

DR 74-9 - Amendment to the Side
Yard Setback Requirements in the
"R-5" and "R-6" Districts.

EADER

ACTION

DATE

COMMITTEE

M.A.P.C.

B.C.C./B. CO. C.

4-25-74

5-14-74

Approved

Approved

June 6, 1974

Robert B. Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

Zoning Ordinance Revision

Attached hereto are ten copies of the zoning ordinance amendment that has been adopted by the Board of City Commissioners and published on May 24, 1974. Additional copies will be furnished at such time as we receive them back from duplicating.

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

JHG:GLS:js

Attachment

The Daily Record

AFFIDAVIT OF PUBLICATION

1066 N. Waco - Wichita, Kansas 67203

79312 (Published in The Daily Record May 24, 1974)

ORDINANCE NO. 33-271

AN ORDINANCE AMENDING SECTIONS 28.04.065 C, 2b AND 28.04.067 C, 2b OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING TO MAXIMUM SIDE YARD REGULATIONS IN THE "R-5" AND "R-6" GENERAL RESIDENCE DISTRICTS, AND REPEALING SAID ORIGINAL SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS: Section 28.04.065 C, 2b of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"b. Minimum side yard:

(1) Residential Buildings: 10 percent of the lot width, but not less than six feet nor be required to exceed 25 feet. Residential buildings which have the entrance to two or more units facing the side yard shall have a minimum side yard of ten feet on the side of the building on which such entrances are located.

(2) All other permitted uses: 25 feet."

Section 28.04.067 C, 2b of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"b. Minimum side yard:

(1) Residential Buildings: 10 percent of the lot width, but not less than six feet nor be required to exceed 25 feet. Residential buildings which have the entrances to two or more units facing the side yard shall have a minimum side yard of ten feet on the side of the building on which such entrances are located.

(2) All other permitted uses: 25 feet."

The originals of Sections 28.04.065 C, 2b and 28.04.067 C, 2b of the Code of the City of Wichita, Kansas are hereby repealed.

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

ADOPTED at Wichita, Kansas, this 21st day of May, 1974.

GARRY L. PORTER,
Mayor,
Attest: (SEAL)
RALPH C. EBERLY,
City Clerk.

STATE OF KANSAS, SEDGWICK COUNTY, SS:

Cheri Bush, of lawful age, being first duly sworn, deposes and says that she is Business Manager of THE DAILY RECORD, a newspaper printed in the State of Kansas, and published in and of general paid circulation on a weekly, monthly or yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published at least weekly fifty (50) times a year, has been so published continuously and uninterruptedly in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted, at the post office of Wichita in said County and State as second class matter.

That a notice, a true copy of which is hereto attached, was published in the regular and entire issue of said newspaper for ~~five~~ consecutive ~~days~~ as follows:

1st 5-24-74
2nd
3rd
4th
5th
6th

Cheri Bush
Business Manager

Subscribed and sworn to before me

this 24th day of

May, 1974

Margaret A. Cole
Notary Public

My commission expires

3-29-77

Publication Fees \$ 8.375



ORDINANCE NO. 33-271

AN ORDINANCE ESTABLISHING A MAXIMUM SIDE YARD IN THE "R-5" AND "R-6" GENERAL RESIDENCE DISTRICTS, AMENDING SECTIONS 28.04.065 AND 28.04.067 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.065.C-2b of the Code of the City of Wichita, Kansas shall be amended to read as follows:

b. Minimum side yard:

(1) Residential Buildings: 10 percent of the lot width, but not less than six feet nor be required to exceed 25 feet. Residential buildings which have the entrances to two or more units facing the side yard shall have a minimum side yard of ten feet on the side of the building on which such entrances are located.

(2) All other permitted uses: 25 feet.

SECTION 28.04.067-C-2b of the Code of the City of Wichita, Kansas shall be amended to read as follows:

b. Minimum side yard:

(1) Residential Buildings: 10 percent of the lot width, but not less than six feet nor be required to exceed 25 feet. Residential buildings which have the entrances to two or more units facing the side yard shall have a minimum side yard of ten feet on the side of the building on which such entrances are located.

(2) All other permitted uses: 25 feet.

The original Sections 28.04.065-C-2b and 28.04.067-C-2b of the Code of the City of Wichita, Kansas are hereby repealed.

This Ordinance shall take effect on its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this _____ day of _____, 1974.

Garry L. Porter, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

APPROVED AS TO FORM:

John Dekker, Director of Law

POSSIBLE AMENDMENT TO THE ZONING ORDINANCE
TO ESTABLISH A MAXIMUM SIDE YARD REQUIREMENT
IN THE "R-5" and "R-6" GENERAL RESIDENCE DISTRICTS.

Sections 28.04.065.C-2b and 28.04.067-C-2b of the Code of the City of Wichita, Kansas shall be amended to read as follows:

b. Minimum side yard:

- (1) Residential Buildings: 10 percent of the lot width, but not less than six feet nor be required to exceed 25 feet. Residential buildings which have the entrances to two or more units facing the side yard shall have a minimum side yard of ten feet on the side of the building on which such entrances are located.
- (2) All other permitted uses: 25 feet.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 28.04.065 C.2b AND 28.04.067 C.2b OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING TO MAXIMUM SIDE YARD REGULATIONS IN THE "R-5" AND "R-6" GENERAL RESIDENCE DISTRICTS, AND REPEALING SAID ORIGINAL SECTIONS.

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

Section 28.04.065 C.2b of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"b. Minimum side yard:

(1) Residential Buildings: 10 percent of the lot width, but not less than six feet nor be required to exceed 25 feet.

Residential buildings which have the entrances to two or more units facing the side yard shall have a minimum side yard of ten feet on the side of the building on which such entrances are located.

(2) All other permitted uses: 25 feet. "

Section 28.04.067 C.2b of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"b. Minimum side yard:

(1) Residential Buildings: 10 percent of the lot width, but not less than six feet nor be required to exceed 25 feet.

Residential buildings which have the entrances to two or more units facing the side yard shall have a minimum side yard of ten feet on the side of the building on which such entrances are located.

(2) All other permitted uses: 25 feet."

The originals of Sections 28.04.065 C.2b and 28.04.067 C.2b of the Code of the City of Wichita, Kansas are hereby repealed.

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

ADOPTED at Wichita, Kansas, this _____ day of _____, 1974.

Garry L. Porter, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

Approved as to form:

John Dekker, Director of Law

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

May 8, 1974

TO Ralph Wulz, City Manager
FROM Robert A. Lakin, Director of Planning *RA*

SUBJECT DR 74-9 - Amendment to Zoning Ordinance
Re: Establishing Maximum side yard for
"R-5" and "R-6" General Residence
Districts

Attached hereto is a proposed amendment to the City of Wichita zoning ordinance establishing a maximum side yard in the "R-5" and "R-6" General Residence Districts. This amendment was considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission at their meeting of April 25, 1974, and is recommended for adoption by the Governing Body.

When the "R-5" and "R-6" districts were established in the ordinance in 1970, it was not anticipated that a maximum side yard would ever be needed. It has, however, created problems to developers for a large lot development when no maximum requirement is established by the ordinance. The recommendation of a 25-foot maximum side yard is compatible with the requirement of other uses that are permitted in these two zoning districts.

RAL:GEL:ber

Attachment

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

DELINEATED COPY

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 28.04.065 C.2b AND 28.04.067 C.2b OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING TO MAXIMUM SIDE YARD REGULATIONS IN THE "R-5" AND "R-6" GENERAL RESIDENCE DISTRICTS, AND REPEALING SAID ORIGINAL SECTIONS.

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(2) All other permitted uses: 25 feet. "

Section 28.04.067 C.2b of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"b. Minimum side yard:

(1) Residential Buildings: 10 percent of the lot width, but not less than six feet nor be required to exceed 25 feet. Residential buildings which have the entrances to two or more units facing the side yard shall have a minimum side yard of ten feet on the side of the building on which such entrances are located.

(2) All other permitted uses: 25 feet."

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

ADOPTED at Wichita, Kansas, this _____ day of _____, 1974.

Garry L. Porter, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

Approved as to form:

John Dekker, Director of Law

WICHITA-SEDGWICK COUNTY

DATE

March 11, 1974

METROPOLITAN AREA PLANNING DEPARTMENT

TO Glen Lytle, Special Assistant for Zoning
FROM Jack H. Galbraith, Chief Planner *JHG*

SUBJECT Amendment to the Side Yard Setback Requirements in the "R-5"
and "R-6" Districts, Case NO. DR 74-9

As we have previously discussed, please prepare and advertise for a public hearing an amendment to the "R-5" and "R-6" Districts re: a maximum requirement for side yard setbacks. Advertise by April 2, 1974, for the April 25th meeting.

Make sure Feldner, Riddel, Home Builders, and Board of Realtors are advised of the amendment and date of Public Hearing.

Joyce has set up the DR case file and will forward to you. Contact Shirkey if he can be of assistance to you.

JHG:js

cc: Lynn Shirkey, Jr. Planner

May 8, 1974

Ralph Wulz, City Manager

Robert A. Lakin, Director of Planning

DR 74-9 - Amendment to Zoning Ordinance
Re: Establishing Maximum side yard for
"R-5" and "R-6" General Residence
Districts

Attached hereto is a proposed amendment to the City of Wichita zoning ordinance establishing a maximum side yard in the "R-5" and "R-6" General Residence Districts. This amendment was considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission at their meeting of April 25, 1974, and is recommended for adoption by the Governing Body.

When the "R-5" and "R-6" districts were established in the ordinance in 1970, it was not anticipated that a maximum side yard would ever be needed. It has, however, created problems to developers for a large lot development when no maximum requirement is established by the ordinance. The recommendation of a 25-foot maximum side yard is compatible with the requirement of other uses that are permitted in these two zoning districts.

RAL:GEL:ber

Attachment

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

Joyce

April 10, 1974

Tim Hurley, Executive Director
Wichita Association of Home
Builders
730 North Main Street
Wichita, Kansas 67203

Re: DR 74-9

Dear Mr. Hurley:

Enclosed herewith is a copy of a proposed change to the zoning ordinance of the City of Wichita. This change is to establish a maximum side yard of 25 feet in the "R-5" and "R-6" General Residence Districts.

This suggested change will alleviate the excessive side yard requirement on large lot apartment developments that have sometimes occurred in the past several years since these districts were inserted into the zoning ordinance.

This change will be considered by the Wichita-Sedgwick County Metropolitan Area Planning Commission at their meeting of April 25, 1974. The meeting is scheduled to begin at 1:30 p.m. in Room 401, 104 South Main, and any comments on the change will be heard at that time.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL:rme
Enclosure

Letter also to: Wichita Board of Realtors
230 South Market, 67202

RE: AGENDA ITEM NO.

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

April 17, 1974

TO Wichita-Sedgwick County Metropolitan
Area Planning Commission

FROM Jack H. Galbraith, Chief Planner *JHG*

SUBJECT DR 74-9 - Amendment to the Zoning Ordinance
Re: Side Yard Requirements - "R-5" and "R-6"
Districts

It has been brought to our attention that on large lot plats, for apartment developments in the "R-5" and "R-6" General Residence Districts, the side yard requirement for the development is excessive. The proposed amendment to the ordinance places a maximum requirement on the side yard at 25 feet, regardless of the size of the lot or development. The minimum side yard would remain at 6 feet.

Attached is a copy of the legal notice and a copy of the possible amendment to the Zoning Ordinance delineating the suggested change.

Consideration of this proposed amendment has been advertised for a public hearing for consideration at your regular meeting of April 25, 1974.

RAL:GEL:ber

Attachment

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

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

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

That Sections 28.04.065 and 28.04.067 GENERAL RESIDENCE DISTRICTS, be amended to establish a maximum side yard requirement of 25 feet.

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

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

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

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

(SEAL)

April 17, 1974

Wichita-Sedgwick County Metropolitan
Area Planning Commission

Jack H. Galbraith, Chief Planner

DR 74-9 - Amendment to the Zoning Ordinance
Re: Side Yard Requirements - "R-5" and "R-6"
Districts

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RAL:GEL:ber

Attachment

March 11, 1974

Glen Lytle, Special Assistant for Zoning
Jack H. Galbraith, Chief Planner

Amendment to the Side Yard Setback Requirements in the "R-5"
and "R-6" Districts, Case No. DR 74-9

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Advertise by April 2, 1974, for the April 25th meeting.

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Joyce has set up the DR case file and will forward to you. Contact
Shirkey if he can be of assistance to you.

JHG:js

cc: Lynn Shirkey, Jr. Planner