, only the additional Use area shall be required to comply with the off-street Parking standards of Sec. IV-A.4, and such expansion of the existing Use shall not require additional Parking Spaces to be provided for the existing Use.

d. **Remodeling of existing Development.** When an existing Structure or Use is remodeled, rehabilitated or altered such that the value of the remodeling exceeds 50 percent of the value of the Structure being remodeled or altered, off-street Parking shall be provided in accordance with the off-street Parking schedule of Sec. IV-A.4.

e. **Nonconformity status.** A land use that was legally established shall not be deemed a nonconformity solely as a result of providing fewer off-street Parking and Loading Spaces than required in this article.

2. **Parking Area improvements.** Off-street Parking shall be prohibited on unsurfaced areas.

a. **Low-density residential Developments. .** Parking areas and driveways for Single-family, Duplex, or Multi-Family with three- or four Dwelling Units shall be surfaced with an All-Weather Surface, except however, that such Developments located on unpaved Streets may be of the same material as the Streets. Within 90 days after the Streets are paved, the Parking Areas and driveways shall be improved with an All-Weather Surface.

b. **All other Developments. .** All Parking areas, Loading areas and driveways on all Developments other than low-density residential Developments shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing and shall be maintained in good condition and free of all weeds, dust, trash and other debris.

3. **Use and maintenance of Setback areas and Yards not devoted to off-street Parking.** Required Setback areas and Yard areas, except where surfaced for Parking, Loading and circulation aisles, shall be Landscaped with grass, shrubs, trees or groundcover, and shall be maintained in good condition.

4. **Off-street Parking schedule.** Off-street Parking Spaces shall be provided in accordance with the following off-street Parking schedule.

LAND USE	NUMBER OF SPACES REQUIRED
RESIDENTIAL	
Accessory Apartment	One per accessory apartment
Assisted Living	.35 per unit
Boarding House	One per housekeeping unit plus one per each boarder/lodger
Dormitory	One per two occupants based on maximum design capacity
Duplex	One per Dwelling Unit
Fraternity or Sorority	One per resident and house parent, plus 1 guest space per four residents; 1 per 250 sq. ft. if not used for residential purposes
Group Home	One per Dwelling Unit
Group Residence, Limited or General	One per bedroom
Manufactured Home	1 per Dwelling Unit
Manufactured Home Park	1 per Dwelling Unit
Manufactured Home Subdivision	1 per Dwelling Unit

Multi-family	1.25 per efficiency and one-bedroom Dwelling Unit; 1.75 per two bedroom or larger Dwelling Unit
Single-family	One per Dwelling Unit
PUBLIC AND CIVIC	
Auditorium, Athletic field or stadium, outdoor	.33 per seat
Auditorium, Athletic field or stadium, indoor	.33 per seat
Cemetery	Parking study
Church, Place of Worship or Theatre (live performance)	One per four seats based on room or space with maximum seating capacity
Community Assembly, concentrated (e.g. auction rooms, auditoriums, lodge rooms, reviewing stands, etc. which typically do not have fixed seats, but if chairs are provided they are not accompanied by a table)	One per 21 sq. ft. used for community assembly
Community Assembly, less concentrated-assembly areas that may have fixed seats and tables (e.g. bingo parlors, conference rooms, exhibit rooms, stages, etc.)	One per 45 square feet used for community assembly
Correctional Facility	One per employee in the largest working shift, plus one per each resident who is permitted to drive
Correctional Placement Residence, Limited or General	One per employee in the largest working shift, plus one per each resident who is permitted to drive
Day Care Center, Limited, General	One per teacher/employee, plus one per vehicle used in center, plus one per ten children based on enrollment above 12
Day Reporting Center	One per 333 square feet
Golf Course	Four per hole, plus one per practice tee, plus one per 400 square feet of pro shop concession area
Government Service	One per 333 square feet
Hospital and Convalescent Care Facilities	One per five beds, plus one per employee in the largest working shift
Library	One per 400 square feet
Neighborhood Swimming Pool	One per 110 square feet of pool area, plus one per 100 square feet of clubhouse area excluding re-strooms and dressing rooms
Nursing Facility	One per five beds plus one per employee
Parks and Recreation	Parking study
Recycling Collection Station, Private, Public	None required so long as collection boxes do not take up required parking spaces; if required spaces are occupied by collection boxes then additional spaces equal to the minimum required shall be pro-vided
Recycling Processing Center	One per employee for commercial use; one per 1,000 square feet for public dropoff
Reverse Vending Machine	.5 per machine
School, Elementary	One per teacher /employee, plus five visitor spaces
School, Middle	One per teacher/employee, plus ten visitor spaces
School, High	One per teacher/employee, plus one per five students
Safety Service	One per employee per largest shift
University or College	One per employee, plus one per three students
Utility, Major	One per employee
Utility, Minor	None required
COMMERCIAL	
Airport or Airstrip	Parking study
Animal Care, Limited	One per 333 square feet
Animal Care, General	One per 333 square feet

Automated Teller Machine	If located on a site with another office or commercial use 0 additional spaces are required; if the ATM is a stand-alone use then one per ATM is required; queuing is required per Sec. IV-A.11
Bank or Financial Institution	One per 333 square feet
Bed and Breakfast Inn	Same as Hotel / Motel
Billiard center or pool hall	One per 125 square feet of customer area
Bowling center	Four per lane
Broadcast/Recording Studio	One per 333 square feet
Car Wash (with dryer)	Queuing requirements only
Car Wash (without dryer)	Two per stall
Construction Sales and Service	One per 500 square feet for sales area plus warehouse parking standard
Convenience Store	One per 333 square feet
Dance Hall	One per 45 square feet
Farmers Market in the City	One per 333 square feet of exhibition and sales area
Flea market	One per 333 square feet exhibition and sales area
Funeral Home	One per three seats
Go-cart / skateboard track	One per 800 square feet of track area
Golf, miniature	One per hole
Golf driving range or batting cage	One per tee or cage
Health club / fitness center	One per 150 square feet
Heliport	Parking study
Hotel or Motel	One per guest room, plus one per 250 square feet used for retail purposes, professional and service facilities, offices, meeting rooms, recreational spaces (space designated for storage closet or utility need not be included in computation); one per five occupants required for tavern and drinking establishment, club or restaurant that is contained within a hotel / motel
Kennel, Hobby	One per outside employee
Kennel, Boarding, Breeding or Training	Parking study required
Marine Facility, Recreational	Parking study required
Medical Service	One per 333 square feet
Microbrewery	One per 500 square feet
Monument Sales	One per 333 square feet
Museum/gallery	One per 333 square feet
Nightclub in the City	One per two occupants
Nightclub in the County	One per two occupants
Nursery and Garden Center	One per 333 square feet of office/sales area plus one per 2,500 square feet of plant display area
Office, General	One per 333 square feet
Pawnshop	One per 333 square feet
Personal Care Service	One per 333 square feet
Personal Improvement Service	One per 333 square feet
Post Office Substation	One per 333 square feet of office area plus warehouse standard
Printing and Copying, Limited or General	One per 333 square feet
Recreation and Entertainment, Indoor	Parking study
Recreation and Entertainment, Outdoor	Parking study
Recreational Vehicle Campground	One per camping space
Restaurant	One per three seats
Retail, General, (except "large item," below)	One per 333 square feet for the first 400,000 square feet, plus one per 250 square feet for Building Floor Area between 400,001 and 600,000 square feet, plus one per 225 square feet for

	Building Floor Area over 600,000 square feet
Retail, General, large item (e.g. furniture, appliances, carpet, and machinery)	One per 500 square feet
Riding Academy or Stable	Parking study
Rodeo in the City	Parking study
Secondhand Store	One per 333 square feet
Service Station	One per 333 square feet of sales area
Sexually Oriented Business in the City	Retail, nightclub or theater standard depending on underlying use
Sexually Oriented Business in the County	Retail, nightclub or theater standard depending on underlying use
Skating rink	One per 333 square feet rink, plus one per 75 square feet of observation deck area
Swimming pool, public	One per 70 square feet of pool area, plus one per 100 square feet of associated building assembly area, plus one per three spectators
Tattooing and Body Piercing Facility in the City	One per 333 square feet
Tattooing and Body Piercing Facility in the County	One per 333 square feet
Tavern and Drinking Establishment	One per two occupants, except no additional parking for initial 16 occupants in outdoor seating area
Tennis / racquetball courts	Three per court
Theater, indoor	One per three seats
Vehicle and Equipment Sales, Outdoor	One per 500 square feet of building floor area, plus two spaces for the first 10,000 square feet of lot area used for sales or storage purposes, plus one space for each 10,000 square feet of lot area used for sales, display or storage purposes thereafter (Parking Spaces required per the Lot Area calculation shall be located near the entrance of the business and shall be signed for "Customer Parking Only")
Vehicle Repair, General	One per 500 square feet, plus three spaces
Vehicle Repair, Limited	One per 333 square feet, plus three spaces
Vocational School	One per teacher/employee, plus one per three students
Warehouse, Self-Service Storage	One per employee plus one per 8,000 square feet of floor area but in no case shall there be less than five spaces
Wireless Communication Facility	None required
INDUSTRIAL, MANUFACTURING AND EXTRACTIVE	
Asphalt or Concrete Plant, Limited	One per employee parking on-site
Asphalt or Concrete Plant, General	One per employee plus office standard
Basic Industry	One per employee plus office or warehouse standard
Construction Burn Site, Limited	None required
Construction Burn Site, General	One per employee
Freight Terminal	One per 333 square feet of office use plus warehouse standard
Gas and/or Fuel Storage and Sales	One per employee plus office use
Hazardous Operations	Parking study
Landfill	One per employee plus office use
Manufacturing, limited or general	One per 500 square feet
Mining or Quarrying	One per employee plus office use
Oil and Gas Drilling	None required
Research Services	One per 333 square feet
Rock Crushing	One per employee
Solid Waste Incinerator	One per employee plus office use

Storage, Outdoor, as a Principal Use	One per 10,000 square feet
Transfer Station	One per employee plus office use
Vehicle Storage Yard	One per 10,000 square feet
Warehousing	One per 2,000 square feet of the first 20,000 square feet of building floor area, plus one per 5,000 square feet of building floor area over 20,000 square feet
Welding or Machine Shop	One per 500 square feet
Wholesale or Business Services	One per 2,500 square feet of warehouse storage
Wrecking/Salvage Yard	One per 333 square feet of office or retail sales area, plus 1 per 2,000 square feet of building floor area used for warehousing of salvaged parts; plus one per 43,500 square feet of outdoor storage area
AGRICULTURAL	
Agriculture	None required
Agricultural Processing	Parking study
Agricultural Research	Parking study
Agricultural Sales and Service	One per 500 square feet, plus two spaces per 10,000 square feet of vehicle and equipment sales area
Grain Storage	Parking study

a. Unless noted otherwise, "square feet" means "gross floor area" or "gross leasable area," whichever is determined by OCI to be the appropriate category on which to make the calculation.
b. Parking study indicates that the applicant may submit a parking demand analysis that substantiates the number of spaces proposed by the applicant. If an analysis is not submitted, staff will select a use that is most similar to the proposed use and use that parking standard.

5. Computing Parking and Loading requirements.

a. Multiple Uses. Lots containing more than one Use shall provide Parking and Loading in an amount equal to the total of the requirements for all Uses, unless a shared Parking plan is approved pursuant to Sec. IV-9.

b. Fractions. When measurements of the number of required spaces result in fractions, any fraction of less than one-half shall be disregarded and any fraction of one-half or more shall be rounded upward to the next highest whole number.

c. Floor Area. Unless otherwise noted in the provisions, all square footage based Parking and Loading standards shall be computed on the basis of gross Floor Area within the Principal Building. Off-street Parking shall be adequate, however, to serve the entire Use, including outdoor display areas and other outdoor uses.

d. Employees, students and occupant-based standards. For the purpose of computing Parking requirements based on the number of employees, students, residents or occupants, calculations shall based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable.

e. Unlisted Uses. Upon receiving a development application for a Use not specifically listed in this section, the Zoning Administrator shall apply the Parking and Loading requirements specified for the listed use that is deemed most similar to the Use proposed in the application.

6. Location of required Parking. Except as provided in Secs. IV-A.9 and IV-A.10, all required off-street Parking Spaces shall be provided upon the same zoning Lot as the Principal Use. The location of required off-street Parking Spaces shall not interfere with normal traffic flow or with the operation of queuing and backup areas.

a. Parking and circulation areas within Setbacks. Off-street Parking Spaces, including ingress and egress drives, and circulation aisles, shall not occupy any part of a required Front Setback or any part of a required Street Side Setback, except for the following:

(1) required Setbacks in the NO through GI Districts not otherwise required to be Landscaped;

(2) ingress and egress drives providing access to required off-street Parking and Loading Spaces;

(3) circular driveways for Single-Family Dwelling Units when the Lot is of sufficient size to comply with all other applicable regulations, including, in the City of Wichita Chapter 10.16 of the City Code, provided, however, that the Open Space area between the circular driveway and the public right-of-way line shall not be less than eight feet in depth and Landscaped with a combination of shrubs, trees, grass and other landscaping materials;

(4) additional accessory off-street Parking for Single-Family and Duplex dwellings shall be permitted within the required Setbacks in residential zoning Districts when the Setback area of the Lot is Abutting a street having on-street Parking limitations and there is no reasonable access to the Interior Side or Rear Setbacks, provided, however, the total surfaced area within the required Setback shall not exceed 750 square feet or 50 percent of the required Setback, whichever is less;

(5) additional accessory off-street Parking for Single-Family and Duplex dwellings shall be permitted within 50 percent of the required Setbacks in residential subdivisions wherein Street widths have been reduced with a direct stipulation that additional off-street Parking be provided;

(6) additional accessory off-street Parking for Single-Family dwellings on a surfaced area Contiguous to an ingress driveway when there is no reasonable access to the Side or Rear Setback, provided, however, the total surfaced area within the required Setback shall not exceed 750 square feet or 50 percent of the required Setback, whichever is less;

(7) Parking on ingress and egress driveways for Single-Family and Duplex dwellings when the parking is additional accessory off-street Parking; and

(8) Parking on an existing surfaced driveway when a portion of an existing Single-Family dwelling is converted to dwelling purposes by utilizing the required off-street Parking Space.

b. Distance from Building or Use. No required off-street Parking Space shall be located more than 600 feet from the Building or Use it is intended to serve, measured along the shortest legal, practical walking route. This standard shall not apply to Parking Spaces provided for Auditoriums, Stadiums, assembly halls or other places of assembly, nor shall it apply to Hospitals or community or regional shopping centers or industrial, Wholesaling, Manufacturing or business park uses.

c. Garages and carports. Space within a carport or Garage may be used to satisfy off-street Parking standards.

7. Use of required off-street Parking Areas. Required off-street Parking Spaces shall be reserved for the sole use of the occupants of the Building or Lot, and the visitors thereto. Required Parking Spaces shall specifically not be used for the storage, sale or display of goods or materials, including shopping cart storage corrals, or for the sale, repair or servicing of Vehicles. Parking Areas providing required Parking Spaces shall not be used to satisfy required off-street Parking for new Structures or additions to existing Buildings, Structures or uses of land. Required Parking Spaces shall be maintained and shall not be reduced so long as the Main Building, Structure or Use remains, unless an equivalent number of such Parking Spaces are provided elsewhere.

8. Parking Spaces for persons with disabilities. A portion of the total number of required Parking Spaces in each off-street Parking Area shall be specifically designated, located and reserved for use by persons with disabilities.

a. Number of spaces. The minimum number of Parking Spaces to be provided shall be a portion of the total number of Parking Spaces required, as determined from the following schedule. Parking Spaces reserved for persons with disabilities shall be counted toward fulfilling the overall off-street Parking standards.

Total Parking Spaces Required	Accessible Spaces Required
25 or Less	One
26-50	Two
51-75	Three
76-100	Four
101-150	Five
151-200	Six
201-300	Seven
301-400	Eight
401-500	Nine

Total Parking Spaces Required	Accessible Spaces Required
501-1,000	Two percent of total spaces
Over 1,000	20 plus one per each 100 spaces over 1,000
One in every eight accessible spaces, but not less than one, shall be van accessible.	

b. Minimum dimensions. All Parking Spaces reserved for persons with disabilities shall comply with the size requirements of the Americans With Disabilities Act and other applicable codes.

c. Location of Parking Spaces. Required Parking Spaces for persons with disabilities shall be located in close proximity to Building entrances and shall be designed to permit occupants of Vehicles to reach the Building entrance on an unobstructed path with a minimum width of three feet. The Zoning Administrator may require that off-street Parking Spaces provided for persons with disabilities be dispersed throughout the project if deemed necessary to ensure safe, convenient and accessible Parking Spaces for all users of the project.

d. Signs and marking. Required Parking Spaces for persons with disabilities shall be designated with Signs as required by the Americans with Disabilities Act and other applicable codes.

9. Shared Parking. The Zoning Administrator may authorize a reduction in the number of required Parking Spaces for multiple use Developments or for Uses that are located near one another and that have different peak parking demands and operating hours. Shared Parking shall be subject to the following standards.

a. Location. Shared off-street Parking Spaces shall be located no further than 600 feet from the Buildings and Uses they are intended to serve. Off-site Parking Spaces shall not be separated from the use by an arterial Street, expressway, or freeway unless a grade-separated pedestrian walkway is provided.

b. Shared parking analysis. A parking analysis acceptable to the Zoning Administrator shall be submitted that clearly establishes that Uses will make use of the shared Parking Spaces at different times of the day, week, month or year. The study shall:

(1) Address the size and type of activities, the composition of tenants, the rate of turnover for proposed shared Parking Spaces, and the anticipated peak Parking and traffic loads;

(2) Provide for a reduction by not more than 50 percent of the combined Parking required for each Use; and

(3) Provide for no reduction in the number of Parking Spaces reserved for persons with disabilities.

c. Agreement for shared parking plan. A shared parking plan shall be enforced through written agreement. An attested copy of the agreement between the Owners of record shall be submitted to the Register of Deeds for recordation on forms made available in the office of the Zoning Administrator. Proof of recordation of the agreement shall be presented to the Zoning Administrator prior to issuance of a Building Permit.

d. Revocation of Permits. Failure to comply with the shared Parking provisions of this section shall constitute a violation of this Code and shall specifically be cause for revocation of a certificate of occupancy.

e. Parking for religious, educational and health-care related institutional uses. For religious, educational and health-care related institutional uses, Parking areas may be separated from the zoning Lot on which such Use is located by a public or private Street or Alley and still be considered as onsite Parking, provided the subject Parking area is under the same ownership as the Use being served, and the zoning classification of the separate Lot is not more restrictive than that of the main Zoning Lot on which the primary Use is located.

10. Off-site Parking. Required off-street Parking Spaces shall be located on the same Zoning Lot as the Use the Parking Spaces are intended to serve, provided that the Zoning Administrator may permit up to 50% of the required Parking Spaces to be located on a remote Lot, which is defined as a Lot separated by a Street, Alley or Lot under separate ownership or control from the Lot on which the Principal Use is located. The Zoning Administrator, in conjunction with the Planning Director, may authorize up to 100% of the required Parking Spaces to be located on a separate lot when the following standards are met.

a. Necessity. The applicant shall demonstrate that it is not feasible to locate all of the required Parking on the same Lot as the Principal Use.

b. Location. No required off-site Parking Space shall be located more than 600 feet from the primary entrance of the Use served, measured along the shortest legal, practical walking route. Off-site Parking Spaces shall not be separated from the Use by an arterial Street, expressway or freeway unless a grade-separated pedestrian walkway is provided.

c. Zoning classification. Off-site parking areas shall require the same zoning classification as required for the Use served, or a zoning classification that permits a commercial Parking Area, or have received Conditional Use approval for Parking Area (and/or accessory drive), Ancillary.

d. Agreement for off-site Parking. In the event that an off-site Parking Area is not under the same Ownership as the Principal Use served, a written agreement shall be required. An attested copy of the agreement between the

Owners of record shall be submitted to the Register of Deeds for recordation on forms made available in the office of the Zoning Administrator. Proof of recordation of the agreement shall be presented to the Zoning Administrator prior to issuance of a Building Permit.

e. **Parking for religious, educational and healthcare related institutional uses.** For religious, educational and health-care related institutional uses, Parking areas may be separated from the Zoning Lot on which such use is located by a public or private Street or Alley and still be considered as onsite Parking, provided the subject Parking area is under the same ownership as the Use being served, and the zoning classification of the separate Lot is not more restrictive than that of the Zoning Lot on which the primary Use is located.

11. **Queuing requirements for drive-through facilities.** In addition to meeting the off-street Parking requirements of this section, drive-through facilities shall meet the following standards.

a. **Queue space schedule.** The minimum number of queue spaces required shall be as follows. Variations from these minimums may be allowed based on a traffic study submitted for review and approval by the Traffic Engineer. Queue spaces may not utilize public right-of-way.

Use Type	Minimum Spaces	Measured From
Bank teller lane	Five	Teller or window
Automated teller machine	Three	Teller
Restaurant drive-through	Six	Order box*
Car Wash stall, automatic	Three per 20 linear feet of stall	Entrance
Car Wash stall, self-service	Four	Entrance
Gasoline pump island	30 feet from each end of pump island	
Other	To be determined by County Engineer in County or Traffic Engineer in City based on Traffic Study	

* If there is no order box, the spaces shall be measured from the pick-up window.

b. **Dimensions.** Queue spaces shall be a minimum of ten feet by 20 feet in size.

12. **Parking Area design standards.** Off-street Parking Areas shall be designed and installed in accordance with applicable City and County standards, including the City Public Works Department's *Typical Standards for Off-Street Parking*.

13. **Parking plans.** A parking plan shall be submitted to the Zoning Administrator for review and approval prior to the issuance of any Building Permit, Use or occupancy permit, except in the case of Single-Family dwellings that may be approved without a parking plan. The parking plan and layout shall be approved only after the Zoning Administrator determines that the plan complies with all applicable standards relating to: arrangement of Parking Spaces; number, location and dimensions of Parking Spaces; adequate aisle widths and markings for channelization appropriate to the type of design; adequate turnarounds, if needed; the location and width of adequate means of ingress and egress; and where required or necessary, the location and height of required Screening and the location of protective bumper guards. Where the required Screening Walls and Landscaped areas conflict with applicable intersection visibility standards, the Zoning Administrator shall order the parking lot to be redesigned and the required Screening to be relocated so as not to interfere with intersection visibility.

14. **Off-street Loading schedule.** Off-street Loading Spaces shall be provided in accordance with the following schedule.

Use Type	Minimum Number of Spaces
Hospitals, Nursing Homes and Convalescent Care Facilities with gross Floor Area of 10,000 square feet or more	One per 30,000 square feet
Hotels with gross Floor Area of 10,000 square feet or more	One per 100,000 square feet
Offices with gross Floor Area of 10,000 square feet or more	One per 100,000 square feet
Funeral Homes	One per 5,000 square feet
Commercial, industrial, manufacturing, Warehousing Uses with gross floor area of 5,000 square feet or more	One per 25,000 square feet for the first 100,000 square feet; one per 50,000 square feet beyond the first 100,000 square feet
Day Care Centers with 11 or more capacity	One per ten students

15. **Loading area design standards.** Off-street Loading areas shall be designed and installed in accordance with applicable City and County standards, including the City Public Works Department's *Typical Standards for Off-Street Parking*.

16. **Parking Area lighting standards.** All lighted Parking Areas shall comply with the lighting standards of Sec. IV-B.4.

B. SCREENING AND LIGHTING

1. **Purpose.** The Screening and lighting standards of this section are intended to protect residential Districts from adverse visual impacts associated with non-residential Development.

2. **Applicability.** Screening shall be provided on all properties developed for all Uses except SingleFamily and Duplex when such Uses are established on property within, Abutting, or across a Street or Alley from residential zoning Districts, except when separated by a Major Barrier.

3. **Screening Standards.** Solid Screening shall be required except in those situations where a landscaped street yard or landscape buffer sufficient to comply with Sec. IV-B.c-e are allowed. Screening may be provided by Screening Fences, Screening Walls, vegetation, landscaped earth berms or, by Landscaping per the Wichita Landscape Ordinance in certain locations within the City of Wichita.

   a. Screening Fences or Screening Walls shall be not less than six feet nor more than eight feet in height, except that within 20 feet of Street Right-of-Way Line in the Front Setback, the Height shall be reduced to three feet.

   b. When Solid Screening is required and vegetation or landscaped earth berms are proposed for the Solid Screening, a landscape plan shall be submitted to the Planning Director and the Zoning Administrator for review and approval.

   c. Additional landscaped street yard standards.

   (1) General. A landscaped street yard per the Wichita Landscape Ordinance may replace Solid Screening in the Front Setback or in a Street Side Setback or Rear Setback where the Building façade functions as a front façade, with no overhead doors, queuing lanes or additional Screening requirements per Sec. IV-B.3.e between the Building and the Lot Line.

   (2) Screening for Manufactured Home Park. Where the Manufactured Home Park Abuts an arterial or collector Street, Screening shall be provided to prevent the passage of debris and light and to mitigate adverse visual impacts. Screening shall be in the form of a Screening Wall or Fence constructed of brick, stone, concrete masonry, stucco, concrete, wood, or other similar material or in the form of evergreen vegetation. Said Screening requirement shall apply only to Manufactured Home Parks developed on property for which the MH zoning District is established after June 23, 2006.

   d. Screening along interior side and rear yards.

   (1) General. Screening of all nonresidential Uses shall be provided along all side or rear Lot Lines Abutting or across an Alley from a residential zoning District and screening of Multi-Family and Manufactured Home Park Uses

 Sec. IV-B, SCREENING AND LIGHTING

shall be provided along all side or rear Lot Lines Abutting or across an Alley from property zoned TF-3 or more restrictive.

(2) Solid Screening with Fencing, Screening Walls, evergreen vegetation or landscaped earth berm may be omitted for Multi-Family, Manufactured Home Park, office and institutional uses along any side or rear Lot Line, or portion thereof, whenever such development provides at least a 15-foot-wide Landscape buffer Contiguous to such Lot Line or portion thereof. The buffer shall provide a minimum of one shade tree or equivalent ornamental tree or evergreen tree and five shrubs for every 30 linear feet of Abutting Lot Line and/or Contiguous property line or one shade tree or equivalent ornamental tree or evergreen tree every 20 linear feet without shrubbery, in either case with at least one-third of all plant material being evergreen, or applicable standards of the City of Wichita Landscape Code if these are more stringent.

e. Screening of mechanical equipment and outdoor work and storage areas.

(1) Nonresidential Screening from ground level view. Except along local or collector Streets bounded on both sides by the LI or GI district, screening shall be provided on all nonresidential Development sufficient to reasonably hide from ground level view all loading docks, trash receptacles, ground level heating, air conditioning and mechanical equipment, freestanding coolers or refrigeration units, Outdoor Storage including Portable Storage Containers, outdoor work areas or similar uses from any residential zoning District or public Street Right-of-Way located within 150 feet of such Uses.

(a) Screening for Portable Storage Containers in the LC District may be satisfied by meeting the requirements in Sec. III-B.14.e(3)(e). If these conditions are not met, Solid Screening shall be provided with a Screening Wall or Screening Fence as required in this section of the Code.

(b) Screening for Portable Storage Containers in the GC and more intensive Districts may consist of the wall(s) of the Portable Storage Container if the container has no openings or signs facing a public Street or Adjacent property in a residential zoning District and if the wall(s) match the predominant material and colors of the existing Structure or are an earth tone color that complements and appears inconspicuous against the color of the Principal Building when these conditions are met:

1) Located at least five feet behind the wall line of the Principal Building that faces a Street,

2) Meets Side and Rear Setback requirements for Buildings, are separated by no more than ten feet from the Principal Building except when screened from view of a residential zoning District,

residential Use or arterial Street by Landscaping, earth berms or by other nonresidential Buildings; and are located at least 20 feet from any Abutting property zoned TF-3 or more restrictive, or

If these conditions are not met, Screening shall be provided with a Screening Wall or Fence as required in this section of the Code.

(2) **Nonresidential Screening from roof-mounted equipment.** Except along local or collector Streets bounded on both sides by the LI or GI district, roof-mounted heating, air conditioning and mechanical equipment on new buildings located within 150 feet of a residential zoning District or public Street Right-of-Way either shall be screened from ground level view or set back a minimum of five feet from the top edge of the building wall for every foot in height above the height of the wall.

(3) **Trash receptacles, mechanical equipment and outdoor work and storage areas in Multi-Family and Manufactured Housing District.** Screening to sufficiently hide from ground level view shall be required for trash receptacles, mechanical equipment and outdoor work and storage areas on properties developed for Multi-Family or Manufactured Home Park uses from any residential zoning District or public Street Right-of-Way located within 150 feet of these Uses.

f. **Driveway openings on alleys.** Whenever properties are developed Abutting an Alley, Screening may be omitted at driveways deemed essential for ingress and egress from the Alley to Uses established on the property.

g. **Use of screening areas.** Landscaped yards required by this section shall not be used for driveways, Parking, Loading, Outdoor Storage, outdoor display, work areas, recreational areas, Signs or similar uses.

h. **Materials used in screening walls and fences.** Screening Walls and Fences shall be constructed of standard building materials customarily used for Wall and Fence construction such as brick, stone, concrete masonry, stucco, concrete or wood.

i. **Deferral of screening requirements.** If Screening exists on either side of a developing property line that meets or exceeds the standards of this section, additional Screening shall not be required. However, if at any time the existing Screening fails to meet the requirements of this section, compliance shall be attained by the property owners in the less restrictive zoning District.

4. **Lighting Standards.** Outdoor lighting sources, including base or pedestal, pole and fixture, shall employ cut-off luminaries to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring Lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded such that the light source is not visible from the neighboring Lot. Lighting sources shall be limited to 15 feet in height within 200 feet of residential zoning Districts.

C. COMPATIBILITY STANDARDS

1. Purpose. The compatibility standards of this section are intended to preserve and protect residential neighborhoods.

2. Applicability.

a. Setbacks and height. Compatibility standards for Setbacks and Height shall apply to all uses in MF-18 and less restrictive base zoning Districts when such uses are located on Zoning Lots within 500 feet of property zoned TF-3 or more restrictive, except, however, that when the separating Street is a freeway or expressway, compliance with the compatibility standards shall not be required. Compatibility standards for Setbacks and Height shall also apply to all nonresidential Uses in the RR, SF-20, SF-10, SF-5 and TF-3 Districts when such Uses are located on Zoning Lots within 500 feet of property zoned TF-3 or more restrictive, except however, that when the separating Street is a freeway or expressway, compliance with the compatibility standards shall not be required.

b. Noise. Compatibility standards for noise shall apply to all Uses in NO and more intensive base zoning Districts when such Uses are located on Zoning Lots that are within 500 feet of any property zoned MH or more restrictive.

c. Site design standards. Compatibility site design standards shall apply to swimming pool, tennis court, ball field or playground area associated with a Parks and Recreation facility (public) when such uses are located within 50 feet of property zoned TF-3 or more restrictive; and to dumpsters and refuse receptacles when such uses are located within 20 feet of property zoned TF-3 or more restrictive.

3. Exemptions.

Notwithstanding the applicability provisions of Sec. IV-C.2, the following shall not trigger the compatibility standards:

a. Construction in the MF-18 or less restrictive base zoning District of a Use that is less intensive than the existing Uses on the Zoning Lots zoned TF-3 or more restrictive that are Contiguous or on the site across the Street shall not trigger compliance with the Setback or Height compatibility standards, but only with the noise compatibility standards.

b. Structural alteration of an existing Building or Structure when such alteration does not increase the Floor Area or Height of a building;

c. A change in Use to a Use that is no more Intensive than the existing Use.

d. Property zoned TF-3 or more restrictive that is public right-of-way, railroad track, Street, median or utility easement.

4. **Compatibility Setback standards.** Compatibility Setback standards shall only apply to side and rear Lot Lines Adjacent to property zoned TF-3 or more restrictive. The minimum Building compatibility Setback shall be 15 feet plus one foot for each five feet of (subject tract) Lot Width over 50 feet. In no case shall the compatibility Setback standards alone require more than a 25-foot Setback.

5. **Compatibility Height standards.** The following Height standards shall apply to Development that is subject to compatibility standards, unless reduced or waived through the provisions of Sec. V-I.2.

   a. No Structure (except for wireless communication facilities) shall exceed 35 feet in height within 50 feet of the lot line of property zoned TF-3 or more restrictive. Structures located more than 50 feet from the Lot Line of property zoned TF-3 or more restrictive may increase Height (if permitted by the base District regulations) at a ratio of one foot in Height for each three feet of Setback beyond 50 feet. For example, a Building limited to 35 feet in Height at 50 feet from the Lot Line of property zoned TF-3 or more restrictive could be increased to a Height of 85 feet at a distance of 200 feet from the Lot Line of property zoned TF-3 or more restrictive.

   b. Wireless Communication Facilities shall not exceed a Height equal to the distance to the Lot Line of property zoned TF-3 or more restrictive. For example, a Wireless Communication Facility located 100 feet from the Lot Line of property zoned TF-3 or more restrictive cannot exceed a Height of 100 feet.

6. **Compatibility noise standards.** No sound amplification system for projecting music or human voices shall be permitted on any property zoned NO or more intensive if the music and/or voices can be heard within any residential zoning District that is located within a 500-foot radius of the subject site.

7. **Compatibility site design.** The following additional site design standards shall apply to development that is subject to compatibility standards.

   a. No swimming pool, tennis court, ball field or playground area associated with a Parks and Recreation facility (public) shall be permitted within 50 feet of an Abutting TF-3 or more restrictive district.

   b. Dumpsters and refuse receptacles shall be located a minimum of 20 feet from any property zoned TF-3 or more restrictive.

D. RESIDENTIAL-DESIGN MANUFACTURED HOMES

Residential-Design Manufactured Homes shall be subject to the following standards.

1. **Roof.** The roof must be predominantly double-pitched and have a minimum vertical rise of 2.2 inches for every twelve inches of horizontal run, and must be covered with material that is customarily used on site-built dwellings, including

approved wood, asphalt composition shingles, or fiberglass, but excluding aluminum, corrugated fiberglass, or metal roof. The roof shall have a minimum eave projection and roof overhang of ten inches, which may include a gutter.

2. **Siding.** Exterior siding shall be of a material customarily used on site-built dwellings, which does not have a high gloss finish, such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with building codes adopted by the Governing Body.

3. **Installation.** The home shall be installed in accordance with the recommended installation procedures of the manufacturer and the standards set by the Building Codes of the Governing Body in Chapter 6, Article VII of Sedgwick County Code or Chapter 26.04 of the Code of the City of Wichita. A continuous, permanent concrete or masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, which may include walk-out basements and garages, shall be installed under the perimeter of the home, also in accordance with the above-referenced codes.

4. **Entrance landing area.** At the main entrance door there shall be a landing that is a minimum of three feet by three feet that is constructed to meet the requirements of the Building Codes adopted by the Governing Body.

5. **Transport equipment.** All Manufactured Home running gear, tongues, axles, and wheels must be removed at the time of installation of the home on the lot.

6. **Finished floor elevation.** The finished floor of the Residential-Design Manufactured Home shall be a maximum of 24 inches above the exterior finish grade of the Lot on which it is located, as measured at the main entrance into the Dwelling Unit.

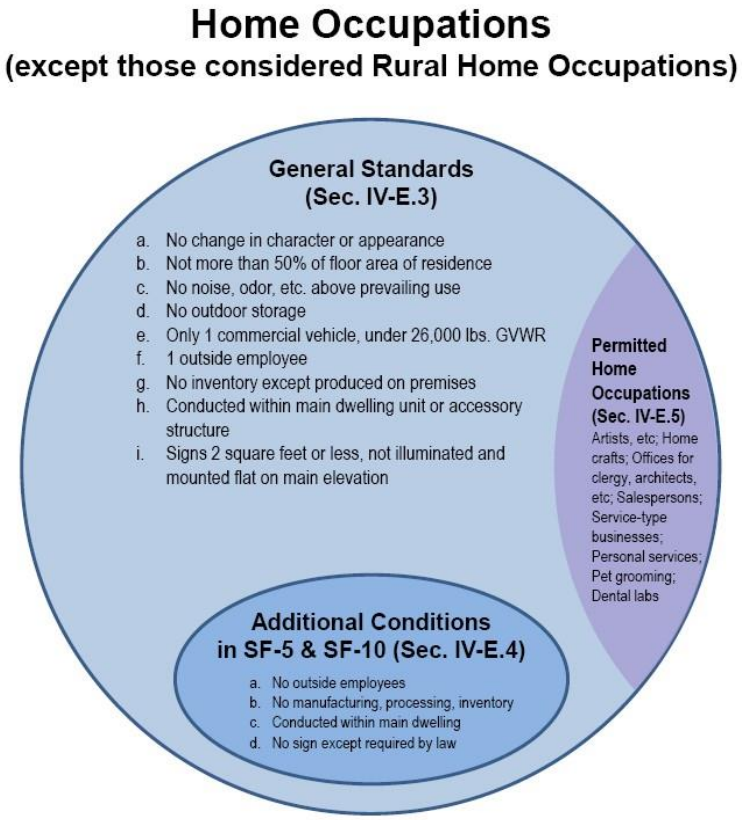
7. **Attached additions.** Any attached addition shall comply with the Building Codes adopted by the Governing Body. Architectural and aesthetic standards, as specified above, shall be applicable to all additions.

8. **Garages.** Detached Garages that may be constructed on the same lot as a Residential-Design Manufactured Home shall comply with all requirements of the Building Codes adopted by the Governing Body and with all architectural and aesthetic standards, as specified above.

9. **Installation in Historic District.** If the Residential-Design Manufactured Home is to be installed in a Historic District, a Certificate of Appropriateness shall be required to be obtained before a permit to install the home may be issued by the Zoning Administrator.

E. HOME OCCUPATIONS

The Home Occupation standards of this section are intended to permit the establishment of certain incidental and accessory Home Occupations in residential and rural areas under conditions that will ensure their compatibility with the character of the subject area. They are intended to permit residents to engage in Home Occupations that are compatible with residential land Uses and to ensure that Home Occupations do not adversely affect the integrity of residential and rural areas. A Home Occupation shall be considered an Accessory Use, subject to the following standards. This section of the Code divides those uses deemed suitable as a Home Occupation into two subcategories. The first subcategory includes those uses permitted as a Home Occupation in Dwelling Units regardless of the property's zoning, subject to applicable development standards, and are referred to as Home Occupations. The second Home Occupation subcategory includes additional uses, referred to as rural Home Occupations, that may be permitted in the RR and SF-20 zoning districts if they are operated in compliance with applicable standards described below.



1. **Where allowed.** Home Occupations shall be permitted in any Dwelling Unit or permitted Accessory Structure unless otherwise prohibited or restricted by this section.

2. **Use limitations.** In addition to all of the use limitations applicable to the District in which it is located, no Home Occupation shall be permitted unless it complies with the standards of this section.

3. **General standards.** The following standards shall apply to all Home Occupations unless specifically modified by the standards of Sec. IV-E.4 or Sec. IV-E.6.f.

   a. No alteration of the Principal Building or premises shall be made that changes the character or appearance thereof.

   b. The Home Occupation shall not occupy more than 50 percent of the gross Floor Area contained within the Dwelling Unit.

   c. No equipment shall be used that creates noise, vibration, electrical interference, smoke or particulate matter emission, or odors that are in excess of ordinary and usual conditions prevailing in the immediate neighborhood as determined by the Zoning Administrator.

   d. There shall be no Outdoor Storage of equipment, including but not limited to construction equipment, materials or Vehicles used in the Home Occupation unless allowed as a rural Home Occupation in the RR district.

   e. No more than one Commercial Vehicle may be Parked inside or outside of a building and the one permitted Commercial Vehicle shall not exceed 26,000 pounds gross vehicle weight rating unless the Vehicle is associated with a rural Home Occupation as permitted by Sec. IV-E.8.l.

   f. No more than one person other than persons occupying such Dwelling Unit as their residence shall be employed except that up to the equivalent of four persons may be employed in a Home Occupation in the SF-20 and RR districts. A full time employee is a person employed by, or who conducts business on behalf of, a rural Home Occupation in time increments of eight hours or more per day. A part time equivalent full time employee is defined as any person employed by, or who conducts business on behalf of, a rural Home Occupation in time increments of less than eight hours per day. Determination of an employee's status as a full time or part time equivalent on-site status shall be determined by payroll records, time cards or other business records. Employees or persons lacking a record on which to determine the employee's full time or part time equivalent shall be considered full time employees.

   g. No inventory (except articles produced on the premises either by members of the immediate family residing on the premises or employees of the Home Occupation) shall be displayed or sold on the premises.

   h. The Home Occupation shall be conducted entirely within the principal Dwelling Unit or in a permitted Accessory Structure.

   i. No Sign shall be permitted larger than two square feet; provided that it shall not be illuminated and shall be mounted flat against the main face of the Dwelling Unit or Building involved.

4. **SF-10 and SF-5 District standards.** The following standards shall apply in the SF-10 and SF-5 Districts. In the event of conflict with the general standards of Sec. IV-E.3, the specific SF-10 and SF-5 District standards of this section shall control.

a. In the SF-10 and SF-5 Districts, no persons shall be engaged in a Home Occupation other than persons occupying the subject Dwelling Unit as their residence.

b. In the SF-10 and SF-5 Districts, no Manufacturing or processing or conducting of a trade of any sort shall be done and no inventory shall be displayed or sold on the premises.

c. In the SF-10 and SF-5 Districts, the Home Occupation shall be conducted entirely within the main Dwelling Unit. In the SF-10 and SF-5 Districts, no Home Occupations shall be conducted within an Accessory Structure or Garage, whether attached or detached.

d. In the SF-10 and SF-5 Districts, no Sign shall be permitted except when required by law. When such a Sign is required, it shall not be larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the Dwelling Unit or Building involved.

5. Types of Home Occupations permitted. Home Occupations shall include the following list of occupations, plus uses that are similar in character; all other occupations shall be prohibited*:*

a. artists, authors or composers, dancers, music teachers, and other similar artists, including instruction thereof; provided that instruction shall be limited to not more than ten pupils at a time;

b. home crafts, such as model making, rug weaving, lapidary work, cabinet making, small appliance repairs, etc;

c. office facilities for ministers, rabbis and priests;

d. office facilities for architects, engineers, lawyers, doctors, dentists and members of similar professions;

e. office facilities for salespersons, sales representatives and manufacturers representatives, when no retailing or wholesaling is made or transacted on the premises except through electronic means;

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

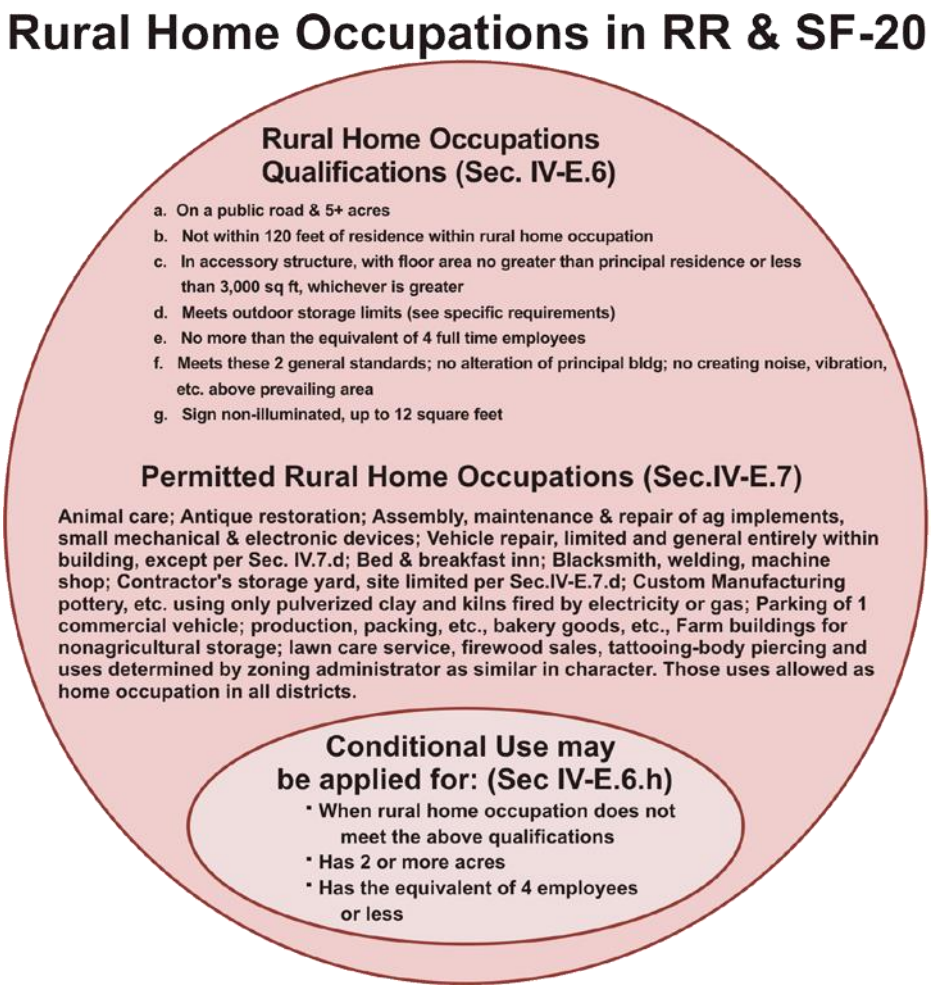
g. personal services, such as dressmakers, seamstresses, tailors, barber shops, and beauty shops;

h. pet grooming, but not including veterinary services or boarding;

i. dental laboratories;

j. Tattooing and Body Piercing Facilities (County); and

k. uses determined by the Zoning Administrator to be similar in character to those listed above.



6. Types of Home Occupations not permitted. None of the following uses shall be deemed to be similar in character to permitted home occupations:

a. Animal Care, General and Limited, except as provided in Sec. IV-E. 8;

b. Vehicle Repair, General and Limited, except as provided in Sec. IV-E.8;

c. Bed and Breakfast Inn, except as provided in Sec. IV-E.8;

d. contractor's storage, except as provided in Sec. IV-E.8;

e. Funeral Homes;

f. Kennels and Riding Academy or Stables when carried on as a business activity;

g. Medical services other than medical or dental offices;

h. Renting of trailers, vehicles or other equipment;

i. Restaurants except as provided in Sec. IV-E.8;

j. Tattooing and Body Piercing Facilities (City); and

k. Any use first allowed by right or by Conditional Use in the LI or GI Districts, unless specifically listed as permitted in Sec. IV-E.8.

7. Qualifying conditions for rural Home Occupations. In addition to the Home Occupations allowed by Sec. IV-E.5, rural Home Occupations (as specified in Sec. IV-E.8) are allowed by right on Sites in the RR and SF-20 zoning Districts under the following conditions:

a. Each Lot or tract shall be located upon a public road and shall contain a minimum of two acres.

b. A rural Home Occupation must be located at least 75 feet from residences located off-site from the zoning lot or property containing the rural Home Occupation unless the off-site residence operates a rural home occupation.

c. The rural Home Occupation may be conducted in an Accessory Structure having a Floor Area equal to the Floor Area of the principal residence or up to 3,000 square feet, whichever is greater.

d. Outdoor Storage is permitted provided the size of the storage area does not exceed 10,000 square feet. The storage area shall be located behind the front of the buildings within which the Home Occupation is conducted. Outside storage shall not be located within any required Building Setback or within 50 feet of a property line, whichever is greater. Screening of the storage area by Structures, solid or semi-solid fencing and / or landscape materials from Abutting roads and Adjacent properties is required on properties of less than five acres in size or within 50 feet of a property line or public right-of-way. Fences used to accomplish Screening shall be constructed to prevent the passage of debris or light and constructed of either brick, stone, architectural tile, masonry units wood or similar material (not including woven wire) and shall be not less than six nor more than eight feet in Height. Landscape material intended to be used for Screening purposes must be indicated on a plan drawn to scale and submitted to the Planning Director for review and approval. Landscape material must provide the desired Screening effect within the first growing season following installation and throughout the year every year thereafter. Screening requirements for rural Home Occupations may be reduced or waived by Administrative Adjustment as described in Sec. V-I.2.

e. No more than the equivalent of four full time employees orpersons, other than persons occupying the Dwelling Unit as their residence, shall be employed at any rural Home Occupation site.A full time employee is a person employed by, or who conducts business on behalf of, a rural Home Occupation in time increments of eight hours or more per day. A part time equivalent full time employee is defined as any person employed by, or who conducts business on behalf of, a rural Home Occupation in time increments of less than eight hours per day. Determination of an employee's status as a full time or part time equivalent on-site status shall be determined by payroll records, time cards or other business records.

Employees or persons lacking a record on which to determine the employee's full time or part time equivalent shall be considered full time employees.

f. Only the standards of Secs. IV-E.3.a and IV-E.3.c shall apply to rural Home Occupations.

g. One onsite, free-standing (or attached to an Accessory Building), non- illuminated Sign up to 12 square feet in size located outside public right-of-way shall be permitted.

h. Rural Home Occupations as specified in Sec. IV-E.8 that do not meet one or more of the conditions above, but are limited to no less than 20,000 square feet may be approved as Conditional Uses in accordance with the requirements and procedures for Conditional Uses in this Code.

8. Types of rural Home Occupations permitted. Rural Home Occupations permitted, in addition to those allowed by Sec. IV-E.5, include:

a. Animal Care, General and Limited;

b. antique restoration;

c. assembly, maintenance and repair of agricultural implements and equipment;

d. assembly of small mechanical devices, electronic devices and components;

e. Vehicle repair, limited and general; vehicle repair, general must be conducted entirely within an enclosed structure. Notwithstanding the definition of Vehicle repair, limited, such use may be conducted outside as a rural Home Occupation.

f. Bed and Breakfast Inn subject to all applicable codes concerning tourist accommodations and food handling enterprises;

g. blacksmith shop, Welding, heat treating and Machine Shop;

h. contractor's storage, subject to size limitations and setback requirements as set out in Sec. IV-E.7.d above regardless of on-site location;

i. custom butchering, meat curing and processing;

j. household dining establishments conducted within the main residence by prior reservation only, and subject to applicable licensing and Building Code requirements;

k. Manufacturing of pottery, statuary, figurines, or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas;

l. the Parking or storage of one Commercial Vehicle that exceeds 26,000 pounds gross vehicle weight rating when owned by the occupant. Nothing is this section prohibits Commercial Vehicles of less than 26,000 pounds gross vehicle weight rating that comply with other applicable regulations.

m. production, compounding, processing, packing or treatment of such products as bakery goods, candy, dairy products and food related products;

n. production, fabrication and assembly of small implements used in the home, office, shop, garage, lawn, garden and farm;

o. use of farm buildings for nonagricultural storage;

p. lawn care service;

q. truck farm or garden;

r. sale, cutting, splitting and storage of firewood;

s. Tattooing and Body Piercing Facilities; and

t. Uses determined by the Zoning Administrator to be similar in character to those listed above.

F. PROPERTY MAINTENANCE

1. **Responsibility.** It shall be the responsibility of the Owner or the Owner's successors in interest to maintain in good condition all required improvements on the Owner's property. This shall include, but not be limited to, Fences, Screening, Landscaping, off-street Parking and off-street Loading Areas.

2. **Violations.** When it is determined by the Zoning Administrator that improvements required by this Code are not being maintained, the Zoning Administrator shall initiate enforcement proceedings pursuant to the procedures and standards of Article VIII.

G. CONSTRUCTION USES

Offices, sheds, warehouses and open-air storage areas used by building contractors in connection with the building of a Principal Building or the development of an area may be erected and used in any District, provided they shall be removed from the premises within ten days after substantial completion of the project or unusual suspension of work. A Manufactured Home or Recreational Vehicle may be occupied at a construction site by a night watchman for the duration of a construction project when approved by the Zoning Administrator.

H. EASEMENTS

No Building, nor any addition thereto, shall be erected over or under any public sewer or public utility lines, nor upon any platted or recorded easement, unless permission is granted, in writing, by the Zoning Administrator or the public utility whose lines are involved.

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ARTICLE V DEVELOPMENT REVIEW PROCEDURES

SECTIONS

A. GENERAL

The following general requirements apply to all applications.

1. **Authority to file applications.** The Planning Commission or the Governing Body may initiate any action under this Code with or without an application from the property owner. All notice, hearing and other procedural requirements of this Code shall apply to applications initiated by a public entity, except that written (mailed) notice to individual property owners shall not be required for general revisions.

2. **Applications and fees.** Applications shall be submitted on forms provided by the department head responsible for accepting the application and in such numbers as required. Applications shall be accompanied by a non-refundable fee established by Governing Body to defray the costs of processing applications. Fees shall not be required with applications initiated by the Planning Commission or Governing Body. Any application that does not include required information or that is not accompanied by the required fee shall be returned to the applicant as incomplete and no further processing of the application shall occur until the deficiencies are corrected. A private access drive is only required to be part of the legal description for notification purposes if the Planning Director determines that the traffic on the access drive will be significantly more intensive in frequency or types of vehicles than uses that are permitted by right in the applicable zoning district.

3. **Application processing cycles.** The Planning Director, after consulting with the Planning Commission and affected Governing Body, shall from time to time promulgate a processing cycle for each type of application. Each promulgated processing cycle shall include:

   a. dates of regular meetings of the review and decision bodies;

   b. the deadline for receipt of a complete application for consideration of such application at a particular meeting;

   c. the scheduling of staff reviews and staff reports on complete applications;

   d. all necessary steps in the application process (including hearings, decision meetings, and review by other bodies); and

   e. the publication of required notices of hearings.

4. **Development review sequence.** No subdivision, site plan or other application for development review shall be considered unless the application is consistent with the existing zoning of the subject property or, where permitted by this Code,

such application is submitted simultaneously with a proposed zoning map amendment that would make the zoning and the proposed development consistent.

5. **Standing to appeal.** The following persons shall have the standing to appeal a matter under this Code: the applicant; the Planning Director; the Zoning Administrator; the Planning Commission; the Governing Body; any owner of land directly affected by the action or proposed action; any owner of land within 200 feet of the property in question in the City and within 1,000 feet of the property in question in the County; if the matter is partly or wholly within the Urban Area of Influence of a second or third class city in the County, by the Planning Commission or municipal government of that city; or by any other person determined by either the body taking the final, non-appellate, action or by the appellate body to be actually or potentially aggrieved by the action or proposed action.

B. NOTICES AND HEARINGS

The requirements and limitations of this section shall apply to hearings and hearing notices.

1. **Compliance with notice requirements.** Notice under this Code shall be deemed to be complete and in compliance with applicable requirements when there is substantial compliance with applicable notice requirements. Minor technical deviations from the requirements shall not be deemed to impair the notice where there is actual notice. When required written notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the general location of the subject property shall be strictly construed. In all cases, where there is a question raised at the hearing regarding the adequacy of notice, the body hearing the matter shall make a formal finding as to whether there was substantial compliance with the notice requirements of this article.

2. **Scope of action.** The body holding the hearing may take any action on the application that is consistent with the notice given, including approving such application, approving the application with conditions or denying the application. The review body may impose conditions to the application or allow amendments to the application if the effect of the conditions or the amendments is to allow a less intensive use or zoning district than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application. The review body may not approve a greater amount of development, a more intensive use or a more intensive zoning district than was indicated in the notice.

3. **Continuance.** A hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this article, provided that the hearing is set for a specific date and time.

4. **Notices.** The provisions of this section describe the various types of notices that may be required. The actual type of notice required for a given application is specified in the relevant section of this article.

   a. **Published notice.** Notice required pursuant to this section shall be published in the official newspaper and shall indicate the time and place of the public hearing and a general description of the application. If such application affects specific property, the subject property shall be designated by legal description or a general description sufficient to identify the property under consideration. If a general description is used, the notice shall include a statement indicating where the complete legal description may be viewed.

   b. **Written notice.** Notice required pursuant to this section shall be mailed to all owners of record of real property within the area to be altered and to all owners of record of real property located in the area to be notified surrounding the area proposed to be altered, before the public hearing, and shall indicate the time and place of the public hearing and a general description of the application. The required area of notification shall be such property located within at least 200 feet of the area proposed to be altered in the City and at least 1,000 feet of the area proposed to be altered in the County. For property located adjacent to or outside the city limits that is proposed to be altered by the City, the area of notification of the City's action shall be at least 1,000 feet. Notice of the County's action shall extend 200 feet in those areas where the notification area extends within the corporate limits of a city. In addition, it is the intent of this Code to give advisory notification to such additional persons as shall be specified by Planning Commission policy and as indicated on the application forms, provided that such advisory notification area shall not be used in the calculation for protest in Secs. V-C.10 or V-D.10. The written notice required herein shall be placed in the mail with the postmark to be not less than 20 days prior to the date of the public hearing.

   c. **Downzonings.** Whenever five or more owners of record owning ten or more Contiguous or noncontiguous lots, tracts or parcels of the same zoning classification initiate a rezoning of their property from a less restrictive to a more restrictive zoning classification, such amendment shall require notice by publication but shall not require written notice, and shall not be subject to protest petition provision of Sec. V-C.10.

   d. **Notice to other cities.** For applications or proposals involving specific property located within the Urban Area of Influence of any city of the second or third class within Sedgwick County, the Planning Director shall send notice of the application to the Planning Commission of such city. The Planning Commission of that city may then hold a public hearing and make a recommendation to the Metropolitan Area Planning Commission, based on the criteria for review established for the subject application type. The Planning Commission of the other city shall make its recommendation to the Metropolitan Area Planning Commission on or before the scheduled date of the public hearing before the Metropolitan Area Planning Commission. The lack of a recommendation by the other city's planning commission on or

before the scheduled date of the hearing before the Metropolitan Area Planning Commission, shall be construed as a recommendation for approval of the application or proposal.

C. OFFICIAL ZONING MAP AND UNIFIED ZONING CODE TEXT AMENDMENTS

Any amendment to the zoning district boundaries shown on the Official Zoning Map, including a Planned Unit Development and a Protective Overlay, or any amendment to the text of this Code shall follow the procedures set forth in this section.

1. **Authority.** Any amendment to the zoning district boundaries or to the text of this Code shall require the approval of the Governing Body.

2. **Initiation.** An application for an amendment to the text of this Code may be initiated by the Governing Body or the Planning Commission. An application to amend the boundaries of the Official Zoning Map may be initiated by the Governing Body, the Planning Commission or the owners of the property proposed to be rezoned.

3. **Application.** A complete application for an amendment to the Official Zoning Map or to the text of this Code shall be submitted to the Planning Director in a form established by the Director, along with a nonrefundable fee that has been established by the Governing Body to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid.

   a. **Special PUD application requirements.** Each application for PUD approval shall be accompanied by a PUD concept plan in a form established by the Director and made available to the public. At a minimum, the concept plan shall include the following information:

      (1) a detailed summary and graphic presentation of proposed land uses and development intensities, including number of dwelling units and total nonresidential square feet by land use type;

      (2) a detailed explanation of how the proposed plan of development differs from what could be accomplished through strict compliance with the standards of this Code;

      (3) the phasing plan and schedule of development, including an explanation of the sequence of buildout; and

      (4) an explanation of how the proposed PUD represents an improvement over what could have been accomplished through application of traditional zoning standards.

4. **Establishment of hearing date, publication of notice.** Promptly upon determining that an application is complete, the Planning Director shall schedule a public hearing before the Planning Commission, notify the applicant of the meeting and hearing date and mail written notice at least 20 days prior to the hearing in accordance with the notice requirements of Secs. V-B.4.a, V-B.4.b, V-B.4.c and V-B.4.d. The initial public hearing before the Planning Commission shall be scheduled for the next meeting date for which it is practicable to give at least 20 days' notice.

5. **Report of Planning Director.** The Planning Director shall prepare a staff report that reviews the proposed amendment in light of the Comprehensive Plan, the general requirements of this Code, and the applicable review criteria set forth in Sec. V-C.8. The Planning Director shall provide a copy of the report to the Planning Commission in its agenda packet and shall send a copy of the report to the applicant by first-class mail, pre-paid, at least five days before the scheduled Planning Commission hearing.

6. **Action by the Planning Commission.** The Planning Commission shall hold a public hearing on the application. For a PUD application, the Planning Commission shall review the proposed PUD plan for compliance with the requirements of the Comprehensive Plan, the PUD standards of Article III and the general requirements of this Code. After the public hearing, the Planning Commission shall recommend approval, approval with conditions or modifications, or denial of the application, and shall transmit an accurate written summary of the proceedings to the Governing Body's designated clerk. If the subject property is within the area of influence of another city in Sedgwick County, the Metropolitan Area Planning Commission shall consider any recommendation of the other city's planning commission, provided the recommendation is received by the time of the scheduled public hearing before the Metropolitan Area Planning Commission. If the Planning Commission fails to make a recommendation on a rezoning request or its motion results in a tie vote, the Planning Commission shall be deemed to have made a recommendation of disapproval.

7. **Action by the Governing Body.** The Governing Body shall consider the application, and may, in its discretion, hold a public hearing on the application. In acting on the application, the Governing Body may: (a) adopt the Planning Commission's recommendation by ordinance or resolution, as appropriate; (b) override the Planning Commission's recommendation by a two-thirds majority vote of the membership of the Governing Body; or (c) return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit new and amended recommendation. Upon the receipt of such recommendation, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the respective ordinance or resolution, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's

next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly. Except when the Governing Body returns a recommendation to the Planning Commission, the Governing Body shall consider the factors specified in Sec. V-C.8. The proposed amendment shall become effective and final upon publication of the adopting ordinance or resolution.

8. **Review criteria.** The criteria for review of a proposed amendment to the Official Zoning Map or the text of the Code are set out in this section. Not all of the criteria must be given equal consideration by the Planning Commission or Governing Body in reaching a decision. The criteria to be considered shall be as follows:

   a. the zoning, uses and character of the neighborhood;

   b. the suitability of the subject property for the uses to which it has been restricted;

   c. the extent to which removal of the restrictions will detrimentally affect nearby property;

   d. the length of time the subject property has remained vacant as zoned;

   e. the relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant;

   f. the conformance of the requested change to the adopted or recognized comprehensive plan or other plans or policies being utilized by the City or County;

   g. impact of the proposed development on community facilities;

   h. opposition or support of neighborhood residents; and

   i. a consideration of the recommendations of professional staff.

   The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria.

9. **Negative recommendation by city's planning commission for cases in an Urban Area of Influence.** If a proposed rezoning involves property within the Urban Area of Influence of a city in Sedgwick County, and if the planning commission of that city has recommended against the rezoning on or before thirty (30) days following notification of the city of the proposed rezoning, approval of such change by the Governing Body shall require a super-majority vote of all members; provided, however, if the Governing Body returns the case to the Metropolitan Area Planning Commission for further consideration, upon return to the Governing Body approval shall only require a simple majority vote. If the city planning commission does not respond within thirty (30) days it will be considered a de facto recommendation of approval; provided, however, representatives of the city may still appear at any public hearing or meeting regarding the proposed rezoning and present comments or testimony as can any member of the public.

10. **Valid protest of proposed application.**

a. **Governing Body action with valid protest.** If a valid protest petition against an application for an amendment to the Official Zoning Map is filed in the office of the City Clerk or the County Clerk, as applicable, within 14 days of the conclusion of the Planning Commission hearing pursuant to the publication notice, signed by the owners of record of 20 percent or more of any real property proposed to be altered or by the owners of record of 20 percent or more of the total real property within the area required to be notified by state statute (pursuant to Sec. V-B.4.b) of the proposed zoning map amendment, excluding streets and public ways and property excluded pursuant to Sec. V-C.10.b, such amendment may be approved by the Governing Body only by a vote of approval by at least three-fourths of all the members of the Governing Body.

b. **Exclusion of specific property proposed for rezoning.** For purposes of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of the specific property subject to the rezoning or the owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property also shall be excluded when calculating the "total real property within the area required to be notified" as that phrase is used in Sec. V-C.10.a.

c. **Exemption for downzonings.** Downzonings as defined in Sec. V-B.4.c are not subject to these protest provisions.

d. **Effect of withdrawal of protest petition.** A protest petition may be withdrawn at any time prior to the date of the scheduled hearing by the Governing Body by written notice from the protesting owner received in the office of the City Clerk or the County Clerk, as applicable. Property covered by a withdrawn petition shall not be used in the calculation of a valid protest.

11. **Successive applications.** In the event that the Governing Body denies an application for an amendment to the Official Zoning Map, or the applicant withdraws his or her application after a public hearing by the Planning Commission, a similar application shall not be refiled for one year from the latest advertised public hearing date on said application. The Planning Commission may permit a refiling of said application after six months of the latest advertised public hearing date when it determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been adopted, or when the reapplication is for a more restrictive change of zoning classification or is significantly different than the original request. The applicant shall submit a statement in detail setting out those changes that the applicant deems significant and upon which the applicant relies for refiling the original application.

12. **Appeals of final action.** The Governing Body's decision on an application for an amendment to the Official Zoning Map or to the text of this Code shall be the final local action. Appeals of such final local action shall be taken to the district court in and for the Eighteenth Judicial District of the State of Kansas.

13. **Amendments to PUDs and P-Os.** Approved Planned Unit Developments and Protective Overlays may be amended in whole or in part by following the same procedures as required for consideration and approval of an original PUD or P-O application.

14. **Adjustments to PUD plans and P-Os.** The Planning Director, with the concurrence of the Zoning Administrator, may approve minor adjustments to approved PUD plans and to approved P-Os, unless finding that the proposed development would have one or more of the negative impacts stated in Sec. V-I.6, but in no event shall the Director approve an adjustment that allows any of the following:

    a. more than a five-foot or ten percent increase in Building Height, whichever is greater;

    b. more than a ten percent increase in Floor Area or building coverage or in residential unit density when calculated on a total, aggregate project basis; and

    c. a change in use to a Use that is more "intensive" (see Sec. II-B.6.i) than the Use approved as part of the PUD plan.

15. **Interpretations of PUDs and P-Os.** The Zoning Administrator shall have authority to make written interpretations of any provisions of an approved PUD plan or an approved P-O in the manner set forth in Sec. V-H. These interpretations may include interpretations permitting Uses other than those listed if they are similar to and no more intensive than Uses listed in the PUD plan. Where the PUD provisions involve codes other than this Code, such as but not limited to the Sign Code and the Landscape Code, the Zoning Administrator shall also have authority to make written interpretations of those provisions in the same manner.

D. CONDITIONAL USES

This section sets out the required review procedures for Conditional Uses.

1. **Authority.** An application for Conditional Use approval shall require site plan approval by the Planning Commission or, if forwarded to the Governing Body for final action, shall require approval by the Governing Body. If the Conditional Use application is accompanied by a rezoning application, both shall be forwarded to the Governing Body for final action after a hearing and recommendation by the Planning Commission.

2. **Initiation.** An application for Conditional Use approval may be proposed by the owner(s) of the subject property.

3. **Application.** A complete application for Conditional Use approval shall be submitted to the Planning Director in a form established by the Director, along with a nonrefundable fee that has been established by the Governing Body to defray the cost of processing the application. Each application for Conditional

Use approval shall be accompanied by a detailed site plan in a form established by the Director and made available to the public. No application shall be processed until the application is complete and the required fee has been paid.

4. **Establishment of hearing date, publication of notice.** Promptly upon determining that an application is complete, the Planning Director shall schedule a public hearing before the Planning Commission, notify the applicant of the meeting and hearing date and give at least 20 days' notice of the hearing in accordance with the notice requirements of Secs. V-B.4.a, V-B.4.b and V-B.4.d. The initial public hearing before the Planning Commission shall be scheduled for the next meeting date for which it is practicable to give at least 20 days' notice.

5. **Report of Planning Director.** The Planning Director shall prepare a staff report that reviews the proposed application for Conditional Use approval in light of the Comprehensive Plan, the general requirements of this Code, and the applicable review criteria set forth in Sec. V-C.8. The Planning Director shall provide a copy of the report to the Planning Commission in its agenda packet and shall send a copy of the report to the applicant by first-class mail, pre-paid, at least five days before the scheduled Planning Commission hearing.

6. **Action by the Planning Commission.** The Planning Commission shall hold a public hearing on the application. After the public hearing, the Planning Commission may approve, approve with conditions or modifications, or deny the application for Conditional Use approval, based on the criteria of Sec. V-C.8. This provision specifically contemplates that it may be necessary for the Planning Commission to attach additional special conditions to a proposed Conditional Use in order to ensure that it complies fully with the criteria of this Code. If the subject property is within the area of influence of another city in Sedgwick County, the Planning Commission shall consider any recommendation of the Planning Commission of that other city in making its own recommendation. This action by the Planning Commission shall be the final action on the Conditional Use application except when any one or more of the following exist: (a) the Conditional Use application is accompanied by a rezoning application; (b) the applicant appeals the action of the Planning Commission; (c) one or more valid protest petitions are filed opposing the action of the Planning Commission; (d) the Planning Commission action is not consistent with the recommendation of the Planning Commission of the small city in whose area of influence the application site is located; (e) an appeal is filed by anyone with standing to appeal per Sec. V-A.5 of this Code; or (f) the Planning Commission recommends modification of one or more of the conditions in Sec. III-D.6 Supplemental Use Regulations. When any one or more of these exceptions exist, the Planning Commission's action shall be in the form of a recommendation that is forwarded to the Governing Body for final action. Protest petitions and appeals shall be filed within 14 days of the conclusion of the Planning Commission hearing pursuant to the jurisdiction notice. If the Planning Commission fails to make a recommendation on a Conditional Use request, or its motion results in a tie vote, the Planning Commission shall be deemed to have made a recommendation of disapproval.

7. **Action by the Governing Body.** If the Conditional Use application is forwarded to the Governing Body for one of the reasons listed in Sec. V-D.6 above, the Governing Body shall consider the application(s) and may, in its discretion, hold a public hearing. The Governing Body's action on such application(s) shall be the same as set forth in Sec. V-C.7. The Conditional Use may be approved, approved with conditions or modifications, or denied by the Governing Body.

8. **Review criteria.** The criteria for review of a proposed Conditional Use are as set out in Sec. V-C.8. Not all of the criteria must be given equal consideration by the Planning Commission or by the Governing Body in reaching a decision. The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria.

9. **Negative recommendation by city's planning commission for cases in an Urban Area of Influence.** If a proposed Conditional Use involves property within the Urban Area of Influence of a city in Sedgwick County, and if the planning commission of that city has recommended against the Conditional Use on or before thirty (30) days following notification of the city of the proposed Conditional Use, approval of such Conditional Use by the Governing Body shall require a super-majority vote of all members; provided, however, if the Governing Body returns the case to the Metropolitan Area Planning Commission for further consideration, upon return to the Governing Body approval shall only require a simple majority vote. If the city planning commission does not respond within thirty (30) days it will be considered a de facto recommendation of approval; provided, however, representatives of the city may still appear at any public hearing or meeting regarding the proposed Conditional Use and present comments or testimony as can any member of the public.

10. **Protest petitions.**

    a. **Governing Body action required if protest petition received.** If one or more protest petitions opposing the action of the Planning Commission are filed in the office of the City Clerk or the County Clerk, as applicable, within 14 days of the conclusion of the Planning Commission hearing pursuant to the publication notice, signed by all owners of any real property required by state statute to be notified (pursuant to Sec. V-B.4.b) of the application for the Conditional Use, such Conditional Use application shall be forwarded to the Governing Body for final action.

    b. **Governing Body action with valid protest of 20 percent.** If a valid protest petition against the application for the Conditional Use is filed in the office of the City Clerk or County Clerk, as applicable, within 14 days of the conclusion of the Planning Commission hearing pursuant to the publication notice, signed by the owners of record of 20 percent or more of any real property proposed for Conditional Use or by the owners of record of 20 percent or more of the total real property within the area required to be notified by state statute (pursuant to Sec. V-B.4.b) of the proposed Conditional Use, excluding streets and public ways and property excluded pursuant to Sec. V-D.10.c, and excluding mineral operations subject to K.S.A. 49-601 et seq. and amendments thereto, such Conditional Use may be approved by the Governing Body only by a vote of approval by at least three-fourths of all the members of the Governing Body.

    c. **Exclusion of specific property proposed for Conditional Use.** For purposes of determining the sufficiency of a protest petition, the specific property for the Conditional Use shall be excluded when calculating the "total

real property within the area required to be notified" as that phrase is used in Sec. V-D.10.b.

d. **Effect of withdrawal of protest petition.** A protest petition may be withdrawn at any time prior to the date of the scheduled hearing by the Governing Body by written notice from the protesting owner received in the office of the City Clerk or the County Clerk, as applicable. Property covered by a withdrawn petition shall not be used in the calculation of a valid protest.

11. **Successive applications.** In the event that the final action on a Conditional Use application is that it be denied, or if the applicant withdraws his or her application after a public hearing by the Planning Commission, a similar application shall not be refiled for one year from the latest advertised public hearing date on said application. The Planning Commission may permit a refiling of said application after six months of the latest advertised public hearing date when it determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been adopted, or when the application is for a different use than the original request. The applicant shall submit a statement in detail setting out those changes that the applicant deems significant and upon which the applicant relies for refiling the original application.

12. **Appeals of final action.** The Governing Body's decision on an application for Conditional Use approval shall be the final local action. Appeals of such final local action shall be taken to the district court in and for the Eighteenth Judicial District of the State of Kansas.

13. **Amendments to Conditional Uses.** Approved Conditional Uses may be amended by following the same procedures as required for consideration and approval of an original Conditional Use application.

14. **Adjustments to Conditional Uses.** The Planning Director, with the concurrence of the Zoning Administrator, may approve minor adjustments to approved Conditional Use site plans or conditions of approval, unless finding that the proposed development would have one or more of the negative impacts stated in Sec. V-I.6.

15. **Failure of Conditions.** If the Zoning Administrator finds that there is a violation of any of the conditions of a Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII hereof, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void. Such finding and declaration shall be made in writing and mailed to the owner of the real property that is affected by the Conditional Use restrictions. A copy shall be sent to the Planning Director. The Zoning Administrator's declaration shall be final unless appealed in accordance with Sec. V-F.

E. COMMUNITY UNIT PLANS (CUP)

This section sets out the required review procedures for CUPs.

1. **Authority.** An application for CUP approval shall require approval by the Planning Commission or, if forwarded to the Governing Body for final action, shall require approval by the Governing Body. If a CUP application is accompanied by a rezoning application, both shall be forwarded to the Governing Body for final action after a hearing and recommendation by the Planning Commission.

2. **Initiation.** An application for CUP approval may be proposed by the owner(s) of the subject property.

3. **Application.** A complete application for CUP approval shall be submitted to the Planning Director in a form established by the Director, along with a nonrefundable fee that has been established by the Governing Body to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid. Each application for CUP approval shall be accompanied by a CUP site plan that, at a minimum, includes the following information:

   a. a detailed summary and graphic presentation of proposed land uses and development intensities;

   b. a screening and buffering plan; and

   c. a plan for traffic circulation and access.

4. **Establishment of hearing date, publication of notice.** Promptly upon determining that an application is complete, the Planning Director shall schedule a public hearing before the Planning Commission, notify the applicant of the meeting and hearing date and give at least 20 days' notice of the hearing in accordance with Secs. V-B.4.a, V-B.4.b, and V-B-4.d. The initial public hearing before the Planning Commission shall be scheduled for the next meeting date for which it is practicable to give at least 20 days' notice.

5. **Report of Planning Director.** The Planning Director shall prepare a staff report that reviews the proposed application for CUP approval in light of the Comprehensive Plan, the CUP standards of Article III and the general requirements of this Code. The Planning Director shall provide a copy of the report to the Planning Commission in its agenda packet and shall send a copy of the report to the applicant by first-class mail, pre-paid, at least five days before the scheduled Planning Commission hearing.

6. **Action by the Planning Commission.** The Planning Commission, in a public hearing, shall review the proposed CUP for compliance with the requirements of the Comprehensive Plan, the CUP standards of Article III and the general requirements of this Code. In the course of such review, the Planning Commission may recommend modifications in the site plan as a condition of approval of the plan. Based on that review, the Planning Commission shall act to approve, approve with conditions or modifications, or deny the CUP application. If the subject property is within the area of influence of another city

in Sedgwick County, the Planning Commission shall consider any recommendation of the planning commission of that other city in making its own recommendation, provided the recommendation is received by the time of the scheduled public hearing before the Metropolitan Area Planning Commission. If the CUP is accompanied by a rezoning application, or if the Planning Commission's action is not consistent with the recommendation of the planning commission of the small city in whose area of influence the application site is located, or if an appeal is filed, the Planning Commission's action shall be in the form of a recommendation that is forwarded to the Governing Body for final action. If the Planning Commission fails to make a recommendation on a community unit plan request, or its motion results in a tie vote, the Planning Commission shall be deemed to have made a recommendation of disapproval.

7. **Action by the Governing Body.** If the CUP application is forwarded to the Governing Body for one of the reasons stated in Sec. V-E.6 above, the Governing Body shall consider the application(s) and may, in its discretion, hold a public hearing. The Governing Body's action on the application(s) shall be the same as set forth in Sec. V-C.7. Upon final action, the CUP may be approved, approved with conditions or modifications or denied by the Governing Body.

8. **Review Criteria.** The criteria for review of a proposed CUP are as set out in Sec. V-C.8. Not all of the criteria must be given equal consideration by the Planning Commission or by the Governing Body in reaching a decision.

9. **Negative recommendation by city's planning commission for cases in an Urban Area of Influence.** If a proposed CUP involves property within the Urban Area of Influence of a city in Sedgwick County, and if the planning commission of that city has recommended against the CUP on or before thirty (30) days following notification of the city of the proposed CUP, approval of such CUP by the Governing Body shall require a super-majority vote of all members; provided, however, if the Governing Body returns the case to the Metropolitan Area Planning Commission for further consideration, upon return to the Governing Body approval shall only require a simple majority vote. If the city planning commission does not respond within thirty (30) days it will be considered a de facto recommendation of approval; provided, however, representatives of the city may still appear at any public hearing or meeting regarding the proposed CUP and present comments or testimony as can any member of the public.

10. **Appeals by aggrieved persons.** Appeals from the action of the Planning Commission on an application for CUP approval may be taken to the Governing Body by filing an appeal with the Planning Director within 14 days of the conclusion of the Planning Commission hearing pursuant to the publication notice. The Planning Director shall refer this matter to the Governing Body for final action and shall notify the applicant and all appellants of the date on which this matter is scheduled for review by the Governing Body. The Governing Body shall act to approve, approve with conditions or modifications, or deny the original application.

11. **Successive applications.** In the event that the Governing Body, on appeal, denies an application for CUP approval, or the applicant withdraws his or her application after a public hearing by the Commission, a similar application shall not be refiled for one year from the latest advertised public hearing date on said application. The Planning Commission may permit a refiling of said application after six months of the latest advertised public hearing date when it determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been

adopted, or when the application is significantly different than the original request. The applicant shall submit a statement in detail setting out those changes that the applicant deems significant and upon which the applicant relies for refiling the original application.

12. **Appeals of final action.** The Governing Body's decision on a CUP application shall be the final local action. Appeals of such final local action shall be taken to the district court in and for the Eighteenth Judicial District of the State of Kansas.

13. **Amendments to CUPs.** Approved CUPs, whether approved before or after the effective date of this Code, may be amended in whole or in part by following the same procedures as required for consideration and approval of an original CUP application except as modified in this paragraph. The property owner(s) of a parcel (as delineated on the CUP site plan) in an approved CUP may file to amend the property owner(s) parcel(s) of the CUP without the requirement that owners of other parcels in the CUP join in the application. The property owner(s) of a portion of a parcel in an approved CUP may file to amend that parcel of the CUP, as it relates to the property owned by the property owner(s) only, without the requirement that the other owners of that parcel join in the application. Protest rights are as specified in Sec. V-E.10 above. When the Planning Commission action on a request to amend only a portion of a CUP parcel is appealed to the Governing Body by one of the non-applicant owners of that parcel, the Governing Body shall then consider the application and may, in its discretion, hold a public hearing. The Governing Body may approve, approve with conditions or modifications, or deny the application but any approval to amend only a portion of a CUP parcel, for which an appeal is filed, shall require an affirmative vote of at least three-fourths of all the members of the Governing Body.

14. **Adjustments to CUPs.** Approved CUPs, whether approved before or after the effective date of this Code, may be adjusted by application of all owners within the parcel being adjusted. The Planning Director, with the concurrence of the Zoning Administrator, may approve minor adjustments to approved CUPs, unless finding that the proposed development would have one or more of the negative impacts stated in Sec. V-I.6, but in no event shall the Director approve an adjustment that allows any of the following:

    a. more than a five-foot or ten percent increase in Building Height, whichever is greater;

    b. more than a ten percent increase in Floor Area or building coverage or in residential unit density when calculated on a total, aggregate project basis; and

    c. a change in use to a Use that is more "intensive" (See Sec. II-B.6 for definition of Intensity) than the Use approved as part of the CUP.

    When an application for CUP adjustment has been denied or when such application has been approved with conditions or modifications that are unacceptable to the applicant, the applicant may file an amendment to the CUP

pursuant to Sec. V-E.13 and the filing fee for the adjustment shall be applied toward the filing fee for the amendment.

15. **Interpretations of CUPs**. The Zoning Administrator shall have authority to make written interpretations of any provisions of approved CUPs in the manner set forth in Sec. V-H. These interpretations may include interpretations permitting uses other than those listed if they are similar to and no more intensive than uses listed on the CUP. Where the CUP provisions involve codes other than this Code, such as but not limited to the Sign Code and the Landscape Code, the Zoning Administrator shall also have authority to make written interpretations of those provisions in the same manner.

F. APPEALS

This section sets out the required review procedures for appeals.

1. **Authority.** The Board of Zoning Appeals is authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination by the administering or enforcing officer in administering or enforcing any provisions of this Code or any other development code, including but not limited to the Sign Code and the Landscape Code, wherein the appeal authority has been granted to the Board of Zoning Appeals.

2. **Initiation.** An appeal may be filed by any person aggrieved, or by any officer of the City or County or any governmental agency or body affected by any decision of any officer administering the provisions of this Code or the provisions of any other development code wherein the appeal authority has been granted to the Board of Zoning Appeals.

3. **Application.** Any appeal shall be taken to the Board of Zoning Appeals. A complete application for an appeal shall be submitted to the Secretary of the Board of Zoning Appeals in a form established by the Secretary, along with a nonrefundable fee that has been established by the appropriate Governing Body to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid. Applications for appeals from the decisions of the administering officer shall be made within the time limit specified by the rules of the Board of Zoning Appeals.

4. **Establishment of hearing date, publication of notice.** Promptly upon determining that an application is complete, the Secretary shall schedule a public hearing before the Board of Zoning Appeals. Notice of the time, place and subject of such hearing shall be published once in the official newspaper at least 20 days prior to the date fixed for hearing. Notices shall be mailed to all applicants and to such additional persons as shall be specified by the Board of Zoning Appeals policy and as indicated on the application forms. If the applicant is not the owner of the property that is the subject of the appeal, then the property owner(s) shall also be sent a copy of the notice. The public hearing before the Board of Zoning Appeals shall be scheduled for the next meeting date for which it is practicable to give at least 20 days' notice.

5. **Action by Board of Zoning Appeals.** As soon as possible following the close of the public hearing, but in no event later than 40 days from the hearing date (unless the applicant consents to a longer time period), the Board of Zoning Appeals shall make a decision on the appeals request and report its findings and decision to the Zoning Administrator or other administering officer. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit. Upon reporting its decision, the Board's decision shall become final. The Board of Zoning Appeals' Secretary shall thereafter transmit a copy to the applicant.

6. **Appeals from action of Board of Zoning Appeals.** Any person, official or governmental agency dissatisfied with the decision of the Board of Zoning Appeals may bring an action in the district court of the Eighteenth Judicial District to determine the reasonableness of such decision. Such appeal shall be filed within 30 days of the final decision of the Board of Zoning Appeals.

G. VARIANCES

Variances are deviations from specific regulations in this Code, which would not be contrary to the public interest when, due to special conditions or circumstances, the literal enforcement of specific regulations results in unnecessary hardship. This section sets out the required review procedures for Variances.

1. **Authority.** An application for a Variance shall require approval of the Board of Zoning Appeals.

2. **Initiation.** An application for a Variance may be proposed by the owner of the subject property.

3. **Application.** A complete application for a Variance shall be submitted to the Secretary of the Board of Zoning Appeals in a form established by the Secretary, along with a nonrefundable fee that has been established by the Governing Body to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid.

4. **Establishment of hearing date, publication of notice.** Promptly upon determining that an application is complete, the Secretary shall schedule a public hearing before the Board of Zoning Appeals. Notice of the time, place and subject of such hearing shall be published once in the official newspaper at least 20 days prior to the date fixed for hearing. Notice shall be mailed to all applicants and to such additional persons as shall be specified by Board of Zoning Appeals policy and as indicated on the application forms. The public hearing before the Board of Zoning Appeals shall be scheduled for the next meeting date for which it is practicable to give at least 20 days' notice.

5. **Action by Board of Zoning Appeals.** As soon as possible following the close of the public hearing, but in no event later than 40 days from the hearing date (unless the applicant consents to a longer time period), the Board of Zoning Appeals shall make a decision on the Variance request based on the criteria of Sec. V-G.6 and report its findings and decision to the Zoning Administrator. Upon reporting its decision, the decision shall become final. The Board of Zoning Appeals' Secretary shall thereafter transmit a copy to the applicant.

6. **Variance criteria.** In considering a variance request, the spirit of these regulations shall be observed, public safety and welfare shall be secured and substantial justice shall be done. Furthermore, no variance shall be granted unless all the following five conditions have been met:

   a. that the Variance requested arises from condition that is unique to the property in question and that is not ordinarily found in the same zone or district; and is not created by an action of the property owner or the applicant;

   b. that the granting of the permit for the Variance will not adversely affect the rights of adjacent property owners or residents;

   c. that the strict application of the provisions of this Code from which a Variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

   d. that the Variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare, or the harmonious development of the City or County, as the case may be; and

   e. that granting the Variance desired will not be opposed to the general spirit and intent of this Code.

7. **Appeals from action of Board of Zoning Appeals.** Any person, official or governmental agency dissatisfied with the decision of Board of Zoning Appeals may bring an action in the district court of the Eighteenth Judicial District to determine the reasonableness of such decision. Such appeal shall be filed within 30 days of the final decision of the Board of Zoning Appeals.

H. WRITTEN INTERPRETATIONS OF UNIFIED ZONING CODE

This section sets out the procedures for interpreting the text of this Unified Zoning Code as well as provisions of approved CUPs, PUDs and Protective Overlays administered under this Code.

1. **Authority.** The Zoning Administrator shall have authority to make all written interpretations.

2. **Application.** A complete application for an interpretation request shall be submitted to the Zoning Administrator in a form established by the Zoning

Administrator, along with a nonrefundable fee that has been established by the Governing Body to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid.

3. **Action by the Zoning Administrator.** Within ten days after a request for interpretation has been submitted, the Zoning Administrator shall: (a) consult with the Metropolitan Area Planning Department and other staff; (b) review and evaluate the request in light of the text of this Code, the Official Zoning Map, the *Wichita-Sedgwick County Comprehensive Plan* and any other relevant documents; and (c) render an opinion.

4. **Form.** The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretations.

5. **Official record.** The Zoning Administrator shall maintain an official record of interpretations. The record of interpretations shall be available for public inspection in the office of the Zoning Administrator during normal business hours.

6. **Appeal of Zoning Administrator's decision.** Appeals of the Zoning Administrator's written interpretation may be taken to the Board of Zoning Appeals by filing an appeal with the Board of Zoning Appeals' Secretary within the time limit specified by the rules of the Board of Zoning Appeals. The Board of Zoning Appeals shall grant to the Zoning Administrator's interpretation a presumption of correctness, placing the burden of persuasion of error on the appellant. In exercising the appeal power, the Board of Zoning Appeals may reverse or affirm wholly or partly or may modify the interpretation of the Zoning Administrator. If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the Zoning Administrator with directions to obtain such evidence and to reconsider the decision in light of such evidence.

7. **Appeal of BZA's decision.** Any person, official or governmental agency dissatisfied with the decision of the Board of Zoning Appeals may bring an action in the district court of the Eighteenth Judicial District to determine the reasonableness of such decision. Such appeal shall be filed within 30 days of the final decision of the Board of Zoning Appeals.

I. ZONING ADJUSTMENTS

The intent and purpose of this section is to allow for administrative action on requests for minor modifications or adjustments to certain provisions of this Code.

1. **Authority.** The Planning Director, with the concurrence of the Director of the Metropolitan Area Building and Construction Department, shall have the authority to approve applications for Zoning Adjustments.

 Sec. V-I, ZONING ADJUSTMENTS

2. Types of adjustments allowed. Zoning Adjustments shall be limited to the following:

a. reducing minimum Front, Side, and Rear Setbacks (required by the property development standards of the zoning District) by up to 20 percent, or reducing a Side or Rear Setback by up to 50 percent adjacent to a Golf Course, open space or reserve or when the required Yard to be adjusted does not exceed 300 square feet;

b. reducing minimum Interior Side Setback for a Principal Structure to three feet when all parts of Principal Structure to be extended into the original Interior Side Setback are located more than one-half the depth of the Lot behind the front property line and when the addition does not obstruct or eliminate the required off-street Parking and provided the Zoning Adjustment does not increase lot coverage more than ten percent and extended portions of the Principal Structure are not more than 60 percent of the maximum height allowed by the property development standards of the zoning District;

c. reducing minimum Rear Setback for a Principal Structure to five feet when the addition does not obstruct or eliminate the required off-street Parking and provided the adjustment does not increase lot coverage more than ten percent and extended portions of the Principal Structure do not occupy more than one-half of any required rear Yard nor be more than 60 percent of the maximum height allowed by the property development standards of the zoning District;

d. reducing or waiving the required compatibility Setback;

e. reducing or waiving the required compatibility height standard;

f. increasing maximum Building Height permitted by the property development standards of the zoning District by up to 20 percent;

g. increasing maximum height for energy generating structures provided the energy generating structure would not be closer to an adjacent property line than twice the height of the structure, nor be located within 200 feet of any existing residential structure on an adjacent property, and would not exceed a height of 100 feet to the tip of the motor blades;

h. increasing maximum lot coverage by up to ten percent;

i. reducing Lot Area, Lot Width, Loading Space and Parking requirements by up to ten percent, except that Parking requirements for Manufacturing, Warehousing, Wholesale or Business Services, large item community retail, all remodeling/expansion projects, and all redevelopment of existing Sites with new construction may be reduced by up to 25 percent;

j. increasing the maximum projection of structural elements into Front, Rear or Side Setbacks by up to 20 percent, provided there is no reduction in the corresponding Setback requirement;

k. changing the location of required Screening in relation to alleys;

l. permitting Parking in residential Districts to be located within a required front Yard or street side Yard, but in no case closer to a front or street side property line than eight feet;

m. reducing or waiving the required Screening specified in Sec. IV-B.3 of this Code when the Building is located Adjacent to a Golf Course, public or private Park or open space reserve area of a homeowners' association and the Building is architecturally designed to utilize the views of the Adjacent property; or when existing topography or vegetation provide a natural screen; or when the Adjacent residential property is developed with an institutional, Major Utility, or Multi-Family Use and the location of improvements on one or both properties provides adequate Screening;

n. permitting an Accessory Structure to be placed in front of the Principal Structure on less than five acres of land as specified in Sec. III-D.7.e(2);

o. increasing maximum height permitted by the property development standards of the AFBP- O Air Force Base Protection Overlay District, but in no event shall an adjustment be granted that permits a structure height in excess of the height permitted by the underlying zoning district, and in addition to the Zoning Adjustment Criteria contained in Sec. V-I.6., the following criteria shall be used to evaluate adjustment requests: a line-of-sight analysis shall demonstrate that the proposed structure height does not provide a view of any portion of the air force base for a person located at any point on the Structure that exceeds the height permitted by this Overlay District given existing topography and the location and height of existing Structures and/or vegetation;

p. permit remote off-site parking to be located more than 600 feet from the supported Use; and permit such parking to be separated by an arterial street, expressway, or freeway from the supported Use; or

q. Screening requirements for Outdoor Storage associated with a rural Home Occupation, as required by Sec. IV-E.7.d may be reduced or waived on properties of less than five acres in size by zoning adjustment when existing topography or vegetation provides a natural screen or when the Adjacent land is used for agriculture or some other nonresidential land use.

3. **Initiation.** An application for a Zoning Adjustment may be proposed by the owner of the subject property.

4. **Application.** A complete application for a Zoning Adjustment shall be submitted to the Planning Director in a form established by the Planning Director, along with a nonrefundable fee that has been established by the Governing Body to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid.

5. **Action by the Planning Director.** The Planning Director shall approve the application for a Zoning Adjustment unless the request would violate the provisions of Secs. V-I.2 or V-I.6. The Planning Director may impose special conditions of approval on the Zoning Adjustment, including but not limited to time limitations, access limitations, screening and landscaping, and other controls to prevent damage to adjacent properties or safeguard public interests.

6. **Zoning Adjustment criteria.** The Planning Director shall not approve a Zoning Adjustment if the Planning Director finds that the proposed development:

a. would adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity of the subject tract, including traffic reasonably expected to be generated by the proposed Use and other Uses in the area given the existing zoning, existing land uses and proposed land uses in the area;

b. creates more adverse impacts on existing Uses in surrounding areas than that reasonably might result from development of the site in strict compliance with the adjusted standard;

c. would not be compatible with existing or permitted Uses on Abutting Sites, in terms of adjusted Building Height, Setbacks and Open Spaces, bulk and scale, Landscaping, Parking or circulation features; or

d. will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity for reasons specifically articulated by the Planning Director.

The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria.

7. **Notice of decision.** The Planning Director shall, within two business days of making a decision, give notice of such decision to the applicant, to the Zoning Administrator, and to any other person reasonably requesting such notice. The Planning Director's decision shall be considered approved as submitted if the Zoning Administrator has not responded within ten days of the date of transmission, unless the review period is extended by action of the applicant.

8. **Appeal of Planning Director's decision.** When an application for Zoning Adjustment has been denied or when such application has been approved with conditions or modifications that are unacceptable to the applicant, the applicant may file a Variance with the Board of Zoning Appeals pursuant to Sec. V-G and the filing fee for the Zoning Adjustment shall be applied toward the filing fee for the Variance.

9. **Appeal of BZA's decision.** Any person, official or governmental agency dissatisfied with the decision of the Board of Zoning Appeals may bring an action in the district court of the Eighteenth Judicial District to determine the reasonableness of such decision. Such appeal shall be filed within 30 days of the final decision of the Board of Zoning Appeals.

J. BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND ZONING CERTIFICATES

1. **When required.** A Building Permit and a certificate of occupancy, or when a Building Permit is not required, a zoning certificate, shall be required for any of the following, except for agricultural purposes:

a. construction, occupancy and Use of a Building or Structure hereafter erected or structurally altered;

b. change in Use of an existing Building to a different Use;

c. change in the use of vacant land to a Use requiring a Building Permit;

d. any non-farm storage or other use lasting more than six months of a previously-exempt agricultural building; or

e. any change of a Nonconforming Use.

No change of Use as outlined above shall take place until a certificate of occupancy, or when a Building Permit is not required, a zoning certificate, therefore shall have been issued by the Zoning Administrator or other person designated by the Governing Body to exercise such duties.

2. Applications. Written applications for a Building Permit or certificate of occupancy shall be made to the Zoning Administrator or other designated official on forms provided by that official. The application shall include such information as the designated official may reasonably require, but shall at least include:

a. the size and location of the Lot;

b. the size and location of the Buildings and Structures proposed or existing on the Lot;

c. the dimensions of all yards and open spaces; and

d. sufficient grades and elevations to establish the proper placement of Buildings, adequate sewage disposal systems, and the proper drainage of property.

3. Requirements for issuance. No permit shall be issued for any Building, Structure or construction unless the proposed Building or Structure when built and the land on which it is located will conform in every respect with all the provisions of this Code, the Building Code, and with other applicable ordinances or regulations of the City of Wichita or Sedgwick County. Once the Zoning Administrator determines that the Structure, Building or Use conforms to these regulations and to other applicable regulations, the permit or certificate shall be promptly issued.

4. Separate permit required. There shall be a separate permit for each Building or Structure to be constructed, erected or altered, except Accessory Buildings when construction is simultaneous.

5. Expiration of permits. Any Building Permit or certificate of occupancy issued hereunder shall become null and void if the building, activity, construction or occupancy authorized by such permit is not commenced within 180 days from

the date of such permit and diligently executed, or if the building, activity, construction or occupancy is suspended or abandoned for a period of 180 days. If a permit or certificate expires under the terms of this provision, no work or occupancy may occur without a new permit.

6. **Revocation of building permit.** A permit may be revoked by the building official at any time prior to the completion of the building or structure for which the same was issued in accordance with Article VIII of this Code.

7. **Certificate of occupancy.** No change in the character of use of land or of a Building shall be made nor shall any new or existing Building or Structure be hereafter occupied or used until a certificate of occupancy is issued by the building official certifying that such Building or Use complies with all regulations of this Code, the Building Code and all other ordinances and regulations applicable thereto. For purposes of this section, a "change in the character of use" shall mean a change from one Use category (or line) on the Use Regulations Schedule of this Code.

8. **Evidence of compliance.** No certificate of occupancy shall be issued unless the Zoning Administrator has determined that the proposed Use will be in conformance with this Code. The Zoning Administrator may submit the question of such conformance to the Planning Commission for review in any case in which the Zoning Administrator does not believe that the issue of conformance is clear. In case of such a referral, the Zoning Administrator shall give the applicant at least five days' notice of the review by the Planning Commission, which review shall occur at the next regular meeting of the Commission for which such notice can be given. Evidence of compliance must be provided to the Zoning Administrator by the applicant.

9. **Revocation of certificates of occupancy.** A certificate of occupancy may be revoked by the building official upon evidence of noncompliance with this Code or with the applicable Building Code.

10. **Performance guarantee.** In the City of Wichita only, when extenuating circumstances not under the control of the owner occur, the owner may request that a temporary occupancy permit be issued. Such circumstances may include, but not be limited to, extreme weather conditions preventing completion of on-site improvements, delay of installation or incomplete public improvements that could possibly cause damage or removal of on-site improvements, or other similar circumstances that could be deemed to interfere with the completion of all required improvements. A request for a temporary occupancy permit shall be accompanied by a performance guarantee and a schedule for completion of all required improvements to the site. A written grant of the right of entry on the premises by the City or its designee for the purpose of completing the improvements shall be executed by the owner at the time of and in conjunction with the filing of the performance guarantee. The performance guarantee may consist of a corporate surety bond, a bank letter of credit, cashier's check, escrow account or other like security in an amount to be fixed by the Zoning Administrator. The amount of such guarantee or security shall be based upon the estimated cost of improvements to be guaranteed, as evidenced by bona fide

bids or contracts, and may include contingency factors for inflation and cost overruns in an amount equal to 25 percent more than the estimated cost. The guarantee, if in a form other than cash or its equivalent, shall be subject to the approval of the Director of Law of the City of Wichita and conditioned upon the actual completion of such work within the specified time period. If the required improvements shall not have been installed in accordance with the performance guarantee, the obligator and surety, if any, shall be liable thereon to the City for the cost of the improvements not installed. In addition to all equitable remedies to enforce such guarantee, the proceeds of the security or guarantee may be claimed and used by the City to secure completion of the improvements.

K. ENLARGEMENT OF URBAN AREA OF INFLUENCE BOUNDARIES

1. **Initiation of amendment request.** Initiation of enlargement request. Proposed enlargement of the boundaries of the urban areas of influence may be initiated through application filed with the Planning Director by any planning commission of a city within the County, by the Metropolitan Area Planning Commission or by the Board of County Commissioners.

2. **Planning Commission hearing.** The Planning Director will establish a time and date for a hearing before the Metropolitan Area Planning Commission and will notify the mayor and planning commission of any affected city, the Metropolitan Area Planning Commission and the Board of County Commissioners of the date, time and place of said hearing. After consideration of the evidence and arguments presented at the hearing, the Metropolitan Area Planning Commission shall recommend approval, approval with conditions or modifications, or disapproval of the proposed change.

3. **Board of County Commissioners' hearing.** The Planning Director shall forward the Planning Commission's recommendation to the Board of County Commissioners. The Board of County Commissioners may accept, modify or reject the recommendation of the Planning Commission. The action of the Board of County Commissioners on any proposed change to an area of influence boundary shall be final.

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ARTICLE VI DECISION-MAKERS

SECTIONS

A. GENERAL

This article sets out the decision-making powers of entities involved in the development review and approval processes under this Code.

B. GOVERNING BODY

1. **Unified Zoning Code text amendments.** The Governing Body shall have the authority to approve, approve with conditions or modifications, or deny applications to amend the text of this Code. The Governing Body's decision shall be the final local action on such an application.

2. **Amendments to Official Zoning Map.** The Governing Body shall have the authority to approve, approve with conditions or modifications, or deny applications to amend the Official Zoning Map. The Governing Body's decision shall be the final local action on such an application.

3. **Conditional Uses.** The Governing Body shall have the authority to approve, approve with conditions or modifications, or deny applications for Conditional Use approval that are submitted with rezoning applications or that for any reason stated in Sec. V-D.6 are forwarded to the Governing Body for final action. The Governing Body's decision shall be the final local action on such an application.

4. **CUPs.** The Governing Body shall have the authority to approve, approve with conditions or modifications, or deny applications for Community Unit Plan approval that are submitted with rezoning applications or that for any other reason stated in Sec. V-E.6 are forwarded to the Governing Body for final action. The Governing Body's decision shall be the final local action on such an application.

5. **Historic Landmark designations.** The Governing Body of the City of Wichita shall have the authority to approve, approve with conditions or modifications, or deny applications for Historic Landmark designation. The Governing Body's decision shall be the final local action on such an application.

6. **Amendments to Area of Influence boundaries.** The Governing Body of Sedgwick County shall have the authority to approve, approve with conditions or modifications, or deny applications for amendments to Urban Area of Influence boundaries. The Governing Body's decision shall be the final local action on such an application.

C. METROPOLITAN AREA PLANNING COMMISSION

1. **Unified Zoning Code text amendments.** The Planning Commission shall have the authority to review and recommend to the Governing Body approval,

approval with conditions or modifications, or denial of applications to amend the text of this Code.

2. **Amendments to Official Zoning Map.** The Planning Commission shall have the authority to review and recommend to the Governing Body approval, approval with conditions or modifications, or denial of applications to amend the Official Zoning Map.

3. **Conditional Uses.** The Planning Commission shall have the authority to approve, approve with conditions or modifications, or deny applications for Conditional Use approval when not accompanied by a rezoning application. The Planning Commission's decision on such an application may be appealed to the Governing Body. The Planning Commission shall have the authority to review and recommend to the Governing Body approval, approval with conditions or modifications, or denial of applications for Conditional Use approval that are accompanied by a rezoning application.

4. **CUPs.** The Planning Commission shall have the authority to approve, approve with conditions or modifications, or deny applications for CUP approval when not accompanied by a rezoning application. The Planning Commission's decision on such an application may be appealed to the Governing Body. The Planning Commission shall have the authority to review and recommend to the Governing Body approval, approval with conditions or modifications, or denial of applications for CUP approval that are accompanied by a rezoning application.

5. **Historic Landmark designations.** The Planning Commission shall have the authority to review and recommend to the Governing Body approval, approval with conditions or modifications, or denial of applications for Historic Landmark designation.

6. **Amendments to Area of Influence boundaries.** The Planning Commission shall have the authority to review and recommend to the Governing Body approval, approval with conditions or modifications, or denial of applications to amend Area of Influence boundaries.

D. PLANNING COMMISSIONS OF SECOND OR THIRD CLASS CITIES

1. **Amendments to Official Zoning Map.** The planning commission of a second or third class city shall have the authority to review and recommend to the Metropolitan Area Planning Commission approval, approval with conditions or modifications, or denial of applications to amend the Official Zoning Map if such application involves property within the subject city's area of influence. The recommendation must be transmitted to the Metropolitan Area Planning Commission on or before the scheduled date of the public hearing before the Metropolitan Area Planning Commission. The lack of a recommendation by the second or third class city's planning commission on or before the scheduled date of the hearing before the Metropolitan Area Planning Commission shall be construed as a recommendation for approval of the application or proposal.

2. **Conditional Uses.** The planning commission of a second or third class city shall have the authority to review and recommend to the Metropolitan Area Planning Commission approval, approval with conditions or modifications, or denial of Conditional Use applications if such application involves property within the subject city's area of influence. The recommendation must be transmitted to the Metropolitan Area Planning Commission on or before the scheduled date of the public hearing before the Metropolitan Area Planning Commission. The lack of a recommendation by the second or third class city's planning commission on or before the scheduled date of the hearing before the Metropolitan Area Planning Commission shall be construed as a recommendation for approval of the application or proposal.

3. **CUPs.** The planning commission of a second or third class city shall have the authority to review and recommend to the Metropolitan Area Planning Commission approval, approval with conditions or modifications, or denial of CUP applications if such application involves property within the subject city's area of influence. The recommendation must be transmitted to the Metropolitan Area Planning Commission on or before the scheduled date of the public hearing before the Metropolitan Area Planning Commission. The lack of a recommendation by the second or third class city's planning commission on or before the scheduled date of the hearing before the Metropolitan Area Planning Commission shall be construed as a recommendation for approval of the application or proposal.

4. **Amendments to Area of Influence boundaries.** The planning commission of a second or third class city shall have the authority to initiate an application to amend the subject city's area of influence boundary.

E. BOARD OF ZONING APPEALS

1. **Variances.** The Board of Zoning Appeals shall have the authority to authorize, in specific cases, a Variance from the specific terms of these regulations, or other development regulations if specifically set forth therein, when such Variance will not be contrary to the public interest and when, due to special conditions, a literal enforcement of the regulations, in a specific case, results in unnecessary hardship. In considering a Variance request, the spirit of the regulations shall be observed, public safety and welfare shall be secured and substantial justice shall be done. The Board of Zoning Appeals' decision shall be the final local action on an application for a Variance.

2. **Appeals of Zoning Administrator's Interpretation.** The Board of Zoning Appeals shall have the authority to hear all appeals of the Zoning Administrator's written interpretation of provisions in this Code, including interpretations of provisions of cConditional uUses, CUPs, PUDs and P-Os. In exercising such appeal power, the Board of Zoning Appeals may reverse or affirm wholly or partly or may modify the interpretation of the Zoning Administrator. If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall have the authority to remand the appeal to the Zoning Administrator with directions to obtain such evidence and

to reconsider the decision in light of such evidence. The Board of Zoning Appeals' decision shall be the final local action on such an application.

F. HISTORIC LANDMARK PRESERVATION COMMITTEE

1. **Historic Landmark designation.** The Historic Landmark Preservation Committee shall have the authority to initiate, review applications and recommend to the Planning Commission approval, approval with conditions or modifications, or denial of applications for Historic Landmark designation.

G. PLANNING DIRECTOR

1. **Zoning Code text amendments.** The Planning Director shall have the authority to review and recommend to the Planning Commission and Governing Body approval, approval with conditions or modifications, or denial of applications to amend the text of this Code.

2. **Amendments to Official Zoning Map.** The Planning Director shall have the authority to review and recommend to the Planning Commission and Governing Body approval, approval with conditions or modifications, or denial of applications to amend the Official Zoning Map.

3. **Conditional Uses.** The Planning Director shall have the authority to review and recommend to the Planning Commission approval, approval with conditions or modifications, or denial of applications for Conditional Use approval.

4. **CUPs.** The Planning Director shall have the authority to review and recommend to the Planning Commission approval, approval with conditions or modifications, or denial of applications for Community Unit Plan approval.

5. **Zoning Adjustments.** The Planning Director, with the concurrence of the Zoning Administrator, shall have the authority to approve, approve with conditions or modifications, or deny applications for zoning adjustments. The Planning Director's decision on such an application may be appealed by filing an application for a Variance.

6. **Other Administrative Adjustments.** The Planning Director, with the concurrence of the Zoning Administrator, shall have the authority to approve, approve with conditions or modifications, or deny applications for adjustments to approved Conditional Uses, CUP plans, PUD plans and P-Os. The Planning Director's decision on such an application may be appealed by filing an application for amendment to the Conditional Use, CUP, PUD or P-O.

7. **Historic Landmark designations.** The Planning Director shall have the authority to review and recommend to the Historic Landmark Preservation Committee, the Planning Commission and Governing Body approval, approval with conditions or modifications, or denial of applications for Historic Landmark designation.

8. **Amendments to Area of Influence boundaries.** The Planning Director shall have the authority to review and recommend to the Planning Commission and Governing Body approval, approval with conditions or modifications, or denial of applications to amend Area of Influence boundaries.

9. **Administrative Permits.** The Planning Director, with the concurrence of the Zoning Administrator, shall have the authority to approve, approve with conditions or modifications, or deny applications for Wireless Communication Facilities pursuant to Sec. III-D.6.g. The Planning Director's decision on such an application may be appealed by filing an application for a Conditional Use.

H. ZONING ADMINISTRATOR

1. **Written Interpretations.** The Zoning Administrator shall have the authority to make all written interpretations of the provisions of this Code and provisions of approved CUPs and PUDs administered under this Code. The Zoning Administrator's interpretation may be appealed to the Board of Zoning Appeals.

2. **Zoning Adjustments.** The Zoning Administrator shall have the authority to review and recommend to the Planning Director approval, approval with conditions or modifications, or denial of applications for zoning adjustments. Zoning Adjustments may be granted by the Planning Director only with the concurrence of the Zoning Administrator.

3. **Other Administrative Adjustments.** The Zoning Administrator shall have the authority to review and recommend to the Planning Director approval, approval with conditions or modifications, or denial of applications for adjustments to approved Conditional Uses, CUP plans, PUD plans and P-Os. Adjustments to Conditional Uses, CUP plans, PUD plans and P-Os may be granted by the Planning Director only with the concurrence of the Zoning Administrator.

4. **Classification of Unlisted Uses.** For Uses not specifically listed in this Code or not obviously included in one of the comprehensive Use definitions, the Zoning Administrator shall have the authority to determine the appropriate District or Districts that allow the Use based on the Use's similarity to Uses that are listed.

5. **Administrative Permits.** The Zoning Administrator shall have the authority to review and recommend to the Planning Director approval, approval with conditions or modifications, or denial of applications for wireless communication facilities pursuant to Sec. III-D.6.g. Administrative permits for Wireless Communication Facilities may be granted by the Planning Director only with the concurrence of the Zoning Administrator.

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SECTIONS

A. PURPOSE, POLICY AND APPLICABILITY

1. **Purpose.** The purpose of this Article is to establish regulations that govern Uses, Structures, Lots and other current circumstances that came into being lawfully but that do not conform to one or more requirements of this Code and to provide a process for registration of such Uses, Structures, Lots and other circumstances. Registration of Nonconformities provides a property owner with an official record of the Nonconformity. Such a record is very desirable since the availability of witnesses and other evidence to establish the nonconforming status may become more difficult with the passage of time. Registration benefits the landowner because it is the burden of the landowner to establish the nonconforming rights.

2. **Policy.** It is the general policy of the City and County to allow Uses, Structures or Lots that came into existence legally and in conformance with then-applicable requirements but that do not conform to all of the applicable requirements of this Code to continue to exist and be put to productive use, but to bring as many aspects of such Use into conformance with the current Code as is reasonably practicable, all subject to the limitations of this Article. The limitations of this Article are intended to recognize the interests of the property owner in continuing to use the property but to control the expansion of the Nonconformity and to control re-establishment of abandoned Uses and limit re-establishment of Buildings and Structures that have been substantially destroyed. An exception to this general policy relating to the location of Sexually Oriented Businesses is set forth in Sec. VII-J.

3. **No Nonconformities created by adoption of this Code.** No use of a Building, Structure or property and no Building, Structure or property that complied with the zoning ordinance or zoning resolution in effect prior to March 25, 1996, shall become or be deemed to have become nonconforming or noncomplying due to adoption of this Code. Any use of a Building, Structure or property and any Building, Structure or property that complied with the zoning ordinance or zoning resolution in effect prior to March 25, 1996, may be rebuilt, repaired or otherwise re-established to the extent that it existed prior to March 25, 1996, subject to the limitations in Sec. VII-I.

4. **Applicability.** The provisions of this Article are not applicable on Lots covered by the provisions of Section III-B.17.e(3), Section III-C.5.f(4) or Section III-C.9.d.

B. NONCONFORMING USES

1. **Maintenance and repair.** Any structure that is part of a Nonconforming Use protected under this Article may be repaired or altered on the same terms set forth for Nonconforming Structures, under Sec. VII-C.1 of this Article.

2. **Enlargement and expansion within a Building and enlargement and expansion of a Building.** A Nonconforming Use may be expanded within the

Floor Area of an existing, conforming Structure or within an expanded Structure, or into a separate Structure or Structures up to a maximum of 30 percent of the Floor Area utilized by the Nonconforming Use on the date said Use first became nonconforming. Any expansion over 30 percent shall require a Variance approval by the Board of Zoning Appeals. An exception to this general policy relating to the location of Sexually Oriented Businesses is set forth in Sec. VII-J.

3. **Expansion of outdoor Nonconforming Uses.** A Nonconforming Use of premises for which the Principal Use is not enclosed within a Building, such as a Wrecking/Salvage Yard, a Vehicle Storage Yard, or a Vehicle and Equipment Sales lot, may not be expanded except in conformity with the requirements of this Code.

4. **Change in Use.** A Nonconforming Use may be changed to a new Use, provided that the new Use shall be of the same general character or of a character less intensive (and thus more closely conforming) than the existing, Nonconforming Use. The initial determination of whether a proposed Use is a conforming Use or is less intense shall be made by the Zoning Administrator, with an appeal to the Board of Zoning Appeals. In either case, the determination shall be based on the use hierarchy established by the Use Regulations Schedule of Article III. A Nonconforming Use, if changed to a conforming Use or less intensive Nonconforming Use, may not thereafter be changed back to a less conforming Use than that to which it was changed.

C. NONCONFORMING STRUCTURES

1. **Maintenance and repair.** Remodeling of a Nonconforming Structure within the existing Building footprint shall be permitted without a Variance. Any Nonconforming Structure damaged to the extent of 50 percent or less of its fair market value by fire, wind, tornado, earthquake or other natural disaster may be rebuilt, provided such rebuilding does not increase the Intensity of Use as determined by the number of Dwelling Units (for residences) or Floor Areas or ground coverage (for nonresidential uses). The Structure shall not be rebuilt closer to the property line than the original Structure or the applicable Setback lines, whichever is closer. In the City of Wichita only, Nonconforming Structures damaged 50 percent or less of their fair market value by flooding may be rebuilt as set forth in this section, provided such reconstruction shall conform to all requirements of the Building Code related to construction in flood hazard areas. Any Building so damaged more than 50 percent of its value may not be rebuilt, repaired, or used unless it is made to conform to all regulations for Buildings in the District in which it is located, provided that such restoration as may be made is to the fullest extent possible in conformance with development standards.

2. **Enlargement and expansion.** Any expansion of the Nonconforming Structure that increases the degree of nonconformance is prohibited. Other expansions of the Structure shall be permitted and shall not require a Variance. The initial determination of whether a proposed expansion increases the degree of Nonconformity shall be made by the Zoning Administrator, with an appeal to the Board of Zoning Appeals.

3. **Relocation.** If a Nonconforming Structure is relocated within the area to which this Code is applicable, it shall be placed only in a location in which it fully conforms with the requirements of this Code.

4. **Unsafe Structures.** Nothing in this section shall be construed to permit the continuing use of a Building found to be in violation of basic life safety or health codes of the City or County. The right to continue to use a noncomplying Structure shall be subject to all applicable housing, building, health and other life safety and health codes of the jurisdiction in which the Building is located.

D. NONCONFORMING LOTS

A Lot shown on an approved and recorded subdivision plat on the date on which this Code became applicable to the Lot or a parcel shown on the County's records as a separate parcel on such date may be occupied and used although it may not conform in every respect with the dimensional requirements of this Code, subject to the provisions of this section.

1. **Vacant Lot.** If the Lot or parcel was vacant on the date on which this Code became applicable to it, then the Owner may use the property as permitted by the applicable zoning District, provided that the Use shall comply with applicable dimensional requirements of this Code to the maximum extent practicable. If the applicable zoning District permits a variety of Uses or a variety of Intensities of Uses and one or more uses or Intensities would comply with applicable Setback requirements while others would not, then only the Uses or Intensities that would conform with the applicable Setback requirements shall be permitted. Otherwise the Owner may seek a Variance from such requirements from the Board of Zoning Appeals.

2. **Lot with Building or Structure.** If the Lot or parcel contains a Building or Structure on the date on which this Code becomes applicable to it, then the Owner may continue the use of that Building or Structure and may reasonably expand the Structure in any way that does not increase the degree of Nonconformity. An increase in building size shall not be deemed to increase the degree of Nonconformity unless it increases the encroachment on a required Setback. Remodeling of a Structure within the existing Building footprint or expansion in compliance with this section shall not require a Variance but shall be reviewed by the Zoning Administrator as though the Lot were conforming.

3. **Lot merger.** If the Lot or parcel is smaller than would otherwise be required by this Code and such Lot or parcel is at any time on or after the date on which this Code became applicable to such Lot or parcel under common control with an Contiguous Lot or parcel, then the two shall be considered merged for purposes of this Code and shall in the future be considered together for purposes of determining compliance. If the merged Lots or parcels contain sufficient area for the actual or proposed Use, then they shall be deemed fully conforming. If the merged Lots or parcels together do not contain sufficient area for the actual or proposed Use, they shall nonetheless be considered together for purposes of reducing the degree of Nonconformity. When a Nonconforming Lot or parcel has been merged with another Lot or parcel, such Lot or parcel shall not again be

used as a separate Lot or parcel, unless it is subdivided from the Lot or parcel with which it has been merged; subdivision shall require full compliance with the requirements of this Code and the applicable subdivision regulations.

E. OTHER NONCONFORMITIES

1. **Examples of other Nonconformities.** The types of other onconformities to which this section applies include but are not necessarily limited to: Fence height or location; lack of buffers or Screening; lack of or inadequate Landscaping; lack of or inadequate off-street Parking; and other Nonconformities not involving the basic design or structural aspects of the Building, location of the Building on the Lot, Lot dimensions or land or Building Use. However, development that is consistent with a site plan approved on the date that this Code became effective shall be deemed to be in conformance with this Code to the extent that it is consistent with the approved plan and to the extent that such plan or conditions imposed thereon directly addresses the specific issue involved in the determination of conformity. A Nonconformity other than one of those enumerated in Secs. VII.B, VII.C and VII.D shall be brought into conformance upon the occurrence of any one of the following:

   a. any increase on the premises of more than 30 percent Floor Area or 50 percent value;

   b. for a property in a commercial or industrial zone, any change in Use to a more intensive Use when a new certificate of occupancy is required.

   The requirement that these other Nonconformities be brought into conformance shall be subject to Variance by the Board of Zoning Appeals where it finds that such conformance would involve an unreasonable hardship.

2. **Policy.** Because other Nonconformities involve less investment and are more easily corrected than those involving Lots, Buildings and Uses, it is generally the policy of the City and County to eliminate such other Nonconformities as quickly as practicable.

3. **Increase prohibited.** The extent of such other Nonconformities shall not be increased, with or without a Variance.

F. NONCONFORMITIES CREATED BY PUBLIC ACTION

When Lot Area or Setbacks are reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum standard for the District in which it is located, then that Lot shall be deemed to be in compliance with the minimum Lot Area and Setback standards of this Code without resorting to the Board of Zoning Appeals.

G. DISCONTINUANCE

1. **Nonconforming Use.** When a Nonconforming Use has been abandoned, such Nonconforming Use shall not be renewed. When a Building containing a Nonconforming Use has been destroyed or damaged to an extent exceeding 50 percent of its fair market value, such Nonconforming Use shall not be renewed and the Building shall not be restored in a way that is designed primarily for such Use.

2. **When abandoned.** A Nonconforming Use shall be presumed abandoned when any of the following has occurred:

   a. the Owner has in writing or by public statement indicated intent to abandon the Use;

   b. a less intensive Use has replaced the original Nonconforming Use;

   c. the Building or Structure has been removed through the applicable procedures for the condemnation of unsafe structures;

   d. the owner has physically changed the Building or Structure or its permanent equipment in such a way as to indicate clearly a change in use or activity to something other than the Nonconforming Use;

   e. the property, if a land use conducted primarily outside of a Building, has been vacant or completely inactive for 12 months; or

   f. the property, if a land use conducted primarily inside of a Building, has been vacant or completely inactive for 24 months.

   g. Nonconforming Manufactured Home Parks/spaces:

      (1) For nonconforming Manufactured Home Parks within the City of Wichita, the failure to license such parks, as required by Chapter 26.04 of the Code of the City of Wichita for a period of 24 consecutive months shall constitute abandonment of the nonconforming use.

      (2) For nonconforming Manufactured Home Parks within the City of Wichita with fewer than five Manufactured Home spaces, the failure to occupy any space for a period of 12 consecutive months shall constitute an abandonment of the Nonconforming Use for the particular space. A space shall be considered occupied if the Manufactured or Mobile Home meets the minimum requirements for a residential occupancy permit and utilities have not been disconnected for greater than 180 consecutive days.

      (3) For nonconforming Manufactured Home Parks within the City of Wichita, the failure to license a manufactured home space pursuant to Chapter 26.04 for a period of twelve consecutive months shall constitute abandonment of the non-conforming use for that space. Such space may not be subsequently licensed by Chapter 26.04 and has lost its allowed nonconforming use.

3. **Overcoming presumption of abandonment.** A presumption of abandonment based solely on the length of time a land use has remained vacant or inactive (See Secs. VII-G.2.e and VII-G.2.f) may be rebutted upon a showing, to the satisfaction of the Board of Zoning Appeals, that during such period the owner of the land or structure:

   a. has been maintaining the land and Structure in accordance with the Building Code and did not intend to discontinue the Use; or

   b. has been actively and continuously marketing the land or Structure for sale or lease; or

   c. has been engaged in other activities that would affirmatively prove that there was not an intent to abandon.

H. DETERMINATION OF NONCONFORMITY STATUS

In all cases, the property owner shall have the burden of establishing that a Nonconforming Use or Nonconforming Structure lawfully exists under this Code by a preponderance of evidence that shows the existence of the Nonconformity is more likely than not when the evidence is viewed in its totality.

I. REGISTRATION OF NONCONFORMITIES

1. **Rights conditional.** The recognition by the Zoning Administrator of rights given to those using or owning property involving a Nonconformity under this Art. VII or exemption under Sec. VII-A.3 are specifically conditioned on the registration of the Nonconformity or exemption with the Zoning Administrator. Nonconformities or exemptions so registered shall be deemed to be lawful Uses under the provisions of this Code, to the extent documented on the registration form.

2. **Registration process.** Registration shall be required for Nonconformities existing on the effective date of this Code, exemptions created by the adoption of the Code adopted on March 25, 1996, Nonconformities arising because of an amendment to this Code or Nonconformities arising because of a change in jurisdictional boundaries. There shall be no deadline for the registration required by this Sec. VII-I. The Zoning Administrator shall establish a process for the registration of Nonconformities and exemptions and shall establish a system for keeping records of the same. The Zoning Administrator shall provide registration forms for this purpose.

3. **Registration determination and appeal.** The Zoning Administrator shall verify the qualification of a Use, Structure, or Lot for registration under this section. The Zoning Administrator shall refuse to permit the expansion, continuance, repair, maintenance or other continuation of nonconforming or exempt status for a Nonconformity or exemption not registered in accordance with this section. An aggrieved party may appeal the Zoning Administrator's registration or denial of registration to the Board of Zoning Appeals.

4. **Evidentiary considerations.** In verifying the qualification of a Use, Structure or Lot for registration under this section, the Zoning Administrator shall consider all relevant and material evidence, whether submitted by the applicant, by any other person supporting or opposing the claim of Nonconforming rights, or otherwise available to the Zoning Administrator. Examples of relevant evidence that shall be considered includes, but is not limited to, the following materials that may tend to show the existence of a Use, Structure, or Lot that predates the effective date of the applicable code provision:

   a. photographs, video, or other visual types of evidence that can be verified as predating the effective date of the code provisions involved;

   b. contracts, deeds, or other legal instruments that are dated, whether or not recorded or filed in any public office of recorded;

   c. books, magazine articles, or newspaper clippings that are dated;

   d. tax returns, receipts, or other financial records that are dated;

   e. statements by witnesses, in the form of affidavits, that are made on personal knowledge; and

   f. certificates of occupancy, licenses, or other permits issued by a governmental entity.

J. AMORTIZATION OF NONCONFORMITIES: Sexually Oriented Business Distance Requirements and Zoning District Limitations

1. Amortization in the County

a. No Sexually Oriented Business in Sedgwick County shall be located less than 1,000 feet from a Church; less than 1,000 feet from a School; less than 1,000 feet from a public Park; less than 1,000 feet from a residential Dwelling Unit; or less than 1,000 feet from another adult entertainment establishment, regardless of licensure. The terms Church, School, residential Dwelling Unit, and adult entertainment establishment shall be defined as set forth in the County's Adult Entertainment Code (Article VIII of Chapter 17 of the Sedgwick County Code) and any amendments thereto. This distance is to be measured from the nearest property line of the Church, School, public Park, residential Dwelling Unit, or other adult entertainment establishment, (regardless of licensure), to the nearest property line of the premises on which the Sexually Oriented Business in the County is located or of any Parking lot designated to be used by the patrons of such an establishment.

(1) Exception: Sec. VII-J.1.a above shall not apply to a Sexually Oriented Business in the County if said Sexually Oriented Business in the County first locates at a particular premises after June 28, 2000; and the

Church, School, public Park, residential Dwelling Unit, or other adult entertainment establishment moves into the 1,000 foot area after the Sexually Oriented Business in the County has commenced operations on the premises.

(2) Exception: A Sexually Oriented Business may be located within 1,000 feet of a currently occupied residential Dwelling Unit provided that any currently occupied residential Dwelling Unit within 1,000 feet of the Sexually Oriented Business in the County is separated from the Sexually Oriented Business in the County by a roadway designated as a United States Highway.

(3) Exception: A Sexually Oriented Business in the County may remain at a location within 1,000 feet of a Church, School, public Park, residential Dwelling Unit or separate adult entertainment establishment if said Sexually Oriented Business in the County was operating as a Sexually Oriented Business in the County at said location on or before June 28, 2000 and held a valid adult entertainment establishment license for said location on June 28, 2000, so long as said Sexually Oriented Business in the County is and remains properly licensed and so long as said Sexually Oriented Business in the County has continuously operated as a Sexually Oriented Business in the County since June 28, 2000, subject to the exceptions and limitations set forth in the County's Adult Entertainment Code.

b. On or before June 30, 2004, all Sexually Oriented Businesses in the County where the licensed premises are located within 1,000 feet of a Church, School, public Park, residential Dwelling Unit, or separate adult entertainment establishment all as defined in the County's Adult Entertainment Code, shall cease operation unless exempted pursuant to the provisions of the County's Adult Entertainment Code.

2. Amortization in the City

a. No Sexually Oriented Business in the City shall be located less than 500 feet from a Church; less than 500 feet from a School; less than 500 feet from a public Park; less than 500 feet from a licensed Day Care center; less than 500 feet from the boundary of a residential District; less than 500 feet from the boundary of the OT-O District; or less than 500 feet from another adult entertainment establishment, regardless of licensure. This distance is to be measured from the nearest property line of the Church, School, public Park, licensed Day Care center, residential District boundary, OT-O District boundary or other adult entertainment establishment, (regardless of licensure), to the nearest property line of the premises on which the Sexually Oriented Business in the City is located or of any Parking lot designated to be used by the patrons of such an establishment.

(1) Exception: A Sexually Oriented Business in the City operating on or after February 8, 2005 under a valid Adult Entertainment Establishment license at a location in compliance with the distance requirements from a

Church, School, public Park, licensed Day Care center or separate Adult Entertainment Establishment described in Sec. VII-J.2 of this Code shall not become nonconforming under this Code solely by reason of a Church, School, public Park, licensed Day care center or separate Adult Entertainment Establishment moving, after February 8, 2005, to a location within the 500 foot radius of the Sexually Oriented Business after the City has issued an Adult Entertainment Establishment license for operation at the premises.

(2) Exception: A Sexually Oriented Business in the City may remain in a zoning District other than GC General Commercial, LI Limited Industrial or GI General Industrial, within the OT-O District, or at a location within 500 feet of a Church, School, public Park, licensed Day Care center, residential district boundary, OT-O district boundary or separate adult entertainment establishment if said Sexually Oriented Business in the City was operating as a Sexually Oriented Business in the City at said location on or before February 8, 2005 and held a valid adult entertainment establishment license for said location on February 8, 2005, so long as said Sexually Oriented Business in the City is and remains properly licensed as an adult entertainment establishment and so long as said Sexually Oriented Business in the City has continuously operated as a Sexually Oriented Business in the City since February 8, 2005, subject to the exceptions and limitations set forth in Chapter 3.05 of the Code of the City of Wichita. This exception shall cease to exist, and shall no longer be effective after December 31, 2007.

b. On or before December 31, 2007, all Sexually Oriented Businesses in the City where the licensed premises are located in a zoning District other than GC, LI, or GI, or are within 500 feet of a Church, School, public Park, licensed Day Care center, residential District boundary, OT-O district boundary or separate adult entertainment establishment all as defined in Chapter 3.05 of the Code of the City of Wichita, shall cease operation unless exempted pursuant to Sec.VII-J.2. above.

c. No provision of Sec. VII-J.2.b relating to amortization of Nonconformities shall be effective against any Sexually Oriented Business in the City operating from a location made nonconforming herein until the City Attorney has filed, on behalf of the City of Wichita, an action in a court of competent jurisdiction to obtain an independent judicial review of the provisions relating to amortization of Nonconformities, and has obtained a final judicial decision from that review. Such an action shall place the burden of proof on the City, shall designate the property made nonconforming by these amendments to the Zoning Ordinance, and include notice and an opportunity to be heard for the Sexually Oriented Business in the City that is made nonconforming by these amendments to the Code.

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ARTICLE VIII VIOLATIONS AND ENFORCEMENT

SECTIONS

A. DELEGATION

This Code shall be enforced by the Zoning Administrator or such other officer of the City or County as may from time to time be designated by the Governing Body or its designee.

B. ISSUANCE OF PERMITS

No person in the employ of the City or County or acting on behalf of the City or County shall issue any building permit or grant a certificate of occupancy if the building or use would be in violation of this Code. Any certificate or permit issued upon a false statement of fact which is material to the issuance thereof shall be void.

C. EFFECT OF VIOLATION

Any violation of this Code shall be a misdemeanor under the Code of the City of Wichita, and any violation in the unincorporated County shall be a violation of the Sedgwick County Code.

D. TYPES OF VIOLATIONS

Any of the following shall be a violation of this Code and shall be subject to the enforcement remedies and penalties provided by this Code and by state law:

1. **Development or use without permit.** To engage in any development, use, construction, remodeling or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of Sedgwick County or the City of Wichita without all of the required permits, approvals, certificates and other forms of authorization required by this Code in order to conduct or engage in such activity.

2. **Development or use inconsistent with permit.** To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.

3. **Development or use inconsistent with conditions.** To violate, by act or omission, any term, condition, or qualification placed by the Planning Commission or a Governing Body or Board of Zoning Appeals, as applicable, upon a required permit, certificate, or other form of authorization granted by the Planning Commission, the City or County to allow the use, development, or other activity upon land or improvements thereon.

4. **Development or use inconsistent with code.** To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to use any land in violation or contravention of any zoning, subdivision or general regulation of this Code, or any amendment thereof.

5. **Making lot or setback noncomplying.** To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Code and the final plat or plan.

6. **Increasing intensity of use.** To increase the intensity of use of any land or structure, except in accordance with the procedural and substantive requirements of this Code.

7. **Continuing violation.** To continue any of the above violations. Each day of a violation shall be considered a separate offense.

8. **Removing, defacing, obscuring notice.** To remove, deface, obscure or otherwise interfere with any notice required by this Code.

E. ENFORCEMENT AND REMEDIES

The City and County shall have the following remedies and enforcement powers:

1. **Withhold permits.** The City or County may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City, County, Planning Commission or the Board of Zoning Appeals. The City or County may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this section shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

2. **Revoke permits.** Any permit may be revoked when the Planning Director or the Zoning Administrator determines (a) that there is departure from the plans, specifications, or conditions as required under terms of the permit, (b) that the same was procured by false representation or was issued by mistake, or (c) that any of the provisions of this article are being violated. Written notice of such revocation shall be served upon the owner, his or her agent, or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed. Upon revocation of a building permit which was issued by mistake, the owner shall meet with the City or County to determine in what respect a mistake had been made. When plans are in conflict with ordinances, resolutions, regulations or requirements and when construction has not progressed to a stage where modification of the plans would require substantial alteration of the structures in place, the plans shall be modified to conform to all applicable ordinances, resolutions, regulations or requirements.

When construction has progressed to a stage where compliance would require substantial alteration of construction in place, the owner shall meet with the City or County to negotiate possible changes in the plans that could now more nearly conform to ordinances, resolutions, regulations or requirements. When a mistake has been made calculating the fee for a building permit, the proper fee shall be charged.

3. **Stop work.** With or without revoking permits, the City or County may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Code or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

4. **Revoke plan or other approvals.** Where the violation of this Code involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the applicable Governing Body may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a hearing, revoke the plan or other approval or condition its continuance on strict compliance, the provision of security or such other conditions as the Governing Body may reasonably impose.

5. **Injunctive relief.** The City or County may seek an injunction or other equitable relief in the district court to stop any violation of this Code or of a permit, certificate or other form of authorization granted hereunder.

6. **Abatement.** The City or County may seek a court order from the district court in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

7. **Penalties.** The City or County may seek such criminal or civil penalties as are provided by Kansas law, municipal or county code. Any violation occurring within the City shall constitute a misdemeanor with penalties not to exceed $500 or imprisonment for not more than six months for each offense, or both the fine and imprisonment. For any violation occurring within the unincorporated county, criminal penalties shall not exceed $500 and any violation shall be a class H violation, with prosecution pursuant to Chapter 8 of the Sedgwick County Code. For purposes of these penalties, each day's violation shall constitute a separate offense.

8. **Other remedies.** The City or County shall have such other remedies as are and as may be from time to time provided by Kansas law, municipal code or county code for the violation of zoning or related provisions of its code.

9. **Remedies cumulative.** These remedies shall be cumulative.

F. ENFORCEMENT PROCEDURES

In carrying out the enforcement powers under this Code, the City or County, as applicable, shall follow the procedures set forth in this section.

1. **Notice.** In the case of violations not involving continuing construction or development or any emergency situation, the Zoning Administrator or his or her designee shall give written notice of the nature of the violation to the owner of the land and/or to any tenant, occupant, or a party to any agreement relating to the use of the land, or an applicant for any relevant permit, certificate or approval, after which the persons receiving such notice shall have 15 days from the date of mailing or service to correct the violation before further enforcement action.

2. **Immediate enforcement.** In the case of a violation involving either continuing construction or development or an emergency situation (as reasonably determined by the Zoning Administrator), the City or County may use the enforcement powers and remedies available to it under this Article without prior notice, but the Zoning Administrator shall send the notice to the same parties provided by the previous section simultaneously with the beginning of enforcement action.

G. OTHER ENFORCEMENT MATTERS

1. **Other powers**. In addition to the enforcement powers specified in this Article, the City and County may exercise any and all enforcement powers granted to them by Kansas law, as it may be amended from time to time.

2. **Continuation**. Nothing in this Code shall prohibit the continuation of previous enforcement actions, undertaken by the City or County pursuant to previous and valid resolutions, ordinances and laws.

APPENDICES AND SUPPLEMENTS

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Delano Neighborhood Design Guidelines

Revised April 11, 2003

Wichita-Sedgwick County Metropolitan Area Planning Department

1. General. The Delano Neighborhood Overlay District encompasses one of the oldest and most well established neighborhoods in the City of Wichita. The Delano Neighborhood Design Guidelines contained herein are to be used in conjunction with the Delano Neighborhood Overlay District. Al- terations shall be respectful of the character of one of Wichita's earliest commercial and residential districts.

The architectural vernacular of the Delano neighborhood changes throughout the neighborhood. With regard to residential architecture, the primary historical architectural styles are Bungalow, Cottage, Minimal Traditional, Four Square, Dutch Colonial, National, Queen Anne and Craftsman. Commercial development consists of architectural styles typically constructed between the early 1900's and the 1950's. The major institutional facilities within the district demonstrate the architectural styles known as Mission and Richardsonian Romanesque. The architecture of the Delano Neighborhood represents a cross section of some of the more respected styles in recent history.

2. Definitions. The following definitions shall apply specifically to the Delano Neighborhood Overlay District.

a. **Alterations** shall mean any construction or renovation to an existing structure other than repair or painting.

b. **Architectural Character** shall mean the basic detailing, architectural rhythm, architectural style, appearance and historic period of a building or group of buildings or structures, including the site and landscape development.

c. **Architectural Detailing** shall mean the exterior placement and/or construction of the different architectural features including all horizontal or vertical surfaces.

d. **Architectural Elements** see Architectural Feature

e. **Architectural Feature** shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, projections, recesses, and texture.

f. **Architectural Style** shall mean the characteristic form and detail of buildings of a particular historic period.

g. **Bays** shall mean a regularly repeated spatial element, defined by beams or ribs and their supports, within a structure.

h. **Composition** shall mean the assemblage of architectural features and details of a specific architectural style, or the use of materials that are based upon specific examples found in an area or time period.

i. **Emergency Repairs** shall mean any and all repairs necessary to create a watertight building or structure due to a recently occurring natural disaster, including but not limited to a flood, tornado, lightning, or hail.

j. **Façade** shall mean that portion of any exterior elevation on the building extending from grade to the parapet, wall, or eaves and the entire width of the building elevation, that faces a public street, alleys excluded.

k. **Lines** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.

l. **Mass** shall pertain to the volume, bulk of a building or structure.

m. **Projections** shall mean items such as sills, eaves, cornices, canopies, porches, and chimneys.

n. **Recesses** shall mean portions of the building both in the horizontal and vertical planes that are setback from the building wall either for pedestrian articulation, to provide space for windows and/or doors or to create special architectural detailing.

o. **Rhythm** shall mean the recurrence at regular or uniform intervals of features especially windows, masonry, textures, etc. within a building.

p. **Scale** shall mean a proportional relationship of the size of parts to one another and to the human figure.

q. **Texture** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.

3. Design standards.

a. General appearance.

(1) Architectural features shall be retained and building designs shall be compatible with the district's historical architectural character by coordinating style, architectural detailing, materials and scale with the original buildings in the district.

(2) All remodeling or rehabilitation of exteriors shall ensure the visual integrity of the building and be compatible with the overall architectural character of the district.

(3) Building additions and accessory buildings shall be compatible in appearance with the principal building.

(4) Detached garages, carports and other accessory structures shall be subordinate (smaller) to the primary structure with regard to height, scale and mass, and shall be situated in a manner that is typical of the neighborhood.

b. Landscaping. Development within the D-O district shall be subject to the provisions of the City of Wichita Landscape Ordinance. Exemptions in that Ordinance for property zoned LI-Light Industrial or GI-General Industrial are not applicable in the D-O district.

c. Lighting. Any period street lighting used in the commercial segment of the Douglas Avenue street right-of-way (McLean to Vine) shall be continued through the residential segment of the Douglas Avenue street right-of-way (Vine to Meridian).

d. Setbacks.

(1) General. All buildings shall be set back from the street uniformly to present a continuous façade line along the street, except that minor recesses or projections for entries, arcades and similar elements may be acceptable. Where a continuous façade line is not available, structures shall be setback and aligned with the most common existing setback line along the street.

(2) Seneca Street. A landscaped, building setback of 10 feet shall be required on all Seneca Street frontages between Kellogg and Texas Street, and between Mc Lean and the abandoned UP Rail Corridor Greenway. New buildings on Seneca between Texas (one block south of Douglas) and the abandoned UP Rail Corridor Greenway (one block north of Douglas) shall have the building face set on the property line.

(3) McLean Boulevard. A landscaped, building setback of 20 feet shall be required on all properties abutting McLean Boulevard. Buildings over two stories in height shall have an additional 10 feet of landscaped setback for each story, up to 50 feet.

(4) Douglas Avenue (from McLean to Vine). New commercial buildings on Douglas between McLean and Vine shall have the building face set on the property line.

e. Signs.

(1) General. Signage within the D-O district shall be subject to the provisions of Chapter 24.04 of the Code of City of Wichita, as well as the following requirements:

(a) All signs, including window signs, must be approved as to design, color, materials, placement, method of attachment, method of illumination (if applicable) and compatibility with building structure and surrounding area.

(b) Illuminated signs (excepting neon) shall not contain flashing or moving elements or change its brightness. However, digital time and temperature signage shall be allowed.

(c) Logos and symbols may be illuminated or backlit by fluorescent fixtures. The use of indirect lighting is also allowed.

(d) The use of a fluorescent color on a sign is prohibited.

(e) The use of incandescent bulbs or neon lighting is permitted and encouraged.

(f) No sign or any part of a sign may move or rotate, with the exception of a wind device, the motion of which is not restricted.

(g) Letterforms shall not be overly intricate nor of overtly modern styling. Suitable letter forms include, but are not limited to, the following: Helvetica, Helvetica Medium, Univers 55, Univers 65, Optima, Optima Semi-bold, Melior, Craw Clarendon, American Typewriter Medium.

(h) Logos and symbols may be incorporated into signage, but must otherwise conform to the criteria contained in these guidelines.

(2) Building or wall signs.

(a) Building signs shall be located so as not to dominate the building, or cover windows or moldings. Signs shall emphasize architectural elements and not obscure architectural details.

(b) No more than one temporary on-site sign may be displayed on a premise at any given time.

(c) Window signs shall be painted or gold-leafed directly on windows. Window signs and temporary on-site signs attached to or painted on a window may not cover more than 25 percent of the window surface area (window sign decals are exempted).

(d) Painted signs shall be placed in bands within the space above or below windows.

(3) Pole and ground signs.

(a) No pole or ground sign shall have an effective area greater than 32 square feet. A pole sign shall have a maximum height of 16 feet above the ground.

(b) Portable signs shall be limited to unlit A-frame signs with a maximum height of four feet and a total area of 12 square feet. Such signs shall require a minor street permit and shall not obstruct pedestrian traffic nor impede vehicular traffic.

(c) No more than one portable sign may be displayed on a premise at any given time.

(4) Canopy signs. All canopy signs shall be subject to the provisions of Chapter 23 (for awnings, canopies and marquees) of the Code of the City of Wichita, as well as the following requirements:

(a) No canopy sign shall project vertically above the surface of the canopy or awning.

f. Non-residential & mixed-use development. These criteria apply specifically to the "Commercial Mixed-Use", "Educational Institutions", "Institutional Uses", "Public Greenways" and "Recreation/Sports Facilities" areas as depicted on Page 26, Figure 15 of the Delano Neighborhood Revitalization Plan. These criteria shall also apply to all properties adjoining the north side of Douglas Avenue between McLean Boulevard and Seneca Street, and the east side of Seneca Street from Kellogg to McLean Boulevard.

(1) General.

(a) Conversion of the second floors of existing two story structures to residential use and/or office uses is encouraged.

(b) Upper floors of structures with windows shall utilize decorative features such as displays, curtains and other materials to enhance the appearance of the overall structure. Windows shall not carry the appearance of vacancy or deterioration.

(c) Roofs on commercial buildings shall have parapets, and shall not have a visible pitch.

(d) Buildings shall not be allowed to have visible metal walls that are not visually compatible with the architectural character of the surrounding area.

(e) All openings in the façade of a building (windows, doorways, etc.) shall be proportioned to reflect pedestrian scale and designed in a manner that encourages interest at the street level. Main or primary entrances to buildings must be delineated through the use of architectural detailing appurtenant to the architectural style of the building. The main or primary entrances shall be oriented toward the front or side street setback.

(f) Awnings or canopies shall be made of canvas, cloth or metal material.

(g) Mechanical or electrical equipment and trash receptacles shall be hidden or screened from street level view.

(h) Planter boxes and screening walls shall be compatible with the primary structure.

(i) Primary façades fronting a public street and consisting of brick or masonry (excluding cinder block) shall not be painted if they have not previously been painted.

(2) Parking.

(a) Off-street parking and service areas shall be at the rear or side of the building, and shall have three to four feet high screening and a six feet wide landscaped buffer adjacent to any public street. Screening shall consist of brick, ornamental ironwork or a poured-in-place masonry wall that is visually compatible with the architectural character of surrounding buildings, or any combination thereof.

(b) No new parking areas shall be established adjacent to or with frontage on Douglas Avenue or University Avenue (east of Hiram Street).

(3) Douglas Avenue (from McLean to Vine).

(a) In-fill structures shall be either one or two story, with common walls. One additional story (third story) may be built provided it is set back from the front façade a minimum of 20 feet.

(b) If a single story structure is built, the roof structure shall be designed to enable the addition of a second floor, or the use of the roof as a patio/roof garden.

(c) Commercial buildings along Douglas Avenue shall have primary or main façades that are divided into distinct modules that are no longer than 50 feet.

g. Residential development. These criteria apply specifically to the "Single Family Residential" and "Multi-Family Residential" areas as depicted on Page 26, Figure 15 of the Delano Neighborhood Revitalization Plan.

(1) Fencing in front yards adjoining a public street shall be wrought iron (five feet height limit), wooden or high density polyethylene picket fencing or fencing of a similar period style, or chain link fencing and shall be no more than four feet in height. Stone or brick walls are permitted, subject to the four feet height limitation, provided they are compatible with the material of the primary structure. Fencing in side yards adjoining a public street (not including alleys) shall be of materials identical to that allowed in the front yard but shall also include the option of wooden privacy fencing. Fence height in a side yard adjoining a public street shall be limited to six feet.

(2) Porches, when utilized, shall be oriented toward the primary street frontage in an architectural style compatible with the primary structure.

(3) Decks, when utilized, shall be adjacent on a façade of the primary structure not facing a public street.

(4) Wheelchair accessible ramps, when used, shall be constructed with materials that are compatible with the primary structure; and shall be landscaped for reasons of safety and aesthetics if deemed necessary.

(5) At least 60 percent of any yard area abutting a public street shall be comprised of live plant material.

(6) Within the "Multi-Family Residential" area adjacent to Kellogg as depicted on Page 26, Figure 15 of the Delano Neighborhood Revitalization Plan, the following shall also apply:

(a) Buildings shall be sited with zero lot line side yard setbacks.

(b) Buildings shall be two to three stories in height, and shall contain no more than four dwelling units.

(c) Exteriors of structures shall be compatible with adjacent residential buildings with regard to materials and architectural details, and shall reflect the architectural style, character and features depicted on Page 36, Figure 16 of the Delano Neighborhood Revitalization Plan.

4. Review of Design Guidelines. Every six months following the adoption of the Delano Neighborhood Overlay District, the Delano Neighborhood Design Guidelines shall undergo a formal review and evaluation by staff regarding its effectiveness and the need for amendment or change.

ARTICLE II. NUISANCES*

***Editor's note:** Res. No. 213-00, § 1, adopted Dec. 20, 2000, intended to amend the Code with the addition of sections 19-2--19-5. Inasmuch as there was already a section designated as § 19-2, and for the purposes of maintaining Code format, the provisions of Res. No. 213-00, § 1, have been included herein as Art. II, §§ 19-21--19-24, at the discretion of the editor.

Cross references: Sanitary code, § 14-136 et seq.

Sec. 19-21. Defi nitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural activities means the use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products or for the purpose of raising livestock, poultry, or dairy products.

County means all of the county other than the land areas within cities.

Inoperable vehicle means any vehicle that is unable to operate or move under its own power. This term shall also mean any vehicle that is in an abandoned, wrecked, dismantled, scrapped, junked or partially dismantled condition which includes having uninflated tires, no wheels, or lacking other parts necessary for the normal operation of the vehicle. It shall also mean any vehicle that because of mechanical defects, a wrecked or partially wrecked frame or dismantled parts, cannot be operated in a normal and safe manner. An inoperable vehicle shall not include vehicles that need only the installation of a battery or the addition of fuel to operate.

Property means any real property within the county which is not a street or highway.

Recycling facility means a fixed location that utilizes machinery and equipment for processing only recyclables, and is licensed as a solid waste processing facility pursuant to K.S.A. 65-3401 et seq.

Salvage material means material, including but not limited to, scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc and all other scrap metals and alloys, bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, playground equipment, old or used machinery of any type, used tools, used appliances, used fixtures, used furniture, used utensils, used lumber, used boxes or crates (fabricated of any material), used pipe or pipe fittings, used conduit or conduit fittings, used automotive parts, used tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

Salvage yard means any property licensed by the state of Kansas for operation as a salvage yard pursuant to K.S.A. 8-2401 et seq. and amendments thereto.

Solid waste means garbage, refuse and other discarded materials including, but not limited to, solid, semisolid, sludges, liquid and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste does not include hazardous wastes as defined by subsection (f) of K.S.A. 65-3430, and amendments thereto, recyclables or the waste of domestic animals as described by subsection (a)(1) of K.S.A. 65-3409, and amendments thereto.

Weeds or other noxious vegetation means all grasses over eighteen (18) inches in height included in the family Gramineae; and noxious weeds such kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea repens*), hoary cress (*Cardaria draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), bur ragweed (*Ambrosia grayii*), pignut (*Hoffmannseggia densiflora*), musk (nodding) thistle (*Carduus nutans L.*), Johnson grass (*Sorghum halepense*), and poison ivy/oak/sumac (*Toxicodendron*). This term does not include grasses and other vegetation, excluding noxious weeds, that are utilized for agricultural activities, conservation practices, landscaping, garden- ing or xeriscape purposes as approved by the director of code enforcement.

(Res. No. 213-00, § 1, 12-20-00; Res. No. 56-01, § 1, 4-25-01)

Sec. 19-22. Activities or conditions prohibited; enumeration.

(a) It is unlawful for any person to maintain, or permit to be maintained, any activity or condition described in this section, in the county.

(1) To the extent they constitute a threat to the health or safety of any person:

a. Open basement structures, excavations, swimming pools, storm cellars, industrial tanks, or other excavations or structures;

b. Outdoor storage of salvage material, except as follows:

1. At a salvage yard or recycling facility; or

2. Building materials if they are to be used within one hundred eighty (180) days for construction on the property they are stored, if accompanied by an occupancy or building permit;

c. Minor auxiliary or accessory buildings or structures such as privies, sheds, barns, garages, toolhouses, vacant houses or commercial structures, which have become so dilapidated or deteriorated as to constitute a threat to any person's health or safety;

d. Sources of danger for children through entrapment in areas of confinement that cannot be opened from the inside, through a danger of the item falling or turning over, or through possible injury from exposed surfaces of metal, glass or other rigid materials;

e. Existing or potential breeding grounds or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents, insects or other disease vectors, or areas used for the storage, harboring, caging or dwelling of any animal of any kind;

f. Heavy growth of weeds or other noxious vegetation;

g. Storage of solid waste, including bulky waste, or storage of combustible or hazardous materials;

h. Potential sources of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the item;

i. Any item that due to its defective, deteriorated or obsolete condition in any way constitutes a threat to any person's health or safety; or

j. Any other activity or condition of like character that constitutes a threat to the health or safety of any person.

(2) Inoperable vehicles parked or stored or left on any private property in the county, unless such vehicles are completely enclosed within a building, unless the parking or storing of such vehicles is necessary to the operation of a lawful business or commercial enterprise.

(b) Subsections (a)(1)e. and (a)(1)f. of this section shall not apply to composting activities conducted in such a manner as to comply with applicable federal, state, and local regulations.

(c) Subsections (a)(1)b. and (a)(2) of this section shall not apply to salvage material or inoperable vehicles that are used for or in connection with agricultural activities, or if the following standards apply:

(1) The inoperable vehicles or salvage material are the personal property of the owner or occupant of the property;

(2) The owner or occupant of the property must comply with the Junkyard and Salvage Control Act, K.S.A. 68-2201 et seq.

(3) All areas used for the storage of inoperable vehicles or salvage material are screened in such a manner that the vehicles are not visible from ground level view from the street or neighboring property, as follows:

a. Screening may be provided by decorative fencing or walls, evergreen vegetation, or landscaped earth berms, and shall be not less than six (6) feet in height. Fences or walls shall not have cracks and openings in excess of five (5) percent of the area of such fence or wall, and shall not be more than eight (8) feet in height. Landscaped earth berms must be placed in such a manner as to have a slope sufficient for mowing.

b. Screening fences and walls shall be constructed of standard building materials customarily used for fence and wall construction such as brick, stone, concrete masonry, stucco, concrete, or wood, and shall be of neutral color so as to not be visually obtrusive.

c. If adequate screening exists on either side of property line that meets or exceeds the standards of this section, additional screening shall not be required. However, if at any time the existing screening fails to meet the requirements of this section, compliance must be obtained by the property owner.

(4) All inoperable vehicles or salvage material must be properly screened behind the front setback, which is the area between the primary residence or structure and the street right-of-way line of the property; provided that for purposes of this subsection, the maximum distance of the front setback shall be one hundred (100) feet from the street right-of-way.

(Res. No. 213-00, § 1, 12-20-00; Res. No. 56-01, § 1, 4-25-01)

Sec. 19-23. Enforcement and penalties.

(a) This article is enforceable under chapter 8. Any code enforcement officer or law enforcement officer being duly authorized and having jurisdiction in the county may issue a uniform complaint and notice to appear in county court to any person violating any provision of this article.

(b) Violations of this article are punishable as provided for in section 1-8.

(c) Violations listed in section 19-22(a) are class F violations as described in section 8-5(a).

(Res. No. 213-00, § 1, 12-20-00; Res. No. 56-01, § 1, 4-25-01)

Sec. 19-24. Other remedies unaffected.

Nothing in this article shall be construed to limit or forbid the county or any other person from pursuing any other remedies available at law or in equity to enforce the provisions of this article.

(Res. No. 213-00, § 1, 12-20-00; Res. No. 56-01, § 1, 4-25-01)

Secs. 19-25--19-40. Reserved.