

# ACTION

COMMITTEE	DATE
M.A.P.C.	4-14-77 <i>Approved 4 votes.</i>
<del>R.C.C.B. 60-C</del>	5-12-77 <i>Referred 4 votes.</i>
	6-23-77 <i>Approved 2 votes.</i>
MAPC	6-9-77
MAPC	6-23-77
B.C.C.	8-2-77
	<i>Returned to MAPC</i>
MAPC	11-23-77
	<i>Referred for information on alleg.</i>
MAPC	12-8-77
BCC	1-3-78
	<i>15 Res. 5-0</i>

DR 77-10 - Possible Amendment to the Zoning Ordinance Re: Off-Street Parking in Residential Districts.

87043 (Published in The Daily Record January 13, 1978)it

ORDINANCE NO. 35-381  
AN ORDINANCE AMENDING SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE OFF-STREET PARKING AND IMPROVEMENTS REQUIRED WHEN OFF-STREET PARKING IS PROVIDED; AND REPEALING SAID ORIGINAL SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:  
SECTION 28.04.140 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:  
28.04.140 Off-street parking regulations.

1. For purposes of this chapter, off-street parking spaces, ingress and egress drives, and circulation aisles shall not occupy any part of a required front yard, or any part of a required side yard adjacent to a street, except for the following:
  - a. Required yards in the Office, Commercial or Industrial zoning districts not otherwise required to be landscaped.
  - b. Ingress and egress drives providing access to required off-street parking and loading spaces.
  - c. Circular driveways for one family dwellings when the lot is of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City code, provided however, the yard area between the circular driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.
  - d. Additional accessory off-street parking for one and two-family dwellings shall be permitted within the required yards in residential zoning districts when the yard of the zoning lot is adjacent to a street having on-street parking limitations and there is no reasonable access to the side or rear yards, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 per cent of the required yard, whichever is less.
  - e. Additional accessory off-street parking for one and two-family dwellings shall be permitted within 50 per cent of the required yards in residential sub-divisions

wherein street widths have been reduced with a direct stipulation that additional off-street parking be provided.

f. Additional accessory off-street parking for one-family dwellings on a surfaced area adjacent to an ingress driveway when there is no reasonable access to the side or rear yard, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 per cent of the required yard, whichever is less.

g. Parking on ingress and egress driveways for one and two-family dwellings when the parking is additional accessory-off-street parking.

h. 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.

The required 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. Parking shall be prohibited on unsurfaced 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. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or, be located in accordance with provisions of this chapter relating to off-street parking exceptions.

3. Off-street parking space as required in this section for additions to existing buildings and structures and for additions to existing buildings or structures, building or structure which is altered in any manner so as to change its use or to enlarge or increase capacity by area, or seats. Existing parking area previously required for new structures or additions to existing buildings, structures or uses of land. Existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains unless an equivalent number of such spaces are provided elsewhere in this chapter.

4. In no instance shall off-street parking required by this chapter be located more than six hundred feet (as measured along lines of public access, from the use which it serves).

SECTION 28.04.143 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

28.04.143 Off-street parking and loading area improvements.

1.1 Parking areas and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. (Exception: Surfacing improvements may be of the same material as the public streets, provided however, when public streets are improved, the parking areas and driveways shall be improved within 90 days as herein before required.) When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

The original Sections 28.04.140 and 28.04.143 of the Code of the City of Wichita, Kansas are hereby repealed, and this ordinance shall be included in the Code of the City of Wichita, Kansas, and shall take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this 10th day of January, 1978.

TONY CASADO, Mayor  
Attest: (Seal) DONALD C. GISICK, City Clerk  
136

as provided

THE CITY OF WICHITA  
OFFICE OF Grievance Office

DATE December 30, 1977



TO Robert A. Lakin, Director of Planning  
FROM Fredrick Linde, Grievance Officer

SUBJECT DR-77-10 - Amendments to front yard  
setback regulations.

We have reviewed your memo of December 23 on the subject and the proposed amendments to ordinance 28.04.140 and 28.04.143. We are still in opposition to the proposed changes as covered in subsection f of section 1 of 28.04.140 of the proposed ordinance and as discussed in the "Summary" section of your memo, number 6. This proposed change has the potential for drastically altering the characteristics of established neighborhoods. By allowing vehicles to be parked on a portion of the front yard setback will create pockets of potential deterioration. Presumably, if each residence were to utilize the proposed change, then the neighborhood would still present a uniform appearance. Uniformity simply does not happen under these circumstances and there will be some, probably a minority of the total, taking advantage of the change whereas others in the same neighborhood will not. So far as I know, this type of change nullifies one of the objectives of zoning which I assume is to maintain neighborhood compatibility and a reasonable similarity of appearance.

From a practical standpoint, based on observations and the types of complaints received in this office, one of the major users of front yard setback parking will be the older single family house on a 50 foot lot or the occasional larger residence on a 75 or larger foot lot. The older smaller house probably has a disproportionately large demand for parking. The paradox is that a one family house on a 50 foot lot, with the greatest proportionally assumed need for parking, can take very little advantage of the relaxed proposal whereas the larger house with a two car garage on a 75 foot lot, with the lesser proportional need for additional off street parking, could pave up to 750 square feet.



Robert A. Lakin  
December 30, 1977  
Page Two

I have two additional comments. One, we are certainly in agreement with the concept of limiting the paved area as carried out in subsection f. The second comment is that the price to pay for allowing parking on the front yard is simply too high because people do not have ready access to the rear yard or for some reason cannot take ready advantage of an alley.

With the exception of these observations and comments, I believe the proposal now is sound. We heartily agree with the idea of making the proposed concessions in new residential areas where each occupant of a house is on notice and where there is uniformity in application. Our objection remains to the effect the change would have on the older and established single family zoning district.

*FAL*

Fredrick A. Linde,  
Grievance Officer

FL:lc

cc: Eugene Denton, City Manager  
Ray Bruggeman, Public Works

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

December 23, 1977

TO E. H. Denton, City Manager  
FROM Robert A. Lakin, Director of Planning  
SUBJECT DR-77-10 - Possible amendment to the Zoning Ordinance.  
Re: Off-street parking in front yard setbacks in Residential Districts.

Attached hereto is a delineated copy of a possible amendment to the zoning ordinance to be scheduled for City Commission consideration at the meeting of January 3, 1977.

BACKGROUND

This possible amendment was requested by the City Commission following discussion of a public agenda item concerning the issuance of a citation from Central Inspection for parking in the front yard setback. During the discussion by the City Commission, it was suggested that the language of the ordinance be clarified.

The Planning Commission discussed the amendment on four different occasions prior to making a recommendation to the City Commission on the ordinance. Their recommendation was considered by the City Commission on August 2, 1977 and after considerable discussion it was referred back to the Planning Commission and to the Citizen Participation Organization for further study.

The City Commission also suggested that consideration be given for different regulations for residential areas with on-street parking versus those without, and for new subdivisions versus existing developed areas.

Amendments to the ordinance with the above considerations were first reviewed by the Citizen Participation Organization. Following a recommendation from the C.P.O. it was then referred to the Planning Commission for consideration at their meeting of November 23, 1977. The Planning Commission deferred action on the amendment for two weeks so that consideration of amending paragraph (d) to limit the use of the front yard if reasonable access to the rear yard is available. The Planning Commission considered that amendment on December 8, 1977 and concurred.

Copies of the material furnished the Planning Commission is attached for your information.

E. H. Denton  
Re: DR-77-10  
December 23, 1977  
Page Two

SUMMARY

This amendment, as proposed, will permit the surfacing and utilization as driveways and parking within the yard setback areas adjacent to the streets:

1. Within the office, commercial and industrial districts, there would be no general limitations, however, where provisions of the ordinance of a C.U.P. set forth landscaping requirements, surfacing would not be permitted.
2. Ingress and egress drives in any zoning district.
3. Circular driveways for single family dwellings.
4. Additional accessory parking areas within the front yards of one and two family dwellings when on-street parking is limited but only if side or rear yard is not accessible. Maximum area of 750 square feet or 50% of the front yard, whichever is less.
5. Parking areas within front yards of new developments where additional off-street parking is a requirement due to permitted reduced street widths. Maximum of 50% of the front yard area.
6. Surfaced area adjacent to an existing driveway for additional accessory off-street parking for a single family dwelling. Maximum surfacing within the front yard not to exceed 750 square feet or 50% of the front yard area, whichever is less.
7. Parking on ingress and egress driveways for accessory parking to one and two family dwellings.
8. Parking on an existing surfaced area within the front yard when the required space for the single family dwelling is converted to living space.


Section 28.04.143 pertaining to the surfacing requirement has not been amended since the matter was forwarded to the City Commission by the MAPC with a recommendation for adoption.

RECOMMENDATION

The Wichita-Sedgwick County Metropolitan Area Planning Commission

E. H. DENTON  
Re: DR-77-10  
December 23, 1977  
Page Three

recommends that this amendment to the Zoning Ordinance be adopted.

  
Robert A. Lakin  
Director of Planning

RAL:GL:et  
Enclosure

CC:

Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Paul Graves, Traffic Engineer  
G. H. Wilton, Superintendent of Public Works Maintenance  
Fred Linde, Grievance Officer  
Donovan Rutledge, 1425 Park Place, Wichita, Kansas 67203  
Wichita Area Builders Assn., 730 N. Main, Wichita, Kansas 67203  
Wichita Board of Realtors, 717 N. Emporia, Wichita, Kansas 67214

December 23, 1977

E. H. Denton, City Manager

Robert A. Lakin, Director of Planning

DR-77-10 - Possible amendment to the Zoning Ordinance.

Re: Off-street parking in front yard setbacks in Residential Districts.

Attached hereto is a delineated copy of a possible amendment to the zoning ordinance to be scheduled for City Commission consideration at the meeting of January 3, 1977.

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The City Commission also suggested that consideration be given for different regulations for residential areas with on-street parking versus those without, and for new subdivisions versus existing developed areas.

Amendments to the ordinance with the above considerations were first reviewed by the Citizen Participation Organization. Following a recommendation from the C.P.O. it was then referred to the Planning Commission for consideration at their meeting of November 23, 1977. The Planning Commission deferred action on the amendment for two weeks so that consideration of amending paragraph (d) to limit the use of the front yard if reasonable access to the rear yard is available. The Planning Commission considered that amendment on December 8, 1977 and concurred.

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E. H. Denton  
Re: DR-77-10  
December 23, 1977  
Page Two

SUMMARY

This amendment, as proposed, will permit the surfacing and utilization as driveways and parking within the yard setback areas adjacent to the streets:

1. Within the office, commercial and industrial districts, there would be no general limitations, however, where provisions of the ordinance of a C.U.P. set forth landscaping requirements, surfacing would not be permitted.
2. Ingress and egress drives in any zoning district.
3. Circular driveways for single family dwellings.
4. Additional accessory parking areas within the front yards of one and two family dwellings when on-street parking is limited but only if side or rear yard is not accessible. Maximum area of 750 square feet or 50% of the front yard, whichever is less.
5. Parking areas within front yards of new developments where additional off-street parking is a requirement due to permitted reduced street widths. Maximum of 50% of the front yard area.
6. Surfaced area adjacent to an existing driveway for additional accessory off-street parking for a single family dwelling. Maximum surfacing within the front yard not to exceed 750 square feet or 50% of the front yard area, whichever is less.
7. Parking on ingress and egress driveways for accessory parking to one and two family dwellings.
8. Parking on an existing surfaced area within the front yard when the required space for the single family dwelling is converted to living space.

Section 28.04.143 pertaining to the surfacing requirement has not been amended since the matter was forwarded to the City Commission by the MAPC with a recommendation for adoption.

RECOMMENDATION

The Wichita-Sedgwick County Metropolitan Area Planning Commission

E. H. Denton  
Re: DR-77-10  
December 23, 1977  
Page Three

recommends that this amendment to the Zoning Ordinance be adopted.

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Robert A. Lakin  
Director of Planning

RAL:GL:et  
Enclosure

cc:

Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Paul Graves, Traffic Engineer  
G. H. Wilton, Superintendent of Public Works Maintenance  
Fred Linde, Grievance Officer  
Donovan Rutledge, 1425 Park Place, Wichita, Kansas 67203  
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Wichita Board of Realtors, 717 N. Emporia, Wichita, Kansas 67214

Delineated Copy  
Additions underlined  
Deletions ~~marked-thru~~

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

AN ORDINANCE AMENDING SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE OFF-STREET PARKING AND IMPROVEMENTS REQUIRED WHEN OFF-STREET PARKING IS PROVIDED; AND REPEALING SAID ORIGINAL SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.140 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.140 Off-street parking regulations.

1. For purpose of this chapter, off-street parking spaces, ingress and egress drives, and circulation aisles shall not occupy any part of a required front yard, or any part of a required side yard adjacent to a street, except for the following;
  - a. Required yards in the Office, Commercial or Industrial zoning districts not otherwise required to be landscaped.
  - b. Ingress and egress drives providing access to required off-street parking and loading spaces.
  - c. Circular driveways for one family dwellings when the lot is of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City code, provided however, the yard area between the circular driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.
  - d. Additional accessory off-street parking for one and two-family dwellings shall be permitted within the required yards in residential zoning districts when the yard of the zoning lot is adjacent to a street having on-street parking limitations and there is no reasonable access to the side or rear yards, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - e. Additional accessory off-street parking for one and two-family dwellings shall be permitted within 50 percent of the required yards in residential subdivisions wherein street widths have been reduced with a direct stipulation that additional off-street parking be provided.
  - f. Additional accessory off-street parking for one-family dwellings on a surfaced area adjacent to an ingress driveway when there is no reasonable access to the side or rear yard, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - g. Parking on ingress and egress driveways for one and two-family dwellings when the parking is additional accessory off-street parking.

- h. 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.
1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (except that in conversions within the abovementioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard); and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street.

The required 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. Parking shall be prohibited on unsurfaced 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. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or, be located in accordance with provisions of this chapter relating to off-street parking exceptions.
3. Off-street parking space as required in this section shall be provided for all new buildings and structures and for additions to existing buildings or structures. Off-street parking shall be required for any existing building or structure which is altered in any manner so as to change its use or to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area, or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for new structures or additions to existing buildings, structures or uses of land. Existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains unless an equivalent number of such spaces are provided elsewhere in this chapter.
4. In no instance shall off-street parking required by this chapter be located more than six hundred feet (as measured along lines of public access) from the use which it serves.

SECTION 28.04.143 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.143 Off-street parking and loading area improvements.

- 1.1 Parking areas as required under Section 28.04.141 - "Number and size of spaces," paragraph 3-1, shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust, and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of

concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. (Exception: Surfacing improvements may be of the same material as the public streets, provided however, when public streets are improved, the parking areas and driveways shall be improved within 90 days as herein before required.) When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

The original Sections 28.04.140 and 28.04.143 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 take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1978.

\_\_\_\_\_  
A. F. Casado, Mayor

ATTEST:

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

Approved as to form

\_\_\_\_\_  
John Dekker, City Attorney

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

December 23, 1977

TO E. H. Denton, City Manager  
FROM Robert A. Lakin, Director of Planning  
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8. Parking on an existing surfaced area within the front yard when the required space for the single family dwelling is converted to living space.


Section 28.04.143 pertaining to the surfacing requirement has not been amended since the matter was forwarded to the City Commission by the MAPC with a recommendation for adoption.

RECOMMENDATION

The Wichita-Sedgwick County Metropolitan Area Planning Commission

E. H. DENTON  
Re: DR-77-10  
December 23, 1977  
Page Three

recommends that this amendment to the Zoning Ordinance be adopted.

  
Robert A. Lakin  
Director of Planning

RAL:GL:et  
Enclosure

cc:

Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
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BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

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28.04.140 Off-street parking regulations.

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  - a. Required yards in the Office, Commercial or Industrial zoning districts not otherwise required to be landscaped.
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- h. 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.
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The required 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. Parking shall be prohibited on unsurfaced 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. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or, be located in accordance with provisions of this chapter relating to off-street parking exceptions.
3. Off-street parking space as required in this section shall be provided for all new buildings and structures and for additions to existing buildings or structures. Off-street parking shall be required for any existing building or structure which is altered in any manner so as to change its use or to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area, or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for new structures or additions to existing buildings, structures or uses of land. Existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains unless an equivalent number of such spaces are provided elsewhere in this chapter.
4. In no instance shall off-street parking required by this chapter be located more than six hundred feet (as measured along lines of public access) from the use which it serves.

SECTION 28.04.143 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.143 Off-street parking and loading area improvements.

- 1.1 Parking areas as required under Section 28-04-141-"Number and size of spaces,"-paragraph 3.1, shall be paved or otherwise surfaced with an all-weather surface-treated-to-prevent-dust- and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of

concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. (Exception: Surfacing improvements may be of the same material as the public streets, provided however, when public streets are improved, the parking areas and driveways shall be improved within 90 days as herein before required.) When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

The original Sections 28.04.140 and 28.04.143 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 take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1978.

\_\_\_\_\_  
A. F. Casado, Mayor

ATTEST:

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

Approved as to form

\_\_\_\_\_  
John Dekker, City Attorney

WICHITA-SEDGWICK COUNTY

DATE  
December 1, 1977

METROPOLITAN AREA PLANNING DEPARTMENT

TO Wichita-Sedgwick County - Metropolitan Area Planning Commission  
FROM Glen E. Lytle, Special Assistant for Zoning  
SUBJECT DR 77-10 - Possible amendment to the Zoning Ordinance.  
Re: Off-street parking in residential districts.

At the Planning Commission meeting of November 23, 1977, the public hearing on this amendment was continued for two weeks with instruction that an alternate paragraph be prepared for 28.04.140-d. This was to include a provision that would require the parking to be located behind the front yard setbacks when reasonable access was available to a side or rear yard that could accommodate off-street parking.

The following substitute paragraph is submitted as an alternate for paragraph (d) of the previously submitted amendment; a copy of which is also attached.

d. Additional accessory off-street parking for one and two-family dwellings shall be permitted within the required yards in residential zoning districts when the yard of the zoning lot is adjacent to a street having on-street parking limitations and there is no reasonable access to the side or rear yard, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.

In discussing the provision for establishing different limitations for residential areas adjacent to streets having on-street parking limitations, the legal department advised that this could be done because it would be based on traffic regulations which is included as a purpose for adopting zoning regulations. However, when the ordinance goes beyond allowing exceptions due to on-street parking limitations, and requires a different set of standards for adjacent properties due to physical barriers, this then gets away from the uniformity within the zoning district as set forth in the adopting authority of the State statutes.

As has previously been stated, there are several other reasons that requiring the use of the side or rear yard of a property, rather than a limited use of the front yard for accessory parking, will create undue problems for many owners. The

Page Two  
Wichita-Sedgwick County - Metropolitan Area Planning Commission  
December 1, 1977

Following should be considered in your discussion of this amendment:

1. When access is only by an alley, it loses much of the convenience and in many cases the alleys are not fully suited for daily traffic.
2. Alleys are generally located a greater distance from the residence and this would require a greater expenditure for the owner to provide the required surfacing.
3. Backyards are used for play areas for children and fenced for safety and security of pets.
4. When access can be provided through a side yard to the rear of a residence, the cost to the home owner again requires a greater expenditure.
5. It is difficult to write a set of standards for reasonable access to a side or rear yard to adequately define all the thousands of different situations that exist today or will be created in the future.

**RECOMMENDATION**

Make any changes deemed appropriate and forward a recommendation to the Board of City Commissioners.

  
Glen E. Lytle  
Special Assistant  
for Zoning

GEL:el

Attachment

cc: Robert A. Lakin, Director of Planning  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Paul Graves, Traffic Engineer  
G. H. Wilton, Superintendent of Public Works-Maintenance  
Fred Linda, Grievance Officer  
Donovan Rutledge, 1425 Park Place, 67203  
Wichita Area Builders Ass'n., 730 N. Main, 67203  
Wichita Board of Realtors, 717 N. Emporia, 67214

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

DATE  
November 16, 1977

TO Wichita-Sedgwick County Metropolitan Area Planning Commission  
FROM Glen E. Lytle, Special Assistant for Zoning

SUBJECT DR-77-10 - Possible amendment to the Zoning Ordinance.  
Re: Off-street parking in residential districts.

Attached hereto is a delineated copy of a possible amendment to the zoning ordinance which would amend the provisions of the ordinance related to off-street parking and the required improvements. This amendment has been advertised for public hearing at the Planning Commission meeting of Wednesday, November 23, 1977.

BACKGROUND

This possible amendment was originated at the request of the City Commission following the appearance of a citizen, on behalf of her elderly mother, who had received a citation from Central Inspection for parking within the front yard setback. The City Commission directed that the ordinance be clarified, since there was confusion on whether a person could legally park on a driveway within the front yard area under the existing ordinance.

The Planning Commission has, on three earlier occasions, discussed this section of this ordinance, and on June 23, 1977, forwarded to the City Commission an amendment to the ordinance with a recommendation for adoption. The City Commission considered the amendment on August 2, 1977, and returned the amendment to the Citizens Participation Organization and the MAPC for further consideration and recommendations. It was also suggested that consideration be given to residential areas with on-street parking versus those without, and for new subdivisions versus the older subdivisions. A copy of that recommended ordinance has also been attached for your information.

During the past couple of months this matter has been discussed by each of the CPD councils and by the central council on several occasions. The present draft was presented to the central C.P.O. council on October 25, 1977, and the council voted to approve the ordinance as presented. A copy of that recommendation is also attached for your information.

SUMMARY

This amendment as proposed would permit the following areas to be surfaced and utilized within the setback areas adjacent to the streets:

Wichita-Sedgwick County Metropolitan Area Planning Commission

November 16, 1977


Page 2

1. Within the office, commercial and industrial districts, there would be no general limitations, however, where provisions of the ordinance or a C.U.P. set forth landscaping requirements, surfacing would not be permitted.
2. Ingress and egress drives in any zoning district.
3. Circular driveways for single family dwellings.
4. Parking areas within the front yards of one and two family dwellings when on-street parking is limited. Maximum area of 750 square feet or 50% of the front yard, whichever is less.
5. Parking areas within front yards of new developments where additional off-street parking is a requirement due to permitted reduced street widths. Maximum of 50% of the front yard area.
6. Surfaced areas adjacent to an existing driveway for additional accessory off-street parking for a single family dwelling. Maximum surfacing within the front yard not to exceed 750 square feet or 50% of the front yard area, whichever is less.
7. Parking on ingress and egress driveways for accessory parking to one and two family dwellings.
8. Parking on an existing surfaced area within the front yard when the required space for the single family dwelling is converted to living space.

Section 28.04.143 pertaining to the surfacing requirement has not been amended since the matter was forwarded to the City Commission by the MAPC with a recommendation for adoption.

RECOMMENDATION

Make any changes deemed appropriate and forward a recommendation to the Board of City Commissioners.

  
Glen E. Lytle  
Special Assistant for Zoning

GEL:bh

cc: Robert A Lakin, Director of Planning  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Paul Graves, Traffic Engineering  
G. H. Wilton, Supt. of Public Works Maintenance

Delineated Copy  
Definitions underlined  
Amendments marked thru

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

AN ORDINANCE AMENDING SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE OFF-STREET PARKING AND IMPROVEMENTS REQUIRED WHEN OFF-STREET PARKING IS PROVIDED; AND REPEALING SAID ORIGINAL SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.140 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.140 Off-street parking regulations. Parking-Space.

1. For purpose of this chapter, off-street parking spaces, ingress and egress drives, and circulation aisles shall not occupy any part of a required front yard, or any part of a required side yard adjacent to a street, except for the following:
  - a. Required yards in the Office, Commercial or Industrial zoning districts not otherwise required to be landscaped.
  - b. Ingress and egress drives providing access to required off-street parking and loading spaces.
  - c. Circular driveways for one family dwellings when the lot is of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City code, provided however, the yard area between the circular driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.
  - d. Additional accessory off-street parking for one and two-family dwellings shall be permitted within the required yards in residential zoning districts when the yard of the zoning lot is adjacent to a street having on-street parking limitations, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - e. Additional accessory off-street parking for one and two-family dwellings shall be permitted within 50 percent of the required yards in residential subdivisions wherein street widths have been reduced with a direct stipulation that additional off-street parking be provided.
  - f. Additional accessory off-street parking for one-family dwellings on a surfaced area adjacent to an ingress driveway when there is no reasonable access to the side or rear yard, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - g. Parking on ingress and egress driveways for one and two-family dwellings when the parking is additional accessory off-street parking.

h. 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.

17 For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (except that in conversions within the abovementioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard; and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street.

The required 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. Parking shall be prohibited on unsurfaced 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. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or, be located in accordance with provisions of this chapter relating to off-street parking exceptions.
3. Off-street parking space as required in this section shall be provided for all new buildings and structures and for additions to existing buildings or structures. Off-street parking shall be required for any existing building or structure which is altered in any manner so as to change its use or to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area, or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for new structures or additions to existing buildings, structures or uses of land. Existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains unless an equivalent number of such spaces are provided elsewhere in this chapter.
4. In no instance shall off-street parking required by this chapter be located more than six hundred feet (as measured along lines of public access) from the use which it serves.

SECTION 28.04.143 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.143 Off-street parking and loading area improvements.

1.1 ~~Parking areas as required under Section 28.04.143 "Number and size of spaces;" paragraph 3.17, shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust; and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of~~

concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. (Exception: Surfacing improvements may be of the same material as the public streets, provided however, when public streets are improved, the parking areas and driveways shall be improved within 90 days as herein before required.) When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

The original Sections 28.04.140 and 28.04.143 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 take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

\_\_\_\_\_  
A. F. Casado, Mayor

ATTEST:

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

Approved as to form

\_\_\_\_\_  
John Dekker, City Attorney

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE October 31, 1977



TO Glen Lytle, Special Assistant for Zoning  
FROM Evelyn Pittman, CPO Administrative Aide

SUBJECT CPO Approval of Proposed Off-Street  
Parking Ordinance

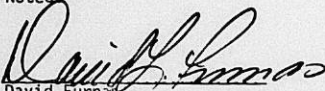
At their October 25, 1977, meeting, the CPO Central Council discussed the proposed off-street parking ordinance, and voted to approve the ordinance as it was presented.

Most of the neighborhood councils had discussed the ordinance several times, and suggestions had been contributed by the councils and concerned individuals.

The majority of the Central Council delegates stated that the proposed ordinance satisfies the need for off-street parking regulations in their respective neighborhoods.

  
Evelyn Pittman  
CPO Administrative Aide

EP:sm  
Attachment  
Noted:

  
David Furnas  
Citizen Participation Coordinator

cc: Bob Lakin, Director of Planning w/attachment  
E. H. Denton, City Manager w/attachment



**THE CITY OF WICHITA**  
OFFICE OF CITY MANAGER

DATE August 3, 1977



TO Robert A. Lakin, Director of Planning  
David Furnas, CPO Coordinator  
FROM Robert G. Finch, Deputy City Manager

SUBJECT Proposed Amendment to Zoning Ordinance -- Off-Street Parking in Residential Zoning Districts

On August 2, 1977, the City Commission asked that the subject amendment be returned to the Citizen Participation Organization and the Metropolitan Area Planning Commission for further consideration and recommendations.

It was suggested that consideration be given for different regulations for those residential areas with on-street parking versus those without, and for new sub-divisions versus old sub-divisions.

Please present this matter to your boards at the earliest possible date with your reports and recommendations to be returned to the City Commission at its meeting of September 13, 1977.

Attached for your convenience is a delineated copy of the proposed ordinance amendment.

  
Robert G. Finch  
Deputy City Manager

RGF/pd  
Attachment



Additions underlined  
Delet is marked-thru

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

AN ORDINANCE AMENDING SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE OFF-STREET PARKING AND IMPROVEMENTS REQUIRED WHEN OFF-STREET PARKING IS PROVIDED; AND REPEALING SAID ORIGINAL SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.140 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.140 Off-street parking regulations - Parking space.

1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (except-that-in-conversions within-the-above-mentioned-districts-the-parking-space-may occupy-the-existing-concrete-or-asphaltic-drives-when-located within-the-required-front-yard); and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street. (Exception: Required off-street parking spaces for existing residential structures not exceeding four-family dwellings, and additional accessory off-street parking spaces for residential structures not exceeding four-family dwellings may be located on surfaced areas within the above yards; provided, however, the surfaced areas shall not occupy more than 50% of the required yard areas of a zoning lot adjacent to a street. Circular driveways will be permitted on lots of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City Code, providing the yard area between the driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.) The required 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. Required off-street parking spaces shall

be reserved for the sole use of the occupants of the building or lot, and the visitors thereto. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or be located in accordance with provisions of this chapter relating to off-street parking exceptions.

SECTION 28.04.143 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.143 Off-street parking and loading area improvements.

1.1 ~~Parking areas as required under Section 28.04.141 - "Number and size of spaces," paragraph 3.17, shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.~~ and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. (Exception: Surfacing improvements may be of the same material as the public streets, provided however, when public streets are improved, the parking areas and driveways shall be improved within 90 days as herein before required.) When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

Page 3

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

The original Sections 28.04.140 and 28.04.143 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 take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

\_\_\_\_\_  
A. F. Casado, Mayor

ATTEST:

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

Approved as to form

\_\_\_\_\_  
John Dekker, City Attorney

WICHITA-SEDGWICK COUNTY

DATE

December 1, 1977

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO Wichita-Sedgwick County - Metropolitan Area Planning Commission  
FROM Glen E. Lytle, Special Assistant for Zoning  
SUBJECT DR 77-10 - Possible amendment to the Zoning Ordinance.  
Re: Off-street parking in residential districts.

At the Planning Commission meeting of November 23, 1977, the public hearing on this amendment was continued for two weeks with instruction that an alternate paragraph be prepared for 28.04.140-d. This was to include a provision that would require the parking to be located behind the front yard setbacks when reasonable access was available to a side or rear yard that could accommodate off-street parking.

The following substitute paragraph is submitted as an alternate for paragraph (d) of the previously submitted amendment; a copy of which is also attached.

- d. Additional accessory off-street parking for one and two-family dwellings shall be permitted within the required yards in residential zoning districts when the yard of the zoning lot is adjacent to a street having on-street parking limitations and there is no reasonable access to the side or rear yard, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.

In discussing the provision for establishing different limitations for residential areas adjacent to streets having on-street parking limitations, the legal department advised that this could be done because it would be based on traffic regulations which is included as a purpose for adopting zoning regulations. However, when the ordinance goes beyond allowing exceptions due to on-street parking limitations, and requires a different set of standards for adjacent properties due to physical barriers, this then gets away from the uniformity within the zoning district as set forth in the adopting authority of the State statutes.

As has previously been stated, there are several other reasons that requiring the use of the side or rear yard of a property, rather than a limited use of the front yard for accessory parking, will create undue problems for many owners. The

Page Two  
Wichita-Sedgwick County - Metropolitan Area Planning Commission  
December 1, 1977

following should be considered in your discussion of this amendment:

1. When access is only by an alley, it loses much of the convenience and in many cases the alleys are not fully suited for daily traffic.
2. Alleys are generally located a greater distance from the residence and this would require a greater expenditure for the owner to provide the required surfacing.
3. Backyards are used for play areas for children and fenced for safety and security of pets.
4. When access can be provided through a side yard to the rear of a residence, the cost to the home owner again requires a greater expenditure.
5. It is difficult to write a set of standards for reasonable access to a side or rear yard to adequately define all the thousands of different situations that exist today or will be created in the future.

RECOMMENDATION

Make any changes deemed appropriate and forward a recommendation to the Board of City Commissioners.

  
Glen E. Lytle  
Special Assistant  
for Zoning

GEL:el

Attachment

cc: Robert A. Lakin, Director of Planning  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Paul Graves, Traffic Engineer  
G. H. Wilton, Superintendent of Public Works-Maintenance  
Fred Linde, Grievance Officer  
Donovan Rutledge, 1425 Park Place, 67203  
Wichita Area Builders Ass'n., 730 N. Main, 67203  
Wichita Board of Realtors, 717 N. Emporia, 67214

December 1, 1977

Wichita-Sedgwick County - Metropolitan Area Planning Commission  
Glen E. Lytle, Special Assistant for Zoning

DR 77-1- - Possible amendment to the Zoning Ordinance.  
Re: Off-street parking in residential districts.

At the Planning Commission meeting of November 23, 1977, the public hearing on this amendment was continued for two weeks with instruction that an alternate paragraph be prepared for 28.04.140-d. This was to include a provision that would require the parking to be located behind the front yard setbacks when reasonable access was available to a side or rear yard that could accommodate off-street parking.

The following substitute paragraph is submitted as an alternate for paragraph (d) of the previously submitted amendment; a copy of which is also attached.

- d. Additional accessory off-street parking for one and two-family dwellings shall be permitted within the required yards in residential zoning districts when the yard of the zoning lot is adjacent to a street having on-street parking limitations and there is no reasonable access to the side or rear yard, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.

In discussing the provision for establishing different limitations for residential areas adjacent to streets having on-street parking limitations, the legal department advised that this could be done because it would be based on traffic regulations which is included as a purpose for adopting zoning regulations. However, when the ordinance goes beyond allowing exceptions due to on-street parking limitations, and requires a different set of standards for adjacent properties due to physical barriers, this then gets away from the uniformity within the zoning district as set forth in the adopting authority of the State statutes.

As has previously been stated, there are several other reasons that requiring the use of the side or rear yard of a property, rather than a limited use of the front yard for accessory parking, will create undue problems for many owners. The

Page Two  
Wichita-Sedgwick County - Metropolitan Area Planning Commission  
December 1, 1977

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3. Backyards are used for play areas for children and fenced for safety and security of pets.
4. When access can be provided through a side yard to the rear of a residence, the cost to the home owner again requires a greater expenditure.
5. It is difficult to write a set of standards for reasonable access to a side or rear yard to adequately define all the thousands of different situations that exist today or will be created in the future.

RECOMMENDATION

Make any changes deemed appropriate and forward a recommendation to the Board of City Commissioners.

Glen E. Lytle  
Special Assistant  
for Zoning

GEL:el

Attachment

cc: Robert A. Lakin, Director of Planning  
Ray Bruggeman, Director of Public Works  
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Donovan Rutledge, 1425 Park Place, 67203  
Wichita Area Builders Ass'n., 730 N. Main, 67203  
Wichita Board of Realtors, 717 N. Emporia, 67214

WICHITA-SEDGWICK COUNTY

DATE

November 16, 1977

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO Wichita-Sedgwick County Metropolitan Area Planning Commission  
FROM Glen E. Lytle, Special Assistant for Zoning

SUBJECT DR-77-10 - Possible amendment to the Zoning Ordinance.  
Re: Off-street parking in residential districts.

Attached hereto is a delineated copy of a possible amendment to the zoning ordinance which would amend the provisions of the ordinance related to off-street parking and the required improvements. This amendment has been advertised for public hearing at the Planning Commission meeting of Wednesday, November 23, 1977.

BACKGROUND

This possible amendment was originated at the request of the City Commission following the appearance of a citizen, on behalf of her elderly mother, who had received a citation from Central Inspection for parking within the front yard setback. The City Commission directed that the ordinance be clarified, since there was confusion on whether a person could legally park on a driveway within the front yard area under the existing ordinance.

The Planning Commission has, on three earlier occasions, discussed this section of this ordinance, and on June 23, 1977, forwarded to the City Commission an amendment to the ordinance with a recommendation for adoption. The City Commission considered the amendment on August 2, 1977, and returned the amendment to the Citizens Participation Organization and the MAPC for further consideration and recommendations. It was also suggested that consideration be given to residential areas with on-street parking versus those without, and for new subdivisions versus the older subdivisions. A copy of that recommended ordinance has also been attached for your information.

During the past couple of months this matter has been discussed by each of the CPO councils and by the central council on several occasions. The present draft was presented to the central C.P.O. council on October 25, 1977, and the council voted to approve the ordinance as presented. A copy of that recommendation is also attached for your information.

SUMMARY

This amendment as proposed would permit the following areas to be surfaced and utilized within the setback areas adjacent to the streets:

Wichita-Sedgwick County Metropolitan Area Planning Commission

November 16, 1977

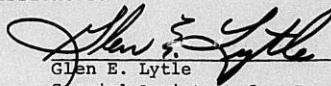
Page 2

1. Within the office, commercial and industrial districts, there would be no general limitations, however, where provisions of the ordinance or a C.U.P. set forth landscaping requirements, surfacing would not be permitted.
2. Ingress and egress drives in any zoning district.
3. Circular driveways for single family dwellings.
4. Parking areas within the front yards of one and two family dwellings when on-street parking is limited. Maximum area of 750 square feet or 50% of the front yard, whichever is less.
5. Parking areas within front yards of new developments where additional off-street parking is a requirement due to permitted reduced street widths. Maximum of 50% of the front yard area.
6. Surfaced areas adjacent to an existing driveway for additional accessory off-street parking for a single family dwelling. Maximum surfacing within the front yard not to exceed 750 square feet or 50% of the front yard area, whichever is less.
7. Parking on ingress and egress driveways for accessory parking to one and two family dwellings.
8. Parking on an existing surfaced area within the front yard when the required space for the single family dwelling is converted to living space.

Section 28.04.143 pertaining to the surfacing requirement has not been amended since the matter was forwarded to the City Commission by the MAPC with a recommendation for adoption.

RECOMMENDATION

Make any changes deemed appropriate and forward a recommendation to the Board of City Commissioners.

  
Glen E. Lytle  
Special Assistant for Zoning

GEL:bh

cc: Robert A Lakin, Director of Planning  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Paul Graves, Traffic Engineering  
G. H. Wilton, Supt. of Public Works Maintenance

Wichita-Sedgwick County Metropolitan Area Planning Commission  
November 16, 1977  
Page 3

Fred Linde, Grievance Officer  
Donovan Rutledge, 1425 Park Place, Wichita, Kansas 67203  
Wichita Area Builders Association, 730 N. Main, 67202  
Wichita Board of Realtors, 717 N. Emporia, 67202

**THE CITY OF WICHITA**  
OFFICE OF CITIZEN PARTICIPATION

DATE October 31, 1977



**TO** Glen Lytle, Special Assistant for Zoning  
**FROM** Evelyn Pittman, CPO Administrative Aide

**SUBJECT** CPO Approval of Proposed Off-Street  
Parking Ordinance


At their October 25, 1977, meeting, the CPO Central Council discussed the proposed off-street parking ordinance, and voted to approve the ordinance as it was presented.

Most of the neighborhood councils had discussed the ordinance several times, and suggestions had been contributed by the councils and concerned individuals.

The majority of the Central Council delegates stated that the proposed ordinance satisfies the need for off-street parking regulations in their respective neighborhoods.

  
Evelyn Pittman  
CPO Administrative Aide

EP:sm  
Attachment  
Noted:

  
David Furnas  
Citizen Participation Coordinator

cc: Bob Lakin, Director of Planning w/attachment  
E. H. Denton, City Manager w/attachment



Delineated Copy  
Additions underlin  
Deletions marked thru

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

AN ORDINANCE AMENDING SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE OFF-STREET PARKING AND IMPROVEMENTS REQUIRED WHEN OFF-STREET PARKING IS PROVIDED; AND REPEALING SAID ORIGINAL SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.140 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.140 Off-street parking regulations. Parking-Space.

1. For purpose of this chapter, off-street parking spaces, ingress and egress drives, and circulation aisles shall not occupy any part of a required front yard, or any part of a required side yard adjacent to a street, except for the following;
  - a. Required yards in the Office, Commercial or Industrial zoning districts not otherwise required to be landscaped.
  - b. Ingress and egress drives providing access to required off-street parking and loading spaces.
  - c. Circular driveways for one family dwellings when the lot is of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City code, provided however, the yard area between the circular driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.
  - d. Additional accessory off-street parking for one and two-family dwellings shall be permitted within the required yards in residential zoning districts when the yard of the zoning lot is adjacent to a street having on-street parking limitations, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - e. Additional accessory off-street parking for one and two-family dwellings shall be permitted within 50 percent of the required yards in residential subdivisions wherein street widths have been reduced with a direct stipulation that additional off-street parking be provided.
  - f. Additional accessory off-street parking for one-family dwellings on a surfaced area adjacent to an ingress driveway when there is no reasonable access to the side or rear yard, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - g. Parking on ingress and egress driveways for one and two-family dwellings when the parking is additional accessory off-street parking.

h. 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.

- 1- For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (except that in conversions within the abovementioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard), and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street.

The required 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. Parking shall be prohibited on unsurfaced 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. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or, be located in accordance with provisions of this chapter relating to off-street parking exceptions.
3. Off-street parking space as required in this section shall be provided for all new buildings and structures and for additions to existing buildings or structures. Off-street parking shall be required for any existing building or structure which is altered in any manner so as to change its use or to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area, or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for new structures or additions to existing buildings, structures or uses of land. Existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains unless an equivalent number of such spaces are provided elsewhere in this chapter.
4. In no instance shall off-street parking required by this chapter be located more than six hundred feet (as measured along lines of public access) from the use which it serves.

SECTION 28.04.143 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.143 Off-street parking and loading area improvements.

1.1 Parking areas as required under Section 28-04-141 "Number and size of spaces," paragraph 3-17 shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of

concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. (Exception: Surfacing improvements may be of the same material as the public streets, provided however, when public streets are improved, the parking areas and driveways shall be improved within 90 days as herein before required.) When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

The original Sections 28.04.140 and 28.04.143 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 take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

\_\_\_\_\_  
A. F. Casado, Mayor

ATTEST:

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

Approved as to form

\_\_\_\_\_  
John Dekker, City Attorney

**THE CITY OF WICHITA**

**OFFICE OF CITY MANAGER**

**DATE** August 3, 1977



**TO** Robert A. Lakin, Director of Planning  
David Furnas, CPO Coordinator

**FROM** Robert G. Finch, Deputy City Manager

**SUBJECT** Proposed Amendment to Zoning Ordinance -- Off-Street Parking in Residential Zoning Districts

On August 2, 1977, the City Commission asked that the subject amendment be returned to the Citizen Participation Organization and the Metropolitan Area Planning Commission for further consideration and recommendations.

It was suggested that consideration be given for different regulations for those residential areas with on-street parking versus those without, and for new sub-divisions versus old sub-divisions.

Please present this matter to your boards at the earliest possible date with your reports and recommendations to be returned to the City Commission at its meeting of September 13, 1977.

Attached for your convenience is a delineated copy of the proposed ordinance amendment.

  
Robert G. Finch  
Deputy City Manager

RGF/pd  
Attachment



Delinated Copy  
Additions underlined  
Deletions marked-thru

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

AN ORDINANCE AMENDING SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE OFF-STREET PARKING AND IMPROVEMENTS REQUIRED WHEN OFF-STREET PARKING IS PROVIDED; AND REPEALING SAID ORIGINAL SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.140 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.140 Off-street parking regulations - Parking space.

1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard ~~(except that in conversions within the above-mentioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard)~~; and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street. (Exception: Required off-street parking spaces for existing residential structures not exceeding four-family dwellings, and additional accessory off-street parking spaces for residential structures not exceeding four-family dwellings may be located on surfaced areas within the above yards; provided, however, the surfaced areas shall not occupy more than 50% of the required yard areas of a zoning lot adjacent to a street. Circular driveways will be permitted on lots of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City Code, providing the yard area between the driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.) The required 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. Required off-street parking spaces shall

be reserved for the sole use of the occupants of the building or lot, and the visitors thereto. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or be located in accordance with provisions of this chapter relating to off-street parking exceptions.

SECTION 28.04.143 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.143 Off-street parking and loading area improvements.

1.1 ~~Parking areas as required under Section 28.04.141 "Number and size of spaces," paragraph 3.1, shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.~~ and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. (Exception: Surfacing improvements may be of the same material as the public streets, provided however, when public streets are improved, the parking areas and driveways shall be improved within 90 days as herein before required.) When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

Page 3

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

The original Sections 28.04.140 and 28.04.143 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 take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

\_\_\_\_\_  
A. F. Casado, Mayor

ATTEST:

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

Approved as to form

\_\_\_\_\_  
John Dekker, City Attorney

CASE NO. DR 77-10

AMENDMENT TO THE ZONING ORDINANCE  
RE: OFF-STREET PARKING IN RESIDENTIAL DISTRICTS

Excerpts from Minutes of the Planning Commission

April 14, 1977  
May 12, 1977  
June 9, 1977  
June 23, 1977

CASE NO. DR 77-10

AMENDMENT TO THE ZONING ORDINANCE  
RE: OFF-STREET PARKING IN RESIDENTIAL DISTRICTS

Excerpts from Minutes of the Planning Commission

April 14, 1977:

LAKIN gave a brief history of the need for this amendment, and stated that Glen Lytle, Special Assistant on Zoning, had written the amendment and had also worked with the Law Department and Central Inspection, and was prepared to review the proposed amendment with the Commissioners.

GLEN LYTLE stated the amendment was proposed to allow the use of front yard area for off-street parking spaces, and showed slides of possible front yard driveways permitted under the proposed amendment.

There was considerable discussion about the requirement to pave, whether or not front yard driveway paving would be required on unpaved streets, whether BZA variances would be required, and whether paved driveways were currently required under the Code.

FRED LINDE, City Grievance Officer, stated that home owners do not want their neighborhoods turned into parking lots, that they receive many complaints about parking in front lawn areas whether or not paved, because it is unsightly. He also pointed out the problem of inoperable cars and stated that there would be no incentive to get rid of them if they could be parked in front lawn areas.

BAYOUTH commented that in new areas, residential streets could be of less width, and thus less expensive to pave, if parking was no longer permitted on the streets.

LAKIN stated that two questions had been raised, whether or not you could park in your driveway, and whether or not that driveway had to be paved, and that those were the two essential elements that the City Commission had asked the Planning Commission to deal with.

DON RUTLEDGE, 1425 Park Place, Executive Director of Midtown Citizens Association, showed slides of a number of areas showing automobiles parked on front lawn areas. He said that the Midtown Association was satisfied with the existing ordinance but was merely asking that it be enforced. He complimented staff on the work they had done on the amendment but made the following comments: The amendment did not define driveway; it did not define under what circumstances off-street parking would not be permitted; cars backing into a street would create a traffic hazard; the concept of setback

is being defeated; the 50% provision under the suggested amendment is not linked to any need as might be established by use or ordinance. RUTLEDGE stated that another serious complaint would be that the proposal does not state any way exceptions or variances could be dealt with.

RUTLEDGE suggested the following: (1) Fix the width of the driveway in numbers of feet; (2) define driveway as that which would provide access either to a garage, or access to a rear yard; (3) that it provide access beyond the dwelling setback line. He further stated that he felt a definition should be in the proposed ordinance as to permitted materials.

RUTLEDGE further commented that if the Planning Commission wished to adopt the ordinance as it exists the Midtown Association would like some further protections: (1) Define exceptions or variance which would require BZA approval consistent with 28.04.145 of the Zoning Ordinance; (2) define the conditions under which that variance or exception might be granted such as where access to the rear yard is impossible, that there is no rear yard, or that the rear yard is inadequate. He felt another criterion should be adopted covering a situation caused by elimination of on-street parking, such as removal due to arterial street designation, and that screening should be required.

LAKIN commented that Mr. Rutledge had made a very thoughtful examination of the issues. He remarked that he was reluctant to put the total variance on the basis of BZA as there was a \$50 filing fee to go through the procedure, and he felt it would be much better to handle the decision at the permit issuing stage. He also remarked that he was not sure that the city would want to get into the business of screening private residences, but that if the Commission would give staff some sense of direction the amendment would be brought back with alternate language.

**MOTION:** That the Planning Commission defer action on this amendment to the zoning ordinance for four weeks to allow staff to reword the suggested amendment. Barrier moved, Bayouth seconded.

Suggestions were made that the CPO's could be contacted to get neighborhood reaction to front yard parking, that front yard parking be permitted only if the occupant was unable to get to the back yard, that public hearings be held by the Planning Commission, and the striking of gravel from the approved surfacing.

**VOTE ON THE MOTION:** Motion carried unanimously. Savina was absent, Porter resigned.

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May 12, 1977:

GLEN LYTLE, Special Assistant on Zoning, stated that the amendment to the zoning ordinance relative to requirements for off street parking had been before the Planning Commission 4 weeks ago and had been deferred. He briefly reviewed the previous discussion and the comments made at that time by Don Rutledge, Executive Director of Midtown Citizens Association, and Fred Linde, City Grievance Office, and commented that he had met with Mr. Rutledge and the amended ordinance had been presented to the Commission. LYTLE showed slides of possible front yard driveways permitted under the proposed amendment and commented on the changes made.

Discussion followed concerning how sufficient parking spaces could be made available for older homes converted to multiple family dwellings, circular driveways, curb cuts, parking problems in Midtown, backing out of driveways onto arterials, the fact that variances could be applied for through BZA, the fact that this proposed amendment was necessitated by disallowing parking on public streets, minimum lot sizes, the difficulties of enforcing the ordinance, making surfacing of the driveway compatible with the street upon which it was located and the need for uniformity in the proposed amendment to the zoning ordinance.

In response to a question on the urgency for this amendment, LAKIN responded that he would prefer to have the issue resolved now. He further stated in response to questions about sanded driveways that generally speaking the city does not have sanded streets except for those areas annexed from outside and that they were gradually being paved.

DON RUTLEDGE, Executive Director of Midtown Citizens Association, said he wanted to express his appreciation to Mr. Lytle for the time he had made available and said he felt the amended document was a reasonable compromise so long as persons do not have access to a back yard for parking purposes and suggested that wording be inserted that front yard parking be permitted for existing residential structures not exceeding 4 family dwellings, where there is no vehicular access beyond the front yard setback or when the lot beyond the front yard setback is inadequate for off street parking as defined in Section 28.04.041. RUTLEDGE further stated that he had understood the intent of the City Commission that this was not to be a general policy of providing for off street parking in front yards but to open front yards to parking only when other parking was not available.

After considerable discussion, this motion was made.

**MOTION:** That the Planning Commission adopt this amended off street zoning ordinance, as amended by Mr. Rutledge, and with the requirement that the paving materials be compatible with the existing street on which the driveway is to be located. Bell moved, Savina seconded.

ROBERT B. FELDNER, Superintendent of Central Inspection, stated that access to the rear yard had been defined as a 6' wide space.

Comments were made about the possibility of trees and other obstructions in that 6' space, and that a reasonable interpretation could be that if an access is not an access for any reason then it would not be available for use. FELDNER commented that that was the point Central Inspection was trying to make and that if the ordinance were defined more clearly there would be a better possibility of enforcement.

BELL withdrew his motion, and his second, SAVINA, concurred.

MOTION: That the Planning Commission defer the proposed amended off street parking ordinance for four weeks. Savina moved, Kamen seconded, and it carried unanimously.

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June 9, 1977:

GALBRATH informed the Commissioners that Glen Lytle, Special Assistant for Zoning, had met the previous day with representatives from the Board of Realtors, the Homebuilders Association, Mr. Rutledge of Midtown Citizens Association and Fred Linde, City Grievance Officer, and asked that this item be deferred for two weeks.

MOTION: That consideration of this agenda item on a possible amendment to the zoning ordinance on off-street parking in residential districts be deferred for two weeks. Savina moved, Bayouth seconded, and it carried unanimously. Kamen was absent.

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June 23, 1977:

GLEN LYTLE, Special Assistant for Zoning, reported that this item had been before the Commissioners on two different occasions and that two weeks ago it had been deferred to this date in order to get various parties together for discussion. He said that a meeting had been held with representatives of the Wichita Area Homebuilders Association; the Board of Realtors; Don Rutledge, Midtown Citizens Association; Fred Linde, City Grievance Officer; Robert Feldner, Superintendent of Central Inspection; and himself, and that a considerable amount of time had been spent in discussion of all proposals that had been submitted. LYTLE stated that he had presented to the group the proposal designated #3, dated June 8,

and after considerable discussion those present felt that the proposal was reasonably acceptable. LYTLE also read to the Commissioners in support of draft #3 letters from the Wichita Area Homebuilders Association and the Wichita Board of Realtors.

Barrier arrived.

LYTLE further commented that at the meeting various individuals felt that anything the Commission does would be at some expense to the owner, and that even though rear yards were accessible, there would be an additional cost to the property owner to go to the rear yard. He further commented that if access was only by alley, most alleys in residential areas were not considered suitable by most upon which to drive cars.

LYTLE said that the staff had attempted to put into the proposal, at the Planning Commission's direction, all of the suggestions Midtown had made that could be worked out, but in the discussion with Mr. Feldner, Superintendent of Central Inspection, it was found that several of those items were unenforceable so far as reasonable application and in addition would take a lot of flexibility out of the use of a person's property.

TAYLOR asked if Lytle recalled specifically the direction from the City Commission which prompted this matter and whether he would make a recommendation as to which of the various drafts addressed the City Commission's request.

LYTLE stated he felt there was a little confusion on what the direction from the City Commission was; that this was originally brought to the City Commission by an individual who had been issued a citation for parking a vehicle in a front yard, and that this went to the Grievance Officer and ended up on the City Commission agenda. LYTLE stated that there was considerable discussion by the City Commission that the ordinance was not clear as to whether a person could park on his driveway in the front yard, and they felt that should be clarified. He also remarked that there is nothing in the present ordinance that says how much driveway can be put in a front yard and there had been considerable discussion among those involved as to how much was reasonable, where the driveway should be located, and how it should be installed. He further commented that these were the criteria being established by the proposed ordinance and that reasonable parameters had been set under what conditions improvements would have to be made and then vehicles would have to be parked on those improvements.

BAYOUTH commented that he had been noting parking in front yards and questioned whether the proposed ordinance would be a problem to enforce, and LYTLE responded that as compared to the existing ordinance there would be less in violation.

CAROL RUTLEDGE said she was on the Zoning Committee of Midtown Citizens Association and was present to make a presentation for her husband who could not be present and stated that the consistent position of Midtown Citizens Association had been to retain the

current ordinance defining more specifically "driveway," and that this direction had been given to the MAPD by the City Commission, but that the MAPD continues to come up with a limited range of alternatives, and the Planning Commission could reject the proposal, ask again for revisions, or attempt to revise it themselves without guidance from staff. She further stated that staff had consistently failed to provide the Commission with acceptable language to prohibit front yard parking, and the intent of the ordinance would be radically altered by the draft while a clarification of an ordinance could be carried out with minimum public input. She further said that she might be compelled to ask the CPO's to attempt to make suggestions to the Commission and to the staff.

FRED LINDE, City Grievance Officer, said that he had been involved in this matter from the inception of the complaint when it appeared before the City Commission several months ago, and that the extent of the instructions from the City Commission had been to redefine "driveway," and that the staff had extended beyond the limits imposed by the City Commission. He further stated that Central Inspection, although charged with enforcement of this particular code, had enforced it more or less on a complaint basis when complaints are telephoned in they go out and look at it--and that was not sound nor fair to the community at large. He stated that people do not want to see their neighborhoods used as off-street parking lots. He further stated that he felt it should be mandatory that a certain amount of a front yard be available for landscaping, not on a percentage basis to be used for parking. He also strongly proposed that some type of protest provision be included, as property owners should be entitled to defend the integrity of their neighborhood. LINDE said he would have to approach the problem on two bases: what will it do to the older neighborhoods as opposed to the newly developed areas where economy in construction has become vital.

GOEBEL stated that if he understood the present zoning ordinance people cannot pave or gravel an area in the front yard setback not leading to a driveway, and that if an individual closes up his garage, parking in his driveway is in violation. He said he felt that what the Commission was trying to do was to allow people to make a decent parking place where today they can't under the ordinance.

GOEBEL asked Lytle if there would be less problem with inspection under the proposed ordinance and LYTLE responded that parking is not permitted under the current ordinance in the front yard setback in residential zoning, and that the City Commission would be asked to enforce the provisions of the present ordinance and issue citations to everyone who parks in their driveway in the front yard setback, then you would find out what the public wants.

BELL stated that he had noted a point made by Mrs. Rutledge with reference to the directions given to the staff by the City Commission and he stated that he found it inconceivable that the City Commission would refer to the Planning Commission a request for the definition of a driveway when the Department of Law was

adequate to do that, and that he felt the Commission should not have tunnel vision as the problem was broader in scope than that. He stated that he was concerned about the amount of potential front yard space that would be occupied by parking and also concerned about permitting driveway surface to be any material other than concrete, asphalt and brick, that attempting to get gravel to stay in a muddy area would be almost as much of a potential problem as the present situation is. He further commented that if he could get support for a motion he would propose approving the draft but that the 50% figure be reduced to 35% or 33-1/3% as to the amount of front yard area that could be surfaced, and all reference to gravel or other comparable material be deleted from the ordinance and that it be forwarded to the City Commission with the recommendation that it be adopted.

SAVINA asked if this would affect existing houses, and BELL responded that it wouldn't cause any more economic impact than enforcement of the present ordinance would.

There was discussion as to the percentage of the front yard to be used for parking and how many cars could be accommodated on certain lot sizes and percentages. Clarification was requested on front yard parking as prohibited by the present ordinance and LYTLE stated that the present ordinance provides that off-street parking shall not occupy any part of the required front yard area or side yard on a corner (28.04.140). TAYLOR asked if a sliding scale approach had been considered on the amount of front yard that could be utilized for off-street parking and LYTLE stated that suggestions along that line had been made but that it would compound even more the problems currently existing.

Additional discussion centered around percentage of front yard for off-street parking and circular driveways. The question was again raised as to whether in houses that have attached garages, any cars parked in the driveway were in violation, and GALBRAITH responded that that was what was being said.

RUTLEDGE stated she felt a legal opinion was needed on that since she did not believe that opinion was correct, that you could park on your driveway.

**MOTION:** That the Planning Commission recommend to the City Commission the adoption of proposed ordinance draft #3 with the exception of the language permitting use of materials other than concrete, asphalt, asphaltic concrete, or brick for surfacing. Bell moved, Savina seconded.

BELL stated that he was not asking for a reduction of the 50% requirement as increasing the cost of paving material would be a self limiting feature.

**AMENDED MOTION:** That the Planning Commission recommend to the City Commission

that proposed front yard parking ordinance draft #3 be adopted with the exception of the language permitting use of materials other than concrete, asphalt, asphaltic concrete or brick for surfacing be amended to include surfacing material of the same material as used on unpaved city streets. Savina moved, Bayouth seconded.

SAVINA asked that Mr. Bell amend his motion to include his suggested language in view of the number of motions now on the floor and his second concurred.

**AMENDED MOTION:** That the Planning Commission recommend to the City Commission that draft #3 of the proposed front yard parking ordinance be adopted except that the provision for paving be amended to read "materials other than concrete, asphalt, asphaltic concrete or brick, except in those cases the property is located on a city street paved with some other material, in which case that other material will be deemed satisfactory. Bell moved, Savina seconded.

BARRIER and MAY again indicated concern with the 50% front yard requirement and MAY also stated that this proposal appeared to be legitimizing the very thing people had been complaining about.

BELL stated that the area that is having the problem is Midtown and that most of the violation problems have not been true single family dwellings but have been converted to rooming and lodging houses. He said he did not know what the answer to that could be and that the city did not have the enforcement muscle available to enforce the present ordinance.

TAYLOR commented that she felt the Commission would be actually encouraging people to store their summer recreational vehicles in the front yard, and LYTLE responded that that section of the present ordinance had not been amended.

**VOTE ON THE AMENDED MOTION:** Motion carried by a vote of 5 in favor (Bayouth, Bell, Goebel, Hennessy and Savina) and 3 opposed (Barrier, May and Taylor)

BARRIER asked that the record reflect her concern that the Commission was not dealing with the issue, that she felt a sliding scale should be used for the area permitted to be converted to off-street parking, and also that she felt 1/3 of the front yard area should be the maximum to be considered for off-street parking.

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November 16, 1977

Wichita-Sedgwick County Metropolitan Area Planning Commission

Glen E. Lytle, Special Assistant for Zoning

DR-77-10 - Possible amendment to the Zoning Ordinance.  
Re: Off-street parking in residential districts.

Attached hereto is a delineated copy of a possible amendment to the zoning ordinance which would amend the provisions of the ordinance related to off-street parking and the required improvements. This amendment has been advertised for public hearing at the Planning Commission meeting of Wednesday, November 23, 1977.

BACKGROUND

This possible amendment was originated at the request of the City Commission following the appearance of a citizen, on behalf of her elderly mother, who had received a citation from Central Inspection for parking within the front yard setback. The City Commission directed that the ordinance be clarified, since there was confusion on whether a person could legally park on a driveway within the front yard area under the existing ordinance.

The Planning Commission has, on three earlier occasions, discussed this section of this ordinance, and on June 23, 1977, forwarded to the City Commission an amendment to the ordinance with a recommendation for adoption. The City Commission considered the amendment on August 2, 1977, and returned the amendment to the Citizens Participation Organization and the MAPC for further consideration and recommendations. It was also suggested that consideration be given to residential areas with on-street parking versus those without, and for new subdivisions versus the older subdivisions. A copy of that recommended ordinance has also been attached for your information.

During the past couple of months this matter has been discussed by each of the CPO councils and by the central council on several occasions. The present draft was presented to the central C.P.O. council on October 25, 1977, and the council voted to approve the ordinance as presented. A copy of that recommendation is also attached for your information.

SUMMARY

This amendment as proposed would permit the following areas to be surfaced and utilized within the setback areas adjacent to the streets:

Wichita-Sedgwick County Metropolitan Area Planning Commission

November 16, 1977

Page 2

1. Within the office, commercial and industrial districts, there would be no general limitations, however, where provisions of the ordinance or a C.U.P. set forth landscaping requirements, surfacing would not be permitted.
2. Ingress and egress drives in any zoning district.
3. Circular driveways for single family dwellings.
4. Parking areas within the front yards of one and two family dwellings when on-street parking is limited. Maximum area of 750 square feet or 50% of the front yard, whichever is less.
5. Parking areas within front yards of new developments where additional off-street parking is a requirement due to permitted reduced street widths. Maximum of 50% of the front yard area.
6. Surfaced areas adjacent to an existing driveway for additional accessory off-street parking for a single family dwelling. Maximum surfacing within the front yard not to exceed 750 square feet or 50% of the front yard area, whichever is less.
7. Parking on ingress and egress driveways for accessory parking to one and two family dwellings.
8. Parking on an existing surfaced area within the front yard when the required space for the single family dwelling is converted to living space.

Section 28.04.143 pertaining to the surfacing requirement has not been amended since the matter was forwarded to the City Commission by the MAPC with a recommendation for adoption.

RECOMMENDATION

Make any changes deemed appropriate and forward a recommendation to the Board of City Commissioners.

\_\_\_\_\_  
Glen E. Lytle  
Special Assistant for Zoning

GEL:bh

cc: Robert A Lakin, Director of Planning  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Paul Graves, Traffic Engineering  
G. H. Wilton, Supt. of Public Works Maintenance

Wichita-Sedgwick County Metropolitan Area Planning Commission  
November 16, 1977  
Page 3

Fred Linde, Grievance Officer  
Donovan Rutledge, 1425 Park Place, Wichita, Kansas 67203  
Wichita Area Builders Association, 730 N. Main, 67202  
Wichita Board of Realtors, 717 N. Emporia, 67202

8675 (First Published in The Daily Record on  
November 1, 1977) 1-1

**OFFICIAL NOTICE  
TO WHOM IT MAY CONCERN AND TO ALL PERSONS  
INTERESTED.**

NOTICE IS HEREBY GIVEN that on Wednesday,  
November 23, 1977, the Wichita-Sedgwick County  
Metropolitan Area Planning Commission, in the City  
Commission Meeting Room, First Floor, City Hall, 455  
North Main, Wichita, Kansas, at 1:30 p.m., will consider  
the following change in Title 28, the Code of the City of  
Wichita, Kansas:

An amendment to Sections 28.04.140 and 28.04.143 of  
the zoning ordinance, related to the off-street parking  
requirements and improvements in the residential zoning  
districts.

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

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

WITNESS my hand and seal this 23th day of October,  
1977.

ROBERT A. LAKIN, Secretary  
Wichita-Sedgwick County Metropolitan Area Planning  
Commission  
(Seal)

(Published in The Daily Record on November 1, 1977)

OFFICIAL NOTICE

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

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

WITNESS my hand and seal this 28th day of October, 1977.

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

(SEAL)

(Published in The Daily Record on November 1, 1977)

OFFICIAL NOTICE

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WITNESS my hand and seal this 28th day of October, 1977.

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

(SEAL)

(Published in The Daily Record on November 1, 1977)

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Wichita-Sedgwick County Metro-  
politan Area Planning Commission

(SEAL)

(Published in The Daily Record on November 1, 1977)

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

WITNESS my hand and seal this 28th day of October, 1977.

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

(SEAL)

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE October 31, 1977



TO Glen Lytle, Special Assistant for Zoning  
FROM Evelyn Pittman, CPO Administrative Aide

SUBJECT CPO Approval of Proposed Off-Street  
Parking Ordinance


At their October 25, 1977, meeting, the CPO Central Council discussed the proposed off-street parking ordinance, and voted to approve the ordinance as it was presented.

Most of the neighborhood councils had discussed the ordinance several times, and suggestions had been contributed by the councils and concerned individuals.

The majority of the Central Council delegates stated that the proposed ordinance satisfies the need for off-street parking regulations in their respective neighborhoods.

  
Evelyn Pittman  
CPO Administrative Aide

EP:sm  
Attachment  
Noted:

  
David Furnas  
Citizen Participation Coordinator

cc: Bob Lakin, Director of Planning w/attachment ✓  
E. H. Denton, City Manager w/attachment



WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

October 21, 1977

TO David Furnas, CPO Coordinator

FROM Glen E. Lytle, Special Assistant for Zoning

SUBJECT Amendment to Zoning Ordinance - Regarding Off-Street Parking  
In Front Yard Areas.

Attached hereto is a copy of the proposed ordinance that has been prepared in conformance to the discussion of the last meeting held in your office. This meeting included Mr. Galbraith and myself from the Planning Department; Robert Feldner, Superintendent of Central Inspection; Fred Linde, Grievance Officer; Gail Williams and David Furnas, CPO Office; and Donovan Rutledge of the Midtown Citizens Association.

As you will note the ordinance has been rewritten to include the provisions discussed on that day, and in some instances the sub-paragraphs of Section 28.04.140, paragraph 1 are now in a different sequential order. Although this draft did not receive unanimous approval of those present, it should accomplish the change requested by the City Commission on August 2, 1977.

This will again be scheduled for public hearing before the Planning Commission on Wednesday, November 23, 1977, and a recommendation from the CPO would be appreciated.

  
Glen E. Lytle  
Special Assistant for Zoning

GEL:vn

Attachment

cc: Robert A. Lakin, Director of Planning  
Jack H. Galbraith, Chief Planner, Current Plans Division  
Fred Linde, Grievance Officer  
Robert Feldner, Superintendent of Central Inspection  
Donovan Rutledge, 1425 Park Place, Wichita, KS 67203

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Additions underlined  
Deletions marked with a slash

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

AN ORDINANCE AMENDING SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE OFF-STREET PARKING AND IMPROVEMENTS REQUIRED WHEN OFF-STREET PARKING IS PROVIDED; AND REPEALING SAID ORIGINAL SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.140 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.140 Off-street parking regulations. Parking-Space.

1. For purpose of this chapter, off-street parking spaces, ingress and egress drives, and circulation aisles shall not occupy any part of a required front yard, or any part of a required side yard adjacent to a street, except for the following:
  - a. Required yards in the Office, Commercial or Industrial zoning districts not otherwise required to be landscaped.
  - b. Ingress and egress drives providing access to required off-street parking and loading spaces.
  - c. Circular driveways for one family dwellings when the lot is of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City code, provided however, the yard area between the circular driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.
  - d. Additional accessory off-street parking for one and two-family dwellings shall be permitted within the required yards in residential zoning districts when the yard of the zoning lot is adjacent to a street having on-street parking limitations, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - e. Additional accessory off-street parking for one and two-family dwellings shall be permitted within 50 percent of the required yards in residential subdivisions wherein street widths have been reduced with a direct stipulation that additional off-street parking be provided.
  - f. Additional accessory off-street parking for one-family dwellings on a surfaced area adjacent to an ingress driveway when there is no reasonable access to the side or rear yard, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - g. Parking on ingress and egress driveways for one and two-family dwellings when the parking is additional accessory off-street parking.

h. 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.

1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (except that in conversions within the abovementioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard); and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street.

The required 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. Parking shall be prohibited on unsurfaced 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. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or, be located in accordance with provisions of this chapter relating to off-street parking exceptions.
3. Off-street parking space as required in this section shall be provided for all new buildings and structures and for additions to existing buildings or structures. Off-street parking shall be required for any existing building or structure which is altered in any manner so as to change its use or to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area, or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for new structures or additions to existing buildings, structures or uses of land. Existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains unless an equivalent number of such spaces are provided elsewhere in this chapter.
4. In no instance shall off-street parking required by this chapter be located more than six hundred feet (as measured along lines of public access) from the use which it serves.

SECTION 28.04.143 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.143 Off-street parking and loading area improvements.

- 1.1 Parking areas as required under Section 28.04.141 "Number and size of spaces," paragraph 3.1, shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust, and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of

concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. (Exception: Surfacing improvements may be of the same material as the public streets, provided however, when public streets are improved, the parking areas and driveways shall be improved within 90 days as herein before required.) When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

The original Sections 28.04.140 and 28.04.143 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 take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

\_\_\_\_\_  
A. F. Casado, Mayor

ATTEST:

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

Approved as to form

\_\_\_\_\_  
John Dekker, City Attorney

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

October 21, 1977

**TO** David Furnas, CPO Coordinator  
**FROM** Glen E. Lytle, Special Assistant for Zoning  
**SUBJECT** Amendment to Zoning Ordinance - Regarding Off-Street Parking  
In Front Yard Areas.

Attached hereto is a copy of the proposed ordinance that has been prepared in conformance to the discussion of the last meeting held in your office. This meeting included Mr. Galbraith and myself from the Planning Department; Robert Feldner, Superintendent of Central Inspection; Fred Linde, Grievance Officer; Gail Williams and David Furnas, CPO Office; and Donovan Rutledge of the Midtown Citizens Association.

As you will note the ordinance has been rewritten to include the provisions discussed on that day, and in some instances the sub-paragraphs of Section 28.04.140, paragraph 1 are now in a different sequential order. Although this draft did not receive unanimous approval of those present, it should accomplish the change requested by the City Commission on August 2, 1977.

This will again be scheduled for public hearing before the Planning Commission on Wednesday, November 23, 1977, and a recommendation from the CPO would be appreciated.

  
Glen E. Lytle  
Special Assistant for Zoning

GEL:vn

Attachment

cc: Robert A. Lakin, Director of Planning  
Jack H. Galbraith, Chief Planner, Current Plans Division  
Fred Linde, Grievance Officer  
Robert Feldner, Superintendent of Central Inspection  
Donovan Rutledge, 1425 Park Place, Wichita, KS 67203

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Additions underlined  
Deletions marked ~~in red~~

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

AN ORDINANCE AMENDING SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE OFF-STREET PARKING AND IMPROVEMENTS REQUIRED WHEN OFF-STREET PARKING IS PROVIDED; AND REPEALING SAID ORIGINAL SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.140 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.140 Off-street parking regulations. Parking-Space.

1. For purpose of this chapter, off-street parking spaces, ingress and egress drives, and circulation aisles shall not occupy any part of a required front yard, or any part of a required side yard adjacent to a street, except for the following:
  - a. Required yards in the Office, Commercial or Industrial zoning districts not otherwise required to be landscaped.
  - b. Ingress and egress drives providing access to required off-street parking and loading spaces.
  - c. Circular driveways for one family dwellings when the lot is of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City code, provided however, the yard area between the circular driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.
  - d. Additional accessory off-street parking for one and two-family dwellings shall be permitted within the required yards in residential zoning districts when the yard of the zoning lot is adjacent to a street having on-street parking limitations, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - e. Additional accessory off-street parking for one and two-family dwellings shall be permitted within 50 percent of the required yards in residential subdivisions wherein street widths have been reduced with a direct stipulation that additional off-street parking be provided.
  - f. Additional accessory off-street parking for one-family dwellings on a surfaced area adjacent to an ingress driveway when there is no reasonable access to the side or rear yard, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - g. Parking on ingress and egress driveways for one and two-family dwellings when the parking is additional accessory off-street parking.

h. 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.

3. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (except that in conversions within the abovementioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard), and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street.

The required 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. Parking shall be prohibited on unsurfaced 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. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or, be located in accordance with provisions of this chapter relating to off-street parking exceptions.
3. Off-street parking space as required in this section shall be provided for all new buildings and structures and for additions to existing buildings or structures. Off-street parking shall be required for any existing building or structure which is altered in any manner so as to change its use or to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area, or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for new structures or additions to existing buildings, structures or uses of land. Existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains unless an equivalent number of such spaces are provided elsewhere in this chapter.
4. In no instance shall off-street parking required by this chapter be located more than six hundred feet (as measured along lines of public access) from the use which it serves.

SECTION 28.04.143 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.143 Off-street parking and loading area improvements.

1.1 Parking areas as required under Section 28.04.141 "Number and size of spaces," paragraph 3.17 shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust, and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of

concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. (Exception: Surfacing improvements may be of the same material as the public streets, provided however, when public streets are improved, the parking areas and driveways shall be improved within 90 days as herein before required.) When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

The original Sections 28.04.140 and 28.04.143 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 take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

\_\_\_\_\_  
A. F. Casado, Mayor

ATTEST:

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

Approved as to form

\_\_\_\_\_  
John Dekker, City Attorney

CITIZEN PARTICIPATION ORGANIZATION  
CENTRAL COUNCIL

MEETING AGENDA

Tuesday, October 25, 1977

The regular meeting of the Citizen Participation Organization Central Council will be at 7 p.m. Tuesday, October 25, 1977, in the Board Room, First Floor, City Hall, 455 N. Main.

Call to order.

Invocation

Approval of the October 11, 1977, minutes. (The staff will recommend at least two corrections to the minutes.)

JOINT MEETING WITH THE BOARD OF CITY COMMISSIONERS

The joint meeting with the Board of City Commissioners is a regularly scheduled item at the Central Council meeting on the fourth Tuesday of each month.

DISCUSSION OF ZONING NOTIFICATION

Mike Gragert, the Delegate from CPO Area "L" Council, has requested discussion of alternative methods of notifying residents of proposed zoning changes.

DISCUSSION OF MINORITY CONTRACTORS REPRESENTATION IN CONTRACTING PROCEDURES

The Delegate from CPO Area "L" Council has requested discussion of this item. The discussion also may provide an opportunity for some members to discuss the City of Wichita Equal Employment Opportunity Plan, which has been reviewed by the Central Council.

PUBLIC AGENDA

1. PRESENTATION BY PRESIDENT OF LEAGUE OF WOMEN VOTERS

Margalee Wright is scheduled to present this item.

**ACTION:** Take such action as the Council deems to be in the best interest of the public.

SECRETARIAT AGENDA

2. REVIEW OF OFF-STREET PARKING ORDINANCE

On September 13, 1977, the Central Council reviewed a working copy of proposed changes in the off-street parking ordinance. Material pertaining to this item has been reviewed by the Neighborhood Councils.

A report summarizing the actions or comments of the Neighborhood Councils have been provided the Council. Additionally, members of the staff will be available to answer questions and comment on alternatives discussed.

**ACTION:** Review of the comments and forward recommendation to the MAPC.

3. STATUS REPORT ON 1978 CITY BUDGET POLICY STATEMENTS

At the July 12, 1977, meeting of the Central Council, the Council reviewed the proposed 1978 City of Wichita Budget and in addition to making recommendations pertaining to the budget, raised several policy questions.

The CPO staff, in following up on these questions, notified the appropriate Departments and requests responses to these questions. Some of the questions are still being studied.

The Council has been provided a report summarizing the status of the studies pertaining to the questions raised by the Central Council during the budget process.

The Coordinator recommends the Council receive and file the report.

ACTION: Receive and file.

COUNCIL AGENDA

4. DISCUSSION OF GUN CONTROL ORDINANCE

Requested by the Area "B" Council Delegate.

5. REPORT OF THE BYLAWS COMMITTEE

Louise Burkhead will report on this item.

Adjourn.

EP:rh

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

October 21, 1977

TO David Furnas, CPO Coordinator

FROM Glen E. Lytle, Special Assistant for Zoning

SUBJECT Amendment to Zoning Ordinance - Regarding Off-Street Parking  
In Front Yard Areas.

Attached hereto is a copy of the proposed ordinance that has been prepared in conformance to the discussion of the last meeting held in your office. This meeting included Mr. Galbraith and myself from the Planning Department; Robert Feldner, Superintendent of Central Inspection; Fred Linde, Grievance Officer; Gail Williams and David Furnas, CPO Office; and Donovan Rutledge of the Midtown Citizens Association.

As you will note the ordinance has been rewritten to include the provisions discussed on that day, and in some instances the sub-paragraphs of Section 28.04.140, paragraph 1 are now in a different sequential order. Although this draft did not receive unanimous approval of those present, it should accomplish the change requested by the City Commission on August 2, 1977.

This will again be scheduled for public hearing before the Planning Commission on Wednesday, November 23, 1977, and a recommendation from the CPO would be appreciated.

  
Glen E. Lytle  
Special Assistant for Zoning

GEL:vn

Attachment

cc: Robert A. Lakin, Director of Planning  
Jack H. Galbraith, Chief Planner, Current Plans Division  
Fred Linde, Grievance Officer  
Robert Feldner, Superintendent of Central Inspection  
Donovan Rutledge, 1425 Park Place, Wichita, KS 67203

Delineated Copy  
Additions underline  
Deletions ~~marked-thru~~

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

AN ORDINANCE AMENDING SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE OFF-STREET PARKING AND IMPROVEMENTS REQUIRED WHEN OFF-STREET PARKING IS PROVIDED; AND REPEALING SAID ORIGINAL SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.140 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.140 Off-street parking regulations. Parking-Space.

1. For purpose of this chapter, off-street parking spaces, ingress and egress drives, and circulation aisles shall not occupy any part of a required front yard, or any part of a required side yard adjacent to a street, except for the following;
  - a. Required yards in the Office, Commercial or Industrial zoning districts not otherwise required to be landscaped.
  - b. Ingress and egress drives providing access to required off-street parking and loading spaces.
  - c. Circular driveways for one family dwellings when the lot is of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City code, provided however, the yard area between the circular driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.
  - d. Additional accessory off-street parking for one and two-family dwellings shall be permitted within the required yards in residential zoning districts when the yard of the zoning lot is adjacent to a street having on-street parking limitations, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - e. Additional accessory off-street parking for one and two-family dwellings shall be permitted within 50 percent of the required yards in residential subdivisions wherein street widths have been reduced with a direct stipulation that additional off-street parking be provided.
  - f. Additional accessory off-street parking for one-family dwellings on a surfaced area adjacent to an ingress driveway when there is no reasonable access to the side or rear yard, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - g. Parking on ingress and egress driveways for one and two-family dwellings when the parking is additional accessory off-street parking.

h. 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.

- 1- For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (except that in conversions within the abovementioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard), and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street.

The required 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. Parking shall be prohibited on unsurfaced 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. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or, be located in accordance with provisions of this chapter relating to off-street parking exceptions.
3. Off-street parking space as required in this section shall be provided for all new buildings and structures and for additions to existing buildings or structures. Off-street parking shall be required for any existing building or structure which is altered in any manner so as to change its use or to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area, or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for new structures or additions to existing buildings, structures or uses of land. Existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains unless an equivalent number of such spaces are provided elsewhere in this chapter.
4. In no instance shall off-street parking required by this chapter be located more than six hundred feet (as measured along lines of public access) from the use which it serves.

SECTION 28.04.143 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.143 Off-street parking and loading area improvements.

1.1 Parking areas as required under Section 28.04.141 "Number and size of spaces," paragraph 3-17 shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of

concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. (Exception: Surfacing improvements may be of the same material as the public streets, provided however, when public streets are improved, the parking areas and driveways shall be improved within 90 days as herein before required.) When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

The original Sections 28.04.140 and 28.04.143 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 take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

\_\_\_\_\_  
A. F. Casado, Mayor

ATTEST:

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

Approved as to form

\_\_\_\_\_  
John Dekker, City Attorney

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

October 21, 1977

TO David Furnas, CPO Coordinator  
FROM Glen E. Lytle, Special Assistant for Zoning  
SUBJECT Amendment to Zoning Ordinance - Regarding Off-Street Parking  
In Front Yard Areas.

Attached hereto is a copy of the proposed ordinance that has been prepared in conformance to the discussion of the last meeting held in your office. This meeting included Mr. Galbraith and myself from the Planning Department; Robert Feldner, Superintendent of Central Inspection; Fred Linde, Grievance Officer; Gail Williams and David Furnas, CPO Office; and Donovan Rutledge of the Midtown Citizens Association.

As you will note the ordinance has been rewritten to include the provisions discussed on that day, and in some instances the sub-paragraphs of Section 28.04.140, paragraph 1 are now in a different sequential order. Although this draft did not receive unanimous approval of those present, it should accomplish the change requested by the City Commission on August 2, 1977.

This will again be scheduled for public hearing before the Planning Commission on Wednesday, November 23, 1977, and a recommendation from the CPO would be appreciated.

  
Glen E. Lytle  
Special Assistant for Zoning

GEL:vn  
Attachment

cc: Robert A. Lakin, Director of Planning  
Jack H. Galbraith, Chief Planner, Current Plans Division  
Fred Linde, Grievance Officer  
Robert Feldner, Superintendent of Central Inspection  
Donovan Rutledge, 1425 Park Place, Wichita, KS 67203

Delineated Copy  
Additions underlined  
Deletions marked with

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

AN ORDINANCE AMENDING SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE OFF-STREET PARKING AND IMPROVEMENTS REQUIRED WHEN OFF-STREET PARKING IS PROVIDED; AND REPEALING SAID ORIGINAL SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.140 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.140 Off-street parking regulations. Parking-Space.

1. For purpose of this chapter, off-street parking spaces, ingress and egress drives, and circulation aisles shall not occupy any part of a required front yard, or any part of a required side yard adjacent to a street, except for the following;
  - a. Required yards in the Office, Commercial or Industrial zoning districts not otherwise required to be landscaped.
  - b. Ingress and egress drives providing access to required off-street parking and loading spaces.
  - c. Circular driveways for one family dwellings when the lot is of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City code, provided however, the yard area between the circular driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.
  - d. Additional accessory off-street parking for one and two-family dwellings shall be permitted within the required yards in residential zoning districts when the yard of the zoning lot is adjacent to a street having on-street parking limitations, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - e. Additional accessory off-street parking for one and two-family dwellings shall be permitted within 50 percent of the required yards in residential subdivisions wherein street widths have been reduced with a direct stipulation that additional off-street parking be provided.
  - f. Additional accessory off-street parking for one-family dwellings on a surfaced area adjacent to an ingress driveway when there is no reasonable access to the side or rear yard, provided however, the total surfaced area within the required yard shall not exceed 750 square feet or 50 percent of the required yard, whichever is less.
  - g. Parking on ingress and egress driveways for one and two-family dwellings when the parking is additional accessory off-street parking.

h. 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.

- i. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (except that in conversions within the abovementioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard); and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street.

The required 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. Parking shall be prohibited on unsurfaced 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. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or, be located in accordance with provisions of this chapter relating to off-street parking exceptions.
3. Off-street parking space as required in this section shall be provided for all new buildings and structures and for additions to existing buildings or structures. Off-street parking shall be required for any existing building or structure which is altered in any manner so as to change its use or to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area, or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for new structures or additions to existing buildings, structures or uses of land. Existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains unless an equivalent number of such spaces are provided elsewhere in this chapter.
4. In no instance shall off-street parking required by this chapter be located more than six hundred feet (as measured along lines of public access) from the use which it serves.

SECTION 28.04.143 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.143 Off-street parking and loading area improvements.

1.1 Parking areas as required under Section 28.04.141 "Number and size of spaces," paragraph 3.1, shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust, and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of

concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. (Exception: Surfacing improvements may be of the same material as the public streets, provided however, when public streets are improved, the parking areas and driveways shall be improved within 90 days as herein before required.) When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

The original Sections 28.04.140 and 28.04.143 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 take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

\_\_\_\_\_  
A. F. Casado, Mayor

ATTEST:

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

Approved as to form

\_\_\_\_\_  
John Dekker, City Attorney

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE September 29, 1977



TO See Distribution

FROM Gail Williams, CPO Administrative Aide

SUBJECT Discussion of Off-Street Parking  
Regulations

Per our phone conversation of September 28, there will be a meeting October 5, 1977, in the CPO Conference Room at 8:30 a.m. to discuss off-street parking regulations.

Your presence will be appreciated.

*Gail Williams*

Gail Williams  
CPO Administrative Aide

GW:rh

Distribution:

Jack Galbraith, Chief Planner, Current Plans  
Glen Lytle, Special Assistant for Zoning ✓  
Robert Feldner, Superintendent, Central Inspection  
Fred Linde, Grievance Officer

NOTED:

*David Furnas*  
David Furnas  
Citizen Participation Coordinator



2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or, be located in accordance with provisions of this chapter relating to off-street parking exceptions.

August 29, 1977

Robert G. Finch, Deputy City Manager

Robert A. Lakin, Director of Planning

DR 77-10 - Possible amendment to Zoning Ordinance -  
Re: Off-street parking in residential zoning districts.

It is requested that additional time be granted on the recommendation from the MAPC on the possible amendment to the zoning ordinance regulating off-street parking in the residential zoning districts.

In order that the MAPC will have the benefit of the CPO Central Council on this matter, and it will not be made until September 14, 1977, we have tentatively scheduled reconsideration of the matter before the MAPC at their meeting of September 29, 1977. This will then return to the City Commission on October 25, 1977, if it follows the standard time schedule.

Robert A. Lakin  
Director of Planning

RAL:GEL:el

cc: David L. Furnas, CPO  
Fred Linde, Grievance Officer

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE August 24, 1977



TO Robert G. Finch, Deputy City Manager  
FROM David Furnas, Citizen Participation Coordinator

SUBJECT Proposed Amendment to Zoning Ordinance -- Off-Street Parking in Residential Zoning Districts

At its August 23, 1977, meeting, the CPO Central Council referred review of the above captioned subject back to the Neighborhood Councils for review.

The referral was based on the concern from some Council Delegates that the Neighborhood Councils still had questions and a letter from Don Rutledge, who requested an opportunity to present information on the subject.

It would appear that based upon this referral, the Citizen Participation Organization will not be able to forward to your office a recommendation pertaining to the above captioned subject until at least September 14.

*David H. Furnas*  
David Furnas  
Citizen Participation Coordinator

DF:rh

cc: Bob Lakin, Director of Planning ✓

THE CITY OF WICHITA

*JF*  
*Lyth*



OFFICE OF THE CITY MANAGER  
CITY HALL - THIRTEENTH FLOOR  
435 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 266-4351

August 18, 1977



Mr. Donovan R. Rutledge  
1425 Park Place  
Wichita, Kansas 57203

Dear Don:

Your letter of August 12, 1977, pertaining to the proposed amendment to the City of Wichita zoning ordinance section dealing with off-street parking in residential zoning districts, is acknowledged.

As you correctly pointed out in your letter, the scheduling for consideration of the amendment was tentatively set by the City staff, which is the routine practice for agenda items not receiving a specific deferral date by the City Commission. We, therefore, are amenable to scheduling the item on a City Commission agenda for your convenience.

I talked with Mr. Furnas regarding the matter; and he indicated that he had attempted to reach you by telephone at the University and at your home, and had left a telephone message at your home. It is unfortunate that the two of you were unable to get in contact because I am sure Dave would have worked with you to get your message to the CPO members.

I have asked Mr. Furnas to make copies of your letter available to the Central Council at its August 23, 1977, meeting when this item is considered and to note that we are amenable to a deferral.

If such a deferral is granted and the Central Council reviews the item at its September 13, meeting, the matter would be scheduled on the City Commission meeting of September 20 or 27.

Sincerely,

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

Robert G. Finch  
Deputy City Manager

RGF/pd

cc: David Furnas, CPO Coordinator (w/a)  
Robert A. Lakin, Director of Planning (w/a)

OFFICE OF CITY MANAGER	
<input type="checkbox"/> EHD	<input type="checkbox"/> AM
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AUG 15 1977	
<input type="checkbox"/> [Signature]	<input type="checkbox"/>
<input type="checkbox"/> [Signature]	<input type="checkbox"/>

August 12, 1977

Dear Friends:

We've been had. Again.

I have personally spent many hours of time doing a thorough study of the "Proposed Amendment to Zoning Ordinance- Off street Parking in Residential Zoning Districts" which is scheduled for Neighborhood CFO consideration prior to Central Council review on August 23, 1977. For this reason I contacted Mr. Furnas on Monday August 8, to indicate that the matter was far more complex than it seems to be and to suggest certain alternative approaches that would assure an informed CFO review. I indicated to Mr. Furnas that I would be available to provide a "balance" to any staff report (we have our friendly differences about what should happen to my neighborhood) but that I would be on vacation from August 13 through August 28th. I was thanked for my interest and information; assured that there was no need for haste in this matter; and told that he "could get back to me." On Thursday of the same week, with no contact from Mr. Furnas, I see where the item appears on the agenda of my own neighborhood council and of the Central Council while I am on vacation, and with none of the suggestions incorporated which would give CFO necessary background information.

A statement in my agenda states that "The City Commission has tentatively scheduled consideration of this matter for September 13, 1977," thus setting the stage for the schedule to which I am objecting. That statement is false. The notion by Myer Casado was to send the matter to the CFO and to return it to the NHC to come again before the Commission "at some future time". The schedule is, in fact, set by staff and can be changed by them, especially when it is "tentative."

Because the potential impact of this issue is important to each neighborhood and because it requires informal discussion, I request that each neighborhood council and the central council defer the matter for consideration until such times as steps can be implemented to provide the councils with more complete information on the nature of the matter upon which they are being asked to make recommendations.

Sincerely,

*Donaven R. Rutledge*  
 Donaven R. Rutledge  
 1425 Park Place  
 Wichita, Kansas 67203

cc: Neighborhood CFO's  
 Central Council  
 City Commission  
 Eugene Denton  
 David Furnas

WICHITA-SEDGWICK COUNTY

DATE

July 21, 1977

**METROPOLITAN AREA PLANNING DEPARTMENT**

**TO** E. H. Denton, City Manager  
**FROM** Robert A. Lakin, Director of Planning  
**SUBJECT** DR 77-10 - Possible amendment to the Zoning Ordinance  
Re: Off-street parking in Residential Zoning Districts.

Attached hereto is a copy of a possible amendment to the zoning ordinance that has been recommended by the Metropolitan Area Planning Commission for adoption. Please place this on the agenda for consideration by the City Commission at their meeting of August 2, 1977.

BACKGROUND

After a citizen appeared on the public agenda relative to a citation received from Central Inspection for parking in a front yard, the City Commission instructed that a revision to the ordinance be submitted by the Law Department.

A draft of the revision was submitted to the City Commission at the meeting of March 15, 1977 and referred the matter to the Metropolitan Area Planning Commission for a recommendation. This was advertised for public hearing before the planning commission at their regular meeting of April 14, 1977. The planning commission then deferred the matter until May 12, 1977 so that the staff and Mr. Don Rutledge of the Midtown Citizens Association could review the matter and include some of the suggestions made at the meeting. At the meeting of May 12, 1977, the matter was again deferred for more study.

A meeting was held on June 8, 1977 which included representatives from the Wichita Board of Realtors, Wichita Area Home Builders Association, Midtown Citizens Association, City Grievance office, Central Inspection, Law Department and the Planning Department. A consensus opinion of those present recommended that proposal number 3 be submitted to the planning commission for their consideration.

The matter was deferred two weeks at the June 9, 1977 planning commission meeting.

Proposal number 3 was presented to the planning commission at their meeting of June 23, 1977. After considerable discussion and one amendment, the attached ordinance was recommended by the planning commission for adoption.

E. H. Denton, City Manager  
July 21, 1977  
Page 2

Copies of the planning commission minutes, and material submitted to the planning commission are attached for your information.

SUMMARY

The proposed amendment will provide the following changes to the existing ordinance:

1. Clarification of the ordinance to allow parking within the front yard setbacks in residential zoning districts, provided the vehicles are parked on surfaced areas.
2. Establishes a maximum amount of the required front yard areas that may be surfaced in the residential zoning districts that may be used for additional accessory off-street parking, drives and circulation aisles.
3. Establishes acceptable surfacing materials and methods of installation for one, two, three or four family dwellings. It further provides that when a property is located on an unpaved street, the surfacing of drives, etc., may be of the same material as the public street.
4. Provides that yard areas not surfaced shall be landscaped with grass, shrubs, trees or groundcover.
5. The amendment to paragraph 2 of Section 28.04.140 is amended to allow a use located in one zoning district to use property in a different zoning district for accessory off-street parking, provided the main use is a permitted use in either zoning district.

RECOMMENDATION

It is recommended by the planning commission that this ordinance be adopted.

  
Robert A. Lakin  
Director of Planning

RAL:GEL:rme  
Attachments

cc: John Dekker, City Attorney  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Fred Linde, Grievance Officer  
Wichita Board of Realtors  
Wichita Area Builders Association  
Midtown Citizens Association



NATIONAL ASSOCIATION OF REALTORS®

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

OFFICERS

PRESIDENT, Albert P. Guerra  
VICE PRESIDENT, F. W. Weirick  
SECRETARY-TREASURER, James Savage  
EXECUTIVE VICE PRESIDENT, Wesley E. Galyon

DIRECTORS:

Doris Beard	Ed Cockerham	Garland T. Scott
Harlin E. Bond	G. Gordon Dotsour	Jess Shade
Fred Caldwell	Richard Harris, Jr.	Betty M. Springler
Stephen L. Clark	Larry D. Rickard	Harold Yarnell

June 23, 1977

TO: WICHITA-SEDGWICK COUNTY METROPOLITAN PLANNING COMMISSION

RE: OFF-STREET PARKING

Ladies & Gentlemen:

On Wednesday, June 8, 1977 a representative of our Association was in attendance at a meeting with those individuals indicated in a memorandum forwarded by Glen E. Lytle, Special Assistant for Zoning to you under date of June 17, 1977.

At this meeting discussion was had regarding the various proposed amendments to the zoning ordinance regarding off-street parking in residential zoning districts.

I would point out that a discussion was had by the Wichita Metropolitan Area Board of REALTORS®, Inc., prior to the June 8, 1977 meeting and it is our opinion that Proposal #3 is a reasonable proposal which ought to be given consideration. It appears that although it may not totally solve the problems which may be existant in some neighborhoods, it is a proposal that we deem to be reasonable and more importantly, equitably enforceable.

Your consideration in this regard is appreciated.

Sincerely,

WICHITA METROPOLITAN AREA BOARD OF REALTORS®, INC.

Albert P. Guerra,  
President

APG/dsn

July 21, 1977

E. H. Denton, City Manager

Robert A. Lakin, Director of Planning

DR 77-10 - Possible amendment to the Zoning Ordinance  
Re: Off-street parking in Residential Zoning Districts.

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A meeting was held on June 8, 1977 which included representatives from the Wichita Board of Realtors, Wichita Area Home Builders Association, Midtown Citizens Association, City Grievance office, Central Inspection, Law Department and the Planning Department. A consensus opinion of those present recommended that proposal number 3 be submitted to the planning commission for their consideration.

The matter was deferred two weeks at the June 9, 1977 planning commission meeting.

Proposal number 3 was presented to the planning commission at their meeting of June 23, 1977. After considerable discussion and one amendment, the attached ordinance was recommended by the planning commission for adoption.

E. H. Denton, City Manager  
July 21, 1977  
Page 2

Copies of the planning commission minutes, and material submitted to the planning commission are attached for your information.

SUMMARY

The proposed amendment will provide the following changes to the existing ordinance:

1. Clarification of the ordinance to allow parking within the front yard setbacks in residential zoning districts, provided the vehicles are parked on surfaced areas.
2. Establishes a maximum amount of the required front yard areas that may be surfaced in the residential zoning districts that may be used for additional accessory off-street parking, drives and circulation aisles.
3. Establishes acceptable surfacing materials and methods of installation for one, two, three or four family dwellings. It further provides that when a property is located on an unpaved street, the surfacing of drives, etc., may be of the same material as the public street.
4. Provides that yard areas not surfaced shall be landscaped with grass, shrubs, trees or groundcover.
5. The amendment to paragraph 2 of Section 28.04.140 is amended to allow a use located in one zoning district to use property in a different zoning district for accessory off-street parking, provided the main use is a permitted use in either zoning district.

RECOMMENDATION

It is recommended by the planning commission that this ordinance be adopted.

Robert A. Lakin  
Director of Planning

RAL:GEL:rme  
Attachments

cc: John Dekker, City Attorney  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Fred Linde, Grievance Officer  
Wichita Board of Realtors  
Wichita Area Builders Association  
Midtown Citizens Association

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

July 21, 1977

TO E. H. Denton, City Manager  
FROM Robert A. Lakin, Director of Planning  
SUBJECT DR 77-10 - Possible amendment to the Zoning Ordinance  
Re: Off-street parking in Residential Zoning Districts.

Attached hereto is a copy of a possible amendment to the zoning ordinance that has been recommended by the Metropolitan Area Planning Commission for adoption. Please place this on the agenda for consideration by the City Commission at their meeting of August 2, 1977.

BACKGROUND

After a citizen appeared on the public agenda relative to a citation received from Central Inspection for parking in a front yard, the City Commission instructed that a revision to the ordinance be submitted by the Law Department.

A draft of the revision was submitted to the City Commission at the meeting of March 15, 1977 and referred the matter to the Metropolitan Area Planning Commission for a recommendation. This was advertised for public hearing before the planning commission at their regular meeting of April 14, 1977. The planning commission then deferred the matter until May 12, 1977 so that the staff and Mr. Don Rutledge of the Midtown Citizens Association could review the matter and include some of the suggestions made at the meeting. At the meeting of May 12, 1977, the matter was again deferred for more study.

A meeting was held on June 8, 1977 which included representatives from the Wichita Board of Realtors, Wichita Area Home Builders Association, Midtown Citizens Association, City Grievance office, Central Inspection, Law Department and the Planning Department. A consensus opinion of those present recommended that proposal number 3 be submitted to the planning commission for their consideration.

The matter was deferred two weeks at the June 9, 1977 planning commission meeting.

Proposal number 3 was presented to the planning commission at their meeting of June 23, 1977. After considerable discussion and one amendment, the attached ordinance was recommended by the planning commission for adoption.

E. H. Denton, City Manager  
July 21, 1977  
Page 2

Copies of the planning commission minutes, and material submitted to the planning commission are attached for your information.

SUMMARY

The proposed amendment will provide the following changes to the existing ordinance:

1. Clarification of the ordinance to allow parking within the front yard setbacks in residential zoning districts, provided the vehicles are parked on surfaced areas.
2. Establishes a maximum amount of the required front yard areas that may be surfaced in the residential zoning districts that may be used for additional accessory off-street parking, drives and circulation aisles.
3. Establishes acceptable surfacing materials and methods of installation for one, two, three or four family dwellings. It further provides that when a property is located on an unpaved street, the surfacing of drives, etc., may be of the same material as the public street.
4. Provides that yard areas not surfaced shall be landscaped with grass, shrubs, trees or groundcover.
5. The amendment to paragraph 2 of Section 28.04.140 is amended to allow a use located in one zoning district to use property in a different zoning district for accessory off-street parking, provided the main use is a permitted use in either zoning district.

RECOMMENDATION

It is recommended by the planning commission that this ordinance be adopted.

  
Robert A. Lakin  
Director of Planning

RAL:GEL:rme  
Attachments

cc: John Dekker, City Attorney  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Fred Linde, Grievance Officer  
Wichita Board of Realtors  
Wichita Area Builders Association  
Midtown Citizens Association

Delineated Copy  
Additions underlined  
Deletions marked thru

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

AN ORDINANCE AMENDING SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE OFF-STREET PARKING AND IMPROVEMENTS REQUIRED WHEN OFF-STREET PARKING IS PROVIDED; AND REPEALING SAID ORIGINAL SECTIONS 28.04.140 AND 28.04.143 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.140 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.140 Off-street parking regulations - Parking space.

1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (~~except that in conversions within the above-mentioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard~~); and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street. (Exception: Required off-street parking spaces for existing residential structures not exceeding four-family dwellings, and additional accessory off-street parking spaces for residential structures not exceeding four-family dwellings may be located on surfaced areas within the above yards; provided, however, the surfaced areas shall not occupy more than 50% of the required yard areas of a zoning lot adjacent to a street. Circular driveways will be permitted on lots of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City Code, providing the yard area between the driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.) The required 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. Required off-street parking spaces shall

be reserved for the sole use of the occupants of the building or lot, and the visitors thereto. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or be located in accordance with provisions of this chapter relating to off-street parking exceptions.

SECTION 28.04.143 of the Code of the City of Wichita, Kansas shall be amended to read as follows:

28.04.143 Off-street parking and loading area improvements.

1.1 ~~Parking areas as required under Section 28.04.141 "Number and size of spaces," paragraph 3.1, shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.~~ and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. (Exception: Surfacing improvements may be of the same material as the public streets, provided however, when public streets are improved, the parking areas and driveways shall be improved within 90 days as herein before required.) When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

The original Sections 28.04.140 and 28.04.143 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 take effect upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

\_\_\_\_\_  
A. F. Casado, Mayor

ATTEST:

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

Approved as to form

\_\_\_\_\_  
John Dekker, City Attorney



NATIONAL ASSOCIATION OF REALTORS®

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

**OFFICERS**

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VICE PRESIDENT, F. W. Welrick  
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June 23, 1977

TO: WICHITA-SEDGWICK COUNTY METROPOLITAN PLANNING COMMISSION

RE: OFF-STREET PARKING

Ladies & Gentlemen:

On Wednesday, June 8, 1977 a representative of our Association was in attendance at a meeting with those individuals indicated in a memorandum forwarded by Glen E. Lytle, Special Assistant for Zoning to you under date of June 17, 1977.

At this meeting discussion was had regarding the various proposed amendments to the zoning ordinance regarding off-street parking in residential zoning districts.

I would point out that a discussion was had by the Wichita Metropolitan Area Board of REALTORS®, Inc., prior to the June 8, 1977 meeting and it is our opinion that Proposal #3 is a reasonable proposal which ought to be given consideration. It appears that although it may not totally solve the problems which may be existent in some neighborhoods, it is a proposal that we deem to be reasonable and more importantly, equitably enforceable.

Your consideration in this regard is appreciated.

Sincerely,

WICHITA METROPOLITAN AREA BOARD OF REALTORS®, INC.

*Albert P. Guerra*  
Albert P. Guerra,  
President

APG/dsn

CASE NO. DR 77-10

AMENDMENT TO THE ZONING ORDINANCE  
RE: OFF-STREET PARKING IN RESIDENTIAL DISTRICTS

Excerpts from Minutes of the Planning Commission

April 14, 1977  
May 12, 1977  
June 9, 1977  
June 23, 1977

CASE NO. DR 77-10

AMENDMENT TO THE ZONING ORDINANCE  
RE: OFF-STREET PARKING IN RESIDENTIAL DISTRICTS

Excerpts from Minutes of the Planning Commission

April 14, 1977:

LAKIN gave a brief history of the need for this amendment, and stated that Glen Lytle, Special Assistant on Zoning, had written the amendment and had also worked with the Law Department and Central Inspection, and was prepared to review the proposed amendment with the Commissioners.

GLEN LYTLE stated the amendment was proposed to allow the use of front yard area for off-street parking spaces, and showed slides of possible front yard driveways permitted under the proposed amendment.

There was considerable discussion about the requirement to pave, whether or not front yard driveway paving would be required on unpaved streets, whether BZA variances would be required, and whether paved driveways were currently required under the Code.

FRED LINDE, City Grievance Officer, stated that home owners do not want their neighborhoods turned into parking lots, that they receive many complaints about parking in front lawn areas whether or not paved, because it is unsightly. He also pointed out the problem of inoperable cars and stated that there would be no incentive to get rid of them if they could be parked in front lawn areas.

BAYOUTH commented that in new areas, residential streets could be of less width, and thus less expensive to pave, if parking was no longer permitted on the streets.

LAKIN stated that two questions had been raised, whether or not you could park in your driveway, and whether or not that driveway had to be paved, and that those were the two essential elements that the City Commission had asked the Planning Commission to deal with.

DON RUTLEDGE, 1425 Park Place, Executive Director of Midtown Citizens Association, showed slides of a number of areas showing automobiles parked on front lawn areas. He said that the Midtown Association was satisfied with the existing ordinance but was merely asking that it be enforced. He complimented staff on the work they had done on the amendment but made the following comments: The amendment did not define driveway; it did not define under what circumstances off-street parking would not be permitted; cars backing into a street would create a traffic hazard; the concept of setback

is being defeated; the 50' provision under the suggested amendment is not linked to any need as might be established by use or ordinance. RUTLEDGE stated that another serious complaint would be that the proposal does not state any way exceptions or variances could be dealt with.

RUTLEDGE suggested the following: (1) Fix the width of the driveway in numbers of feet; (2) define driveway as that which would provide access either to a garage, or access to a rear yard; (3) that it provide access beyond the dwelling setback line. He further stated that he felt a definition should be in the proposed ordinance as to permitted materials.

RUTLEDGE further commented that if the Planning Commission wished to adopt the ordinance as it exists the Midtown Association would like some further protections: (1) Define exceptions or variance which would require BZA approval consistent with 28.04.145 of the Zoning Ordinance; (2) define the conditions under which that variance or exception might be granted such as where access to the rear yard is impossible, that there is no rear yard, or that the rear yard is inadequate. He felt another criterion should be adopted covering a situation caused by elimination of on-street parking, such as removal due to arterial street designation, and that screening should be required.

LAKIN commented that Mr. Rutledge had made a very thoughtful examination of the issues. He remarked that he was reluctant to put the total variance on the basis of BZA as there was a \$50 filing fee to go through the procedure, and he felt it would be much better to handle the decision at the permit issuing stage. He also remarked that he was not sure that the city would want to get into the business of screening private residences, but that if the Commission would give staff some sense of direction the amendment would be brought back with alternate language.

MOTION: That the Planning Commission defer action on this amendment to the zoning ordinance for four weeks to allow staff to reword the suggested amendment. Barrier moved, Bayouth seconded.

Suggestions were made that the CPO's could be contacted to get neighborhood reaction to front yard parking, that front yard parking be permitted only if the occupant was unable to get to the back yard, that public hearings be held by the Planning Commission, and the striking of gravel from the approved surfacing.

VOTE ON THE MOTION: Motion carried unanimously. Savina was absent, Porter resigned.

May 12, 1977:

GLEN LYTLE, Special Assistant on Zoning, stated that the amendment to the zoning ordinance relative to requirements for off street parking had been before the Planning Commission 4 weeks ago and had been deferred. He briefly reviewed the previous discussion and the comments made at that time by Don Rutledge, Executive Director of Midtown Citizens Association, and Fred Linde, City Grievance Office, and commented that he had met with Mr. Rutledge and the amended ordinance had been presented to the Commission. LYTLE showed slides of possible front yard driveways permitted under the proposed amendment and commented on the changes made.

Discussion followed concerning how sufficient parking spaces could be made available for older homes converted to multiple family dwellings, circular driveways, curb cuts, parking problems in Midtown, backing out of driveways onto arterials, the fact that variances could be applied for through BZA, the fact that this proposed amendment was necessitated by disallowing parking on public streets, minimum lot sizes, the difficulties of enforcing the ordinance, making surfacing of the driveway compatible with the street upon which it was located and the need for uniformity in the proposed amendment to the zoning ordinance.

In response to a question on the urgency for this amendment, LAKIN responded that he would prefer to have the issue resolved now. He further stated in response to questions about sanded driveways that generally speaking the city does not have sanded streets except for those areas annexed from outside and that they were gradually being paved.

DON RUTLEDGE, Executive Director of Midtown Citizens Association, said he wanted to express his appreciation to Mr. Lytle for the time he had made available and said he felt the amended document was a reasonable compromise so long as persons do not have access to a back yard for parking purposes and suggested that wording be inserted that front yard parking be permitted for existing residential structures not exceeding 4 family dwellings, where there is no vehicular access beyond the front yard setback or when the lot beyond the front yard setback is inadequate for off street parking as defined in Section 28.04.041. RUTLEDGE further stated that he had understood the intent of the City Commission that this was not to be a general policy of providing for off street parking in front yards but to open front yards to parking only when other parking was not available.

After considerable discussion, this motion was made.

**MOTION:** That the Planning Commission adopt this amended off street zoning ordinance, as amended by Mr. Rutledge, and with the requirement that the paving materials be compatible with the existing street on which the driveway is to be located. Bell moved, Savina seconded.

-3-

ROBERT B. FELDNER, Superintendent of Central Inspection, stated that access to the rear yard had been defined as a 6' wide space.

Comments were made about the possibility of trees and other obstructions in that 6' space, and that a reasonable interpretation could be that if an access is not an access for any reason then it would not be available for use. FELDNER commented that that was the point Central Inspection was trying to make and that if the ordinance were defined more clearly there would be a better possibility of enforcement.

BELL withdrew his motion, and his second, SAVINA, concurred.

**MOTION:** That the Planning Commission defer the proposed amended off street parking ordinance for four weeks. Savina moved, Kamen seconded, and it carried unanimously.

June 9, 1977:

GALBRAITH informed the Commissioners that Glen Lytle, Special Assistant for Zoning, had met the previous day with representatives from the Board of Realtors, the Homebuilders Association, Mr. Rutledge of Midtown Citizens Association and Fred Linde, City Grievance Officer, and asked that this item be deferred for two weeks.

**MOTION:** That consideration of this agenda item on a possible amendment to the zoning ordinance on off-street parking in residential districts be deferred for two weeks. Savina moved, Bayouth seconded, and it carried unanimously. Kamen was absent.

June 23, 1977:

GLEN LYTLE, Special Assistant for Zoning, reported that this item had been before the Commissioners on two different occasions and that two weeks ago it had been deferred to this date in order to get various parties together for discussion. He said that a meeting had been held with representatives of the Wichita Area Homebuilders Association; the Board of Realtors; Don Rutledge, Midtown Citizens Association; Fred Linde, City Grievance Officer; Robert Feldner, Superintendent of Central Inspection; and himself, and that a considerable amount of time had been spent in discussion of all proposals that had been submitted. LYTLE stated that he had presented to the group the proposal designated #3, dated June 8,

-4-

and after considerable discussion those present felt that the proposal was reasonably acceptable. LYTLE also read to the Commissioners in support of draft #3 letters from the Wichita Area Homebuilders Association and the Wichita Board of Realtors.

Barrier arrived.

LYTLE further commented that at the meeting various individuals felt that anything the Commission does would be at some expense to the owner, and that even though rear yards were accessible, there would be an additional cost to the property owner to go to the rear yard. He further commented that if access was only by alley, most alleys in residential areas were not considered suitable by most upon which to drive cars.

LYTLE said that the staff had attempted to put into the proposal, at the Planning Commission's direction, all of the suggestions Midtown had made that could be worked out, but in the discussion with Mr. Feldner, Superintendent of Central Inspection, it was found that several of those items were unenforceable so far as reasonable application and in addition would take a lot of flexibility out of the use of a person's property.

TAYLOR asked if Lytle recalled specifically the direction from the City Commission which prompted this matter and whether he would make a recommendation as to which of the various drafts addressed the City Commission's request.

LYTLE stated he felt there was a little confusion on what the direction from the City Commission was; that this was originally brought to the City Commission by an individual who had been issued a citation for parking a vehicle in a front yard, and that this went to the Grievance Officer and ended up on the City Commission agenda. LYTLE stated that there was considerable discussion by the City Commission that the ordinance was not clear as to whether a person could park on his driveway in the front yard, and they felt that should be clarified. He also remarked that there is nothing in the present ordinance that says how much driveway can be put in a front yard and there had been considerable discussion among those involved as to how much was reasonable, where the driveway should be located, and how it should be installed. He further commented that those were the criteria being established by the proposed ordinance and that reasonable parameters had been set under what conditions improvements would have to be made and then vehicles would have to be parked on those improvements.

BAYOUTH commented that he had been noting parking in front yards and questioned whether the proposed ordinance would be a problem to enforce, and LYTLE responded that as compared to the existing ordinance there would be less in violation.

CAROL RUTLEDGE said she was on the Zoning Committee of Midtown Citizens Association and was present to make a presentation for her husband who could not be present and stated that the consistent position of Midtown Citizens Association had been to retain the

current ordinance defining more specifically "driveway," and that this direction had been given to the MAPD by the City Commission, but that the MAPD continues to come up with a limited range of alternatives, and the Planning Commission could reject the proposal, ask again for revisions, or attempt to revise it themselves without guidance from staff. She further stated that staff had consistently failed to provide the Commission with acceptable language to prohibit front yard parking, and the intent of the ordinance would be radically altered by the draft while a clarification of an ordinance could be carried out with minimum public input. She further said that she might be compelled to ask the CPD's to attempt to make suggestions to the Commission and to the staff.

FRED LINDE, City Grievance Officer, said that he had been involved in this matter from the inception of the complaint when it appeared before the City Commission several months ago, and that the extent of the instructions from the City Commission had been to redefine "driveway," and that the staff had extended beyond the limits imposed by the City Commission. He further stated that Central Inspection, although charged with enforcement of this particular code, had enforced it more or less on a complaint basis when complaints are telephoned in they go out and look at it--and that was not sound nor fair to the community at large. He stated that people do not want to see their neighborhoods used as off-street parking lots. He further stated that he felt it should be mandatory that a certain amount of a front yard be available for landscaping, not on a percentage basis to be used for parking. He also strongly proposed that some type of protest provision be included, as property owners should be entitled to defend the integrity of their neighborhood. LINDE said he would have to approach the problem on two bases: what will it do to the older neighborhoods as opposed to the newly developed areas where economy in construction has become vital.

GOEBEL stated that if he understood the present zoning ordinance people cannot pave or gravel an area in the front yard setback not leading to a driveway, and that if an individual closes up his garage, parking in his driveway is in violation. He said he felt that what the Commission was trying to do was to allow people to make a decent parking place where today they can't under the ordinance.

GOEBEL asked Lytle if there would be less problem with inspection under the proposed ordinance and LYTLE responded that parking is not permitted under the current ordinance in the front yard setback in residential zoning, and that the City Commission would be asked to enforce the provisions of the present ordinance and issue citations to everyone who parks in their driveway in the front yard setback, then you would find out what the public wants.

BELL stated that he had noted a point made by Mrs. Rutledge with reference to the directions given to the staff by the City Commission and he stated that he found it inconceivable that the City Commission would refer to the Planning Commission a request for the definition of a driveway when the Department of Law was

adequate to do that, and that he felt the Commission should not have tunnel vision as the problem was broader in scope than that. He stated that he was concerned about the amount of potential front yard space that would be occupied by parking and also concerned about permitting driveway surface to be any material other than concrete, asphalt and brick, that attempting to get gravel to stay in a muddy area would be almost as much of a potential problem as the present situation is. He further commented that if he could get support for a motion he would propose approving the draft but that the 50% figure be reduced to 35% or 32-1/3% as to the amount of front yard area that could be surfaced, and all reference to gravel or other comparable material be deleted from the ordinance and that it be forwarded to the City Commission with the recommendation that it be adopted.

SAVINA asked if this would affect existing houses, and BELL responded that it wouldn't cause any more economic impact than enforcement of the present ordinance would.

There was discussion as to the percentage of the front yard to be used for parking and how many cars could be accommodated on certain lot sizes and percentages. Clarification was requested on front yard parking as prohibited by the present ordinance and LVTLE stated that the present ordinance provides that off-street parking shall not occupy any part of the required front yard area or side yard on a corner (28.04.140). TAYLOR asked if a sliding scale approach had been considered on the amount of front yard that could be utilized for off-street parking and LVTLE stated that suggestions along that line had been made but that it would compound even more the problems currently existing.

Additional discussion centered around percentage of front yard for off-street parking and circular driveways. The question was again raised as to whether in houses that have attached garages, any cars parked in the driveway were in violation, and GALBRAITH responded that that was what was being said.

RUTLEDGE stated she felt a legal opinion was needed on that since she did not believe that opinion was correct, that you could park on your driveway.

**MOTION:** That the Planning Commission recommend to the City Commission the adoption of proposed ordinance draft #3 with the exception of the language permitting use of materials other than concrete, asphalt, asphaltic concrete, or brick for surfacing. Bell moved, Savina seconded.

BELL stated that he was not asking for a reduction of the 50% requirement as increasing the cost of paving material would be a self limiting feature.

**AMENDED MOTION:** That the Planning Commission recommend to the City Commission

that proposed front yard parking ordinance draft #3 be adopted with the exception of the language permitting use of materials other than concrete, asphalt, asphaltic concrete or brick for surfacing be amended to include surfacing material of the same material as used on unpaved city streets. Savina moved, Bayouth seconded.

SAVINA asked that Mr. Bell amend his motion to include his suggested language in view of the number of motions now on the floor and his second concurred.

**AMENDED MOTION:** That the Planning Commission recommend to the City Commission that draft #3 of the proposed front yard parking ordinance be adopted except that the provision for paving be amended to read "materials other than concrete, asphalt, asphaltic concrete or brick, except in those cases the property is located on a city street paved with some other material, in which case that other material will be deemed satisfactory. Bell moved, Savina seconded.

BARRIER and MAY again indicated concern with the 50% front yard requirement and MAY also stated that this proposal appeared to be legitimizing the very thing people had been complaining about.

BELL stated that the area that is having the problem is Midtown and that most of the violation problems have not been true single family dwellings but have been converted to rooming and lodging houses. He said he did not know what the answer to that could be and that the city did not have the enforcement muscle available to enforce the present ordinance.

TAYLOR commented that she felt the Commission would be actually encouraging people to store their summer recreational vehicles in the front yard, and LVTLE responded that that section of the present ordinance had not been amended.

**VOTE ON THE AMENDED MOTION:** Motion Carried by a vote of 5 in favor (Bayouth, Bell, Goebel, Hennessy and Savina) and 3 opposed (Barrier, May and Taylor)

BARRIER asked that the record reflect her concern that the Commission was not dealing with the issue, that she felt a sliding scale should be used for the area permitted to be converted to off-street parking, and also that she felt 1/3 of the front yard area should be the maximum to be considered for off-street parking.

WICHITA-SEDGWICK COUNTY

DATE June 17, 1977

Memorandum to W-SC MAPC  
Subject: Off-street parking

June 17, 1977  
Page 2

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO Wichita-Sedgwick County  
Metropolitan Area Planning Commission

FROM Glen E. Lytle, Special Assistant for Zoning

SUBJECT DR-77-10: Possible amendment to the zoning ordinance  
Re: Off-street parking in residential zoning districts

This possible amendment has been discussed at the planning commission meetings of April 14 and May 12, 1977. After considerable discussion at both meetings, the planning commission continued the public hearing for consideration four weeks later. This item was also deferred 2 weeks at the meeting of June 9, 1977 in order that those involved could formulate a recommendation on the amendment. Copies of previous material is attached for your review.

A meeting was held on Wednesday June 8, 1977 and was attended by the following individuals:

Don Rutledge, Representative of Midtown Citizens Association  
Fred Linde, City Grievance Officer  
Robert B. Feldner, Superintendent of Central Inspection  
H. R. Kuhn, Assistant City Attorney  
Wes Galyon, Executive Vice President, Wichita Board of Realtors  
Art Mahoney, Executive Vice President, Wichita Area Homebuilders Association

Provisions of the existing ordinance and both previous proposals were discussed, relating to their limitations, administration and practical application to various situations. A new proposal was submitted for consideration by those present at the meeting. A copy of this proposal (designated number 3) is attached for your information. After considerable discussion, it was a consensus opinion of those present, that this proposal be submitted to the planning commission for consideration of adoption. Those in opposition to some of the provisions of the proposal will present their views to the commission at the planning commission meeting on June 23.

This amendment (number 3) is similar to proposal number 2 except the following requirements have been deleted:

1. No requirements on driveway widths or driveway approaches.
2. No requirement that the driveway be installed essentially perpendicular to the street.
3. No requirement on the unobstructed length of the

driveway.

**RECOMMENDATION**

Make any changes deemed appropriate and forward a recommendation to the Board of City Commissioners.

  
Glen E. Lytle  
Special Assistant for Zoning

cc: John Dekker, Director of Law  
H. R. Kuhn, Assistant City Attorney  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Paul Graves, Traffic Engineer  
George Wilton, Superintendent of Public Works-Maintenance  
Wes Galyon, Executive Vice President, Wichita Board of Realtors, 717 N. Emporia 67234  
Art Mahoney, Executive Vice President, Wichita Area Homebuilders Association, 730 N. Main, Suite 1, 67202  
Don Rutledge, Midtown Citizens Association, 1425 Park Pl. 67203  
Fred Linde, City Grievance Officer  
GEL:aw

JUNE 8, 1977

POSSIBLE AMENDMENT TO THE  
OFF-STREET PARKING REGULATIONS  
OF THE CITY OF WICHITA  
ZONING ORDINANCE

28.04.140 Off-street parking regulations - Parking space.

1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (except that in conformance with the above-mentioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard); and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street. (Exception: Required off-street parking spaces for existing residential structures not exceeding four-family dwellings, and additional accessory off-street parking spaces for residential structures not exceeding four-family dwellings may be located on surfaced areas within the above yards; provided, however, the surfaced areas shall not occupy more than 50% of the required yard areas of a zoning lot adjacent to a street. Circular driveways will be permitted on lots of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City Code, providing the yard area between the driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.) The required 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. Required off-street parking spaces shall be reserved for the sole use of the occupants of the building or lot, and the visitors thereto. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or be located in accordance with provisions of this chapter relating to off-street parking exceptions.

28.04.143 Off-street parking and loading area improvements.

1.1 Parking areas as required under Section 28.04.140 Number and size of spaces; paragraph 3.2.1.1 shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust, and driveways for one, two, three or four-family dwellings shall

be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.



# THE WICHITA AREA BUILDERS ASSOCIATION

730 NORTH MAIN, SUITE 1 / WICHITA, KANSAS 67203 / (316) 265-4226

MAPC  
June 13, 1977  
Page 2

June 13, 1977



Nichita-Sedgwick County  
Metropolitan Area Planning Commission

Dear Commissioners:

The subject of front yard parking has been discussed a great deal since the City Commission suggested that the present ordinance be clarified.

A few facts may be in order to assist in dispelling subjective opinions and attempt to examine the problem objectively:

1. The individuals who will be affected by any decision are the property owners.
2. Any decision arrived at is going to cost money if it involved surfacing of any kind, the most expensive would be concrete which costs 25-30 dollars a cubic yard.
3. There are some beautiful homes in beautiful neighborhoods that have circular driveways on the street side of the house.
4. People who have cars will keep them and park them wherever they can.

In the interest of providing an incentive for car owners living in a home without sufficient off-street parking to park off-street while not creating a morass; keeping costs to the homeowner minimized and allowing home owners to decide the design of their property the Wichita Area Builders Association recommends:

"That residential structures, not exceeding four family dwellings, be allowed to surface 50% of their required yard areas adjacent to the street for off-street parking. That the material for surfacing shall be of the all-weather variety including concrete, asphaltic concrete, asphalt, brick, gravel (1/2 inch or larger) or other comparable material treated to prevent dust."

We thank you for your time and consideration in this matter.

Sincerely,

John N. McKay, Jr.  
President

JNM:cas

#### EXECUTIVE COMMITTEE

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John W. ... Vice President  
Eileen ... Second Vice President  
Vigil ... Third Vice President  
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#### REMODELING COUNCIL CHAIRMAN

Marvin ...



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WICHITA-SEDGWICK COUNTY

DATE May 6, 1977

**METROPOLITAN AREA PLANNING DEPARTMENT**

Memorandum to the Wichita-Sedgwick County  
Metropolitan Area Planning Commission

May 6, 1977  
Page 2

TO Wichita-Sedgwick County  
Metropolitan Area Planning Commission


FROM Glen E. Lytle, Special Assistant for Zoning

SUBJECT DR 77-10: Possible amendment to the zoning ordinance  
Re: Off-street parking in residential zoning districts

What has been proposed in this draft will be adequate to provide the necessary guidelines to prevent most of what were shown in the pictures, yet flexible enough to not prohibit many of the situations of driveway configurations now in compliance with the existing regulations. It will also clarify that accessory parking is permitted on improved driveways in front yard areas.

RECOMMENDATION

Make any changes deemed appropriate and forward a recommendation to the Board of City Commissioners.

  
Glen E. Lytle  
Special Assistant for Zoning

Attached hereto is the possible amendment to the zoning ordinance, related to the off-street parking in residential zoning districts, that was deferred four weeks at the MAPC meeting of April 14, 1977. Previous background information is also included. The public hearing on the amendment was deferred so that consideration could be given to the suggestions made at the meeting by Don Rutledge and Fred Linde.

In reviewing the suggestions made at the meeting, and discussing their legality and practicality in application, the following is a summary of changes made from the first draft:

1. A limitation be placed on the driveway width and require the driveway to have not less than 20 feet of unobstructed length to a public right-of-way line.
2. Require the driveway to be constructed as nearly as possible perpendicular to the street right-of-way and require vehicles to be parked parallel with the driveway.
3. The driveway approach be required to be the same width as the driveway or not less than three feet narrower.
4. Permit circular driveways in the front yards, but only when the lot is of sufficient size to comply with the curb cut regulations of the city code, and there is not less than eight feet of yard area between the driveway and public right-of-way that must be landscaped.

In discussing the provisions of the changes with Mr. Rutledge, it was pointed out that what the Midtown Association really was trying to accomplish was enforcement of the provisions of the ordinance related to the maintenance of the front yard areas. The pictures shown by Mr. Rutledge clearly represent what happens to a neighborhood when parking areas are not defined and occupants park in any direction in a front yard area. In most examples shown by the pictures there were no improvements made to the property to provide a surfaced area, or was there any improvement made to the driveway approach to make the parking spaces reasonably orderly and accessible.

cc: John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Paul Graves, Traffic Engineer  
George Wilton, Superintendent of Public Works, Maintenance

GEL:cw

MAY 12, 1977

POSSIBLE AMENDMENT TO THE  
OFF-STREET PARKING REGULATIONS  
OF THE CITY OF WICHITA  
ZONING ORDINANCE

28.04.140 Off-street parking regulations - Parking space.

1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (except that in conversions within the above-mentioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard); and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street.

(Exception: Required off-street parking spaces for existing residential structures not exceeding four-family dwellings, and additional accessory off-street parking spaces for residential structures not exceeding four-family dwellings may be located on surfaced areas within the above yards; provided, however, the surfaced areas shall not occupy more than 50% of the required yard areas of a zoning lot adjacent to a street. Driveways for single-family dwellings shall not exceed 24 feet in width, and shall not exceed 30 feet in width for any two, three or four family dwelling. Driveways shall provide not less than twenty feet of unobstructed length to a public right-of-way line. Driveway approaches shall be the same width as the driveway or be not less than three feet less in width. Except for circular driveways as permitted below, driveways shall be installed as near as possible perpendicular to the street right-of-way line. Vehicles shall be parked parallel with the driveway. Circular driveways will be permitted on lots of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City Code, providing the yard area between the driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.) The required 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. Required off-street parking spaces shall be reserved for the sole use of the occupants of the building or lot, and the visitors thereto. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main

use; be located in a zoning district wherein the main use is a permitted use; or be located in accordance with provisions of this chapter relating to off-street parking exceptions.

28.04.143 Off-street parking and loading area improvements.

1.1 Parking areas as required under Section 28.04.140 Number and size of spaces, paragraph 1.1, shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust, and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

THE CITY OF WICHITA  
OFFICE OF Grievance Office

DATE May 17, 1977



TO Robert Lakin, Director of Planning  
FROM Fredrick A. Linde, Grievance Officer

SUBJECT Proposed Amendments to Chapter  
28.04.140 of City Code

We have reviewed Mr. Lytle's May 6 proposal for "redefining" front yard setback vehicular parking.

We are in agreement with Mr. Lytle's definition of driveway.

We are not in agreement with the continued inclusion for permitting parking to cover up to 50% of the required front yard setback. Our reasons for opposition remain the same as those covered in our memo on the same subject dated March 17. These include:

1. The effect of opening the front yard for general parking. In our opinion, the effect would be destructive to the characteristic of the neighborhood and harmful to the implied warranty by the city to the home owner that the home owner's neighborhood will retain its essential characteristics.
2. Inevitably, the liberalization will be subject to abuse. Although the proposed amendment incorporates the requirement for "parallel parking," the enforcement of this proposed regulation would be extremely difficult. From a practical standpoint, it matters little whether vehicles are parked in parallel lines or at random. The effect upon the characteristic of the neighborhood is the same, or very nearly the same, whether or not cars are lined up in relatively neat rows. In dealing with the parking of vehicles, parallel becomes a subjective concept rather than a definable measurement and the concept would be most difficult to enforce in court.

Robert Lakin, Director of Planning  
May 17, 1977  
Page 2

3. I note the use of the wording "required front yard setback." Am I correct in assuming that in cases where the front yard exceeds the minimum requirement, 100% of the excess could be utilized for paved parking?

The proposed amendment alters the current requirement that off-street parking shall be provided by garages or similar structures. Do I correctly interpret this as implying that for future residential constructions garages, etc., need no longer be provided, just so long as front yard parking is available?

I return to my original criticism that the instructions from the City Commission were to redefine driveway and did not go into extending parking onto the required front yard setback.

*FAL*  
Fredrick A. Linde,  
Grievance Officer

FL:pc

cc: E. H. Denton, City Manager  
Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Maint. Inspection Supervisor

WICHITA-SEDGWICK COUNTY

DATE April 7, 1977

**METROPOLITAN AREA PLANNING DEPARTMENT**

Wichita-Sedgwick County Metropolitan Area Planning Commission  
April 7, 1977  
Page 2

TO Wichita-Sedgwick County Metropolitan  
Area Planning Commission

FROM Glen E. Lytle, Special Assistant for Zoning

SUBJECT DR 77-10: Possible amendment to the zoning ordinance  
Re: Off-street parking in residential zoning districts

Attached hereto is a copy of a possible amendment to the zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of April 14, 1977. Also attached is a copy of a memo from Fredrick Linda, Grievance Officer for the City of Wichita, commenting on the proposed amendment.

BACKGROUND

This possible amendment to the zoning ordinance was requested by the Board of City Commissioners as a result of discussion pertaining to the receipt of a citation for parking in a front yard. During the discussion by the City Commission, it was suggested that the language of the ordinance be changed to clarify that a person may park on a driveway in the front yard setback. Although it has been the opinion of the Planning Department staff that the use of driveways for parking is not prohibited, it is specific on the location of the required spaces to not be located in the front yard setback. In the particular situation that precipitated the citation by Central Inspection, it was the result of a neighborhood asking for enforcement of the off-street parking provisions of the zoning ordinance and the related provision of the maintenance of required yards to be landscaped. It is impossible to maintain landscaping of required yard areas where vehicles continuously park and drive on unsurfaced areas.

In many areas of the city residential structures are constructed on lots so that vehicular access to the rear yard is impossible. In many instances off-street parking was not a consideration at the time the structures were built. Off-street parking for residential structures has been required since 1945, on the basis of one space for each dwelling unit. Since 1953 off-street parking has been required to be provided for each lodger or boarder. At this same time, the ordinance was changed to require that the required parking be located in back of the front yard setback. There are therefore a myriad of differing situations within the city as to compliance, non-compliance, violations and legal non-conforming parking spaces.

One other factor that has created some of the problem areas in the city has been the elimination of on-street parking along many arterial and collector streets. This has caused many property

owners and tenants to solve their parking problems by pulling off the driveway and onto the front yard areas. Some of this has been the result of the inability of an owner to secure a permit to widen the approach to provide access to parking spaces deemed to be in violation of the zoning ordinance.

As you will note in the comments by Fred Linda, City Grievance Officer, the number of complaints received by his office are on the use of front yards for parking areas and the lack of enforcement of the existing regulations.

The proposed amendment was prepared as a combined effort of the Department of Law, Central Inspection and the Planning Department staff. It is an attempt to alleviate the confusion of the ordinance and establish an acceptable method of providing for the use of a portion of the front yard area for parking.

Copies of this material have been furnished to the Wichita Board of Realtors, Wichita Association of Home Builders, and others who have expressed interest in the problem.

SUMMARY

The amendment to Section 28.04.140, paragraph 1, would permit the use of 50% of the required yard areas adjacent to a street to be surfaced and used for off-street parking for residential structures existing on the date of adoption of the ordinance, provided it be limited to not to exceed four-family dwellings. It would also permit the use of 50% of the required yard areas adjacent to a street to be surfaced and used for off-street parking in excess of the required spaces that would be behind the setback lines.

The examples designated on the attached sheet as A, B, C, and D are all within the 50% limitation set forth in the proposed amendment. The examples used all have structures located on the lots where access to the rear yards are impossible. As you will note the examples used are typical of what we have in our community, from a small lot common to many areas developed 25 to 30 or more years ago, to a large lot with a circular drive in the front yard area. It would seem inappropriate to allow example D, which occurs in many of the nicer single family neighborhoods, and not allow the other examples to use the same proportionate area of their required yard areas.

The amendment to Section 28.04.140, paragraph 2, is an amendment to permit the use of property for off-street parking whenever the property is located in the same zoning district as is required for the main use. As an example, this would permit a church located in the "LC" light commercial district to use property in the adjacent residential district for off-street parking, since


Wichita-Sedgwick County Metropolitan Area Planning Commission  
April 7, 1977  
Page 3

churches are a permitted use in any residential zoning district. This revision does not change any of the landscaping and screening requirements for the development of offices and institutional uses within or adjacent to a residential zoning district.

The amendment to Section 28.04.143 is to set forth more closely the materials and method permissible for off-street parking for dwellings up to four-family structures. It also provides authority for the Superintendent of Central Inspection to require the use of appropriate barriers to contain vehicle parking within approved areas should the owner or tenant continue to park in areas that are required to be landscaped.

RECOMMENDATION

Make any changes deemed to be in the best interest of the public and forward a recommendation for adoption to the Board of City Commissioners.

  
Glen E. Lytle  
Special Assistant for Zoning

Attachments:  
Possible amendment to the zoning ordinance  
Memorandum from Fredrick Linde, Grievance Officer

cc: John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
Robert B. Feldner, Superintendent of Central Inspection  
Fredrick Linde, Grievance Officer  
GEL:ew

THE CITY OF WICHITA

OFFICE OF Supt. of Public Works Maintenance DATE April 14, 1977



TO Glen Lytle, Special Assistant for Zoning  
FROM G. H. Wilton

SUBJECT DR 77-10: Off-Street Parking

I have reviewed your proposed amendment to the off-street parking regulation and in particular to surfacing requirements. I am concerned that gravel will work its way out the sidewalk where it is a danger to pedestrians or into the street where it has to be cleaned up by maintenance forces. It is my recommendation that the surfacing must be monolithic.

  
G. H. Wilton  
Superintendent  
Public Works Maintenance

jm  
cc: R. W. Bruggeman, Director of Public Works

Additions underlined  
Deletions marked ~~us~~

1

APRIL 14, 1977

POSSIBLE AMENDMENT TO THE  
OFF-STREET PARKING REGULATIONS  
OF THE CITY OF WICHITA  
ZONING ORDINANCE

28.04.140 Off-street parking regulations - Parking space.

1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (except that in conversions within the above-mentioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard); and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street. Exception: Required off-street parking spaces for existing residential structures not exceeding four-family dwellings, and additional accessory off-street parking spaces for residential structures not exceeding four-family dwellings may be located on surfaced areas within the above yards; provided, however, the surfaced areas shall not occupy more than 50% of the required yard area of a zoning lot adjacent to a street. The required yard areas shall be landscaped with grass, shrubs, trees, or ground cover, and shall be maintained in good condition. Required off-street parking spaces shall be reserved for the sole use of the occupants of the building or lot, and the visitors thereto. Churches, theaters, stadiums, auditoriums, and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

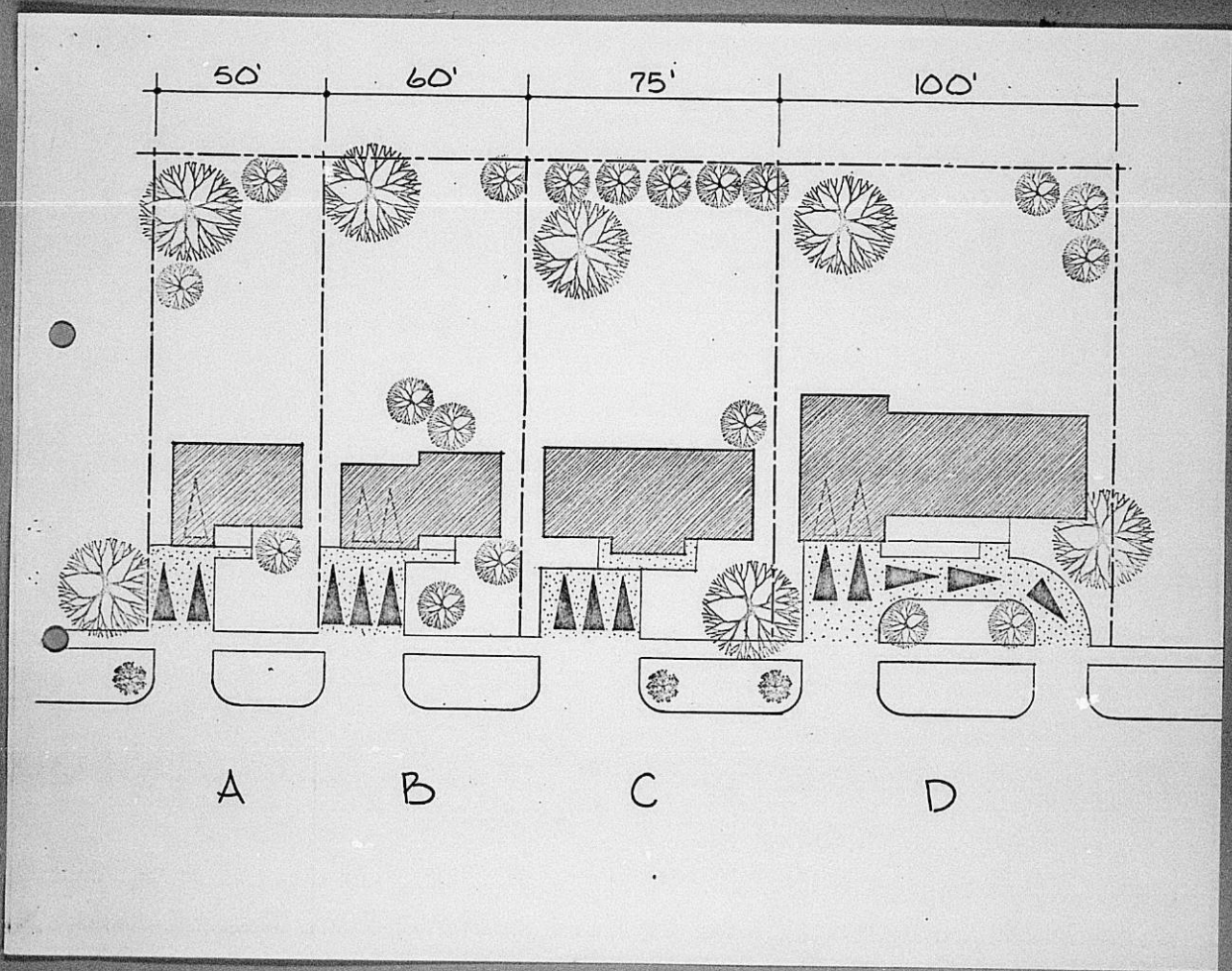
2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or be located in accordance with provisions of this chapter relating to off-street parking exceptions.

28.04.143 Off-street parking and loading area improvements.

1.1 Parking areas as required under Section 28.04.141, Number and size of spaces, paragraph 2.2, shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust, and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be

appropriately contained by curbs of concrete, brick, metal, wood or similar material. When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.



THE CITY OF WICHITA  
OFFICE OF Grievance Office

DATE March 17, 1977



Robert Lakin  
March 17, 1977  
Page 2

TO Robert Lakin, Director of Planning  
FROM Fredrick Linde, Grievance Officer *FL*

SUBJECT Proposed Amendments to Chapter  
28.04.140 of City Code

The Community Grievance Office receives many complaints from citizens about off-street parking in residential areas. In addition to complaints, this office hears many comments which we classify as general criticisms of the present code and of its administration. In addition, we received the grievance of Mrs. Petty, on behalf of her mother, who protested the citation issued against parking on a graveled driveway at her residence on North Waco.

Of the complaints we have received, more than 5 out of each 6 complain about the use of the front yard setback for parking. The comments consistently make the point of being opposed to even the present types of permitted usage on the front yard. Obviously, this class of comments could be expected to expand greatly if the present code is liberalized along the lines proposed to the City Commission at its regular meeting of March 15.

So far as I have been able to determine, the only individuals wanting relaxed controls on front yard parking are the operators of boarding houses, owners of duplexes and four-plexes and that class of individuals who always want to abuse every type of regulation. These include persons who would attempt to use the yard for commercial and recreational vehicles, for passenger vehicles of questionable utility and individuals who simply have too many automobiles.

We recognize that the proposed liberalizations would presumably not conflict with the present and continuing controls on the use of the front yard for commercial and recreational vehicles and for junk and inoperable automobiles. However, any relaxation in the present code will inevitably lead to efforts to erode further

and to abuse the liberal limits already conceived. Further, the present code is enforced only on a complaint basis. There is no general and regular enforcement of it and I presume there would be even less regular enforcement following the enactment of the proposed changes. What happens then is that the violations become established, the persons creating the violations appeal under various hardships provisions for continuation under a variance appeal and before too long, the entire problem simply gets out of control.

In this paragraph, I will attempt to distill the principal items of criticism of the proposal to allow vehicular parking on up to one-half of the total front yard setback.

1. The effect on the neighborhood will be degenerative. Some properties will take advantage of the proposal and neighborhoods will take on the appearance of used car lots.
2. The principal impact of the proposal will be in "AA" zones. Most of the single family units are owner occupied. People buying houses have many reasons for locating where they do but one of the reasons is the expectation that the neighborhood will continue to retain its characterizations. If parking is permitted, then the City of Wichita will fail to keep faith with the vast numbers of people who have bought houses with the expectation of living in a neighborhood compatible to their interests and expectations.
3. A further abuse will be the attempted storage of junk cars. Many automobiles are of marginal value now and the owners are motivated to get rid of them because they know the difficulty of storage. If we let people pave the front yard, many of these people are going to take advantage of the paving and attempt to hold on to these marginal vehicles far past their useful and economic life. To control this particular violation will require further efforts by both the Health Department and Central Inspection. Again, we recognize that such abuses are controlled by other parts of the city code but we tend to discount the potency of these controls if Chapter 28 should be amended.

Robert Lakin  
March 17, 1977  
Page 3

4. The same observations as in "3" apply to boats, trailers, house trailers, vans and similar recreational vehicles. It will, I am convinced, apply also to many commercial vehicles, particularly the marginal ones such as large pick up trucks and panel trucks converted into vans.
5. One of the factors which tend to regulate the number of automobiles is the difficulty of finding parking. Here, of course, we strike to the very nucleus of the proposal. Some people do want more automobiles and they want to be able to park them with a minimum of difficulty. This is not consistent with the present state of our economy and of our energy supplies. To point up this idea I include here a clipping from the March 16, 1977, Eagle, quoting Transportation Secretary Adams:

## When There's No Gas, What Next?

EAGLE - 3-16-77

WASHINGTON (AP) — Transportation Secretary Brock Adams said Tuesday that Americans must begin preparing for the day when "the gas runs out" and they no longer can freely drive their automobiles.

"We must look to the ultimate ex-

haustion of the oil supplies that keep the transportation running," Adams said in an interview in which he outlined several ideas his department is considering for the future.

These ideas include designing autos with greater fuel efficiency, building mass transit systems that attract people from cars, designing cities around mass transit, and developing electrically powered cars, which Adams said could become the "vehicle of the future."

ADAMS SAID MANY of the ideas will be incorporated into the comprehensive energy plan President Carter intends to send Congress April 20.

He said a major goal of the administration plan will be to educate citizens to the fact that their transportation habits will have to be changed, that someday they will be "unable any longer to use their automobiles as they do now."

"In the next four to eight years, we have to basically buckle into the United States the idea of the alternative systems that are more energy efficient, that will be evolving into the system we will have to use when oil and gas — if they haven't yet run out completely — will not be cheap fuels that you can use under your (heating system) boiler or you can use with one person in one automobile driving to work," the secretary said.

ADAMS SAID educating people to the change will be very difficult because people are wedded to their cars and gasoline currently is plentiful and relatively cheap.

"We have to show the people how and where we're going, and you're hopeful in the meantime you don't have a disaster like another oil embargo or another hideously bad winter which shuts off fuel supplies," Adams said.

The secretary said he supports building and refurbishing mass transportation systems based on subways, buses and commuter trains, but he said plans must be tailored "to the various generations of cities we have."

Robert Lakin  
March 17  
Page 4

One positive way to control the passenger automobile inventory, minimize gasoline usage and tend to increase the use of mass transit is simply to make it difficult to park automobiles. In my personal opinion, we have already done far too much to accommodate the automobile and the country and our social life and economy have all suffered because of it.

6. Again, I repeat: If we allow single family residences to convert their front yards into miniature parking lots, the city will fail to keep faith with the majority of the people who don't want this to happen.
7. Some people contact us to seek ways in which they can use the front yard for parking. Far more contact us to complain about the front yard being used for parking. We estimate this ratio to be about 1 to 5.

If some relaxation is deemed imperative, and if the use of the front yard for parking is considered in the greatest interest of the City of Wichita, then there should be definite restrictions on the geometrics. At this point, one relaxation that might be tolerable would simply be to allow in the case of single wide driveways, a second driveway parallel and adjacent to the first. A double wide driveway in a "AA" zone would allow four automobiles at a minimum.

The citation issued to the mother of the lady addressing the City Commission was in error. The car was parked on a driveway, even though the driveway is gravel, but the driveway is definable and readily observable as a driveway. The reaction of the City Commission was to the language of 28.04.140. The comments of the Commissioners were about interpretation of the present code. The Commissioners did not ask for a complete revision of the language and the intent, but simply to revise the way the code is written so it can be understood by a normal individual.

FL/pc

cc: E. H. Denton, City Manager  
Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Maint. Inspection Supervisor

THE CITY OF WICHITA  
OFFICE OF LAW DEPARTMENT

DATE March 2, 1977



TO Robert G. Finch, Assistant City Manager  
FROM Thomas R. Powell, Assistant City Attorney

SUBJECT Revision to Sections 28.04.140  
and 28.04.143

Find attached a proposed amendment to the above sections of the Code of the City of Wichita, Kansas that was prepared by joint effort between the MAPD, CID and the Law Department.

The amendment attempts to resolve the problem as to whether or not vehicles may be parked in the required front yard. Section 28.04.140 as amended would allow off street parking in the required front yard area as long as the parking area does not exceed 50 percent of the required front yard and as long as the parking area is surfaced in a manner that is in conformance with the requirements set out at Section 28.04.143.

An amendment to Section 28.04.143 is included in this revision to the code for the reason that the section, as amended, more clearly defines and clarifies exactly what a surfaced area is for purposes of off street parking.

The amendment to Subsection 2 of Section 28.04.140 would allow a church, for example, located in "LC" zoned property to provide accessory parking in "A" zoned property that is within 600 feet of the church. A church is an allowable use in "A" zoned property and an accessory parking lot is allowed. Under present interpretation, the church located on "LC" zoned property would not be allowed to have accessory parking on adjacent property or property located within 600 feet if the property was located in an "A" zone. On the other hand, a church located in "A" zoned property is allowed to have accessory parking within 600 feet of the church when the property the parking lot is to be located is within an "A" zoned area.

If the proposed amendments meet with City Commission approval, it should be referred to the MAPC for their recommendations and action.

*Thomas R. Powell*  
Thomas R. Powell  
Assistant City Attorney

TRP:rh  
Attachment

cc: Robert Lakin, Director of Planning  
Jack Galbraith, Chief Planner - Community Development  
Robert Feldner, Supt. of Central Inspection  
Glen Lytt, Specialist for Zoning

THE CITY OF WICHITA  
OFFICE OF CITY MANAGER

DATE March 15, 1977



TO Robert A. Lakin, Director of Planning  
FROM E. H. Denton, City Manager

SUBJECT Proposed Revision to the  
Off-Street Parking Regulations  
of the Zoning Ordinance

Attached is a copy of a revision to Section 28.04.140 which has been proposed by the Central Inspection Division.

On March 15, 1977, the City Commission referred this proposal to the Metropolitan Area Planning Commission for review and recommendation.

Please present this proposal for the attention of the MAPD at its next regularly scheduled meeting.

*E. H. Denton*  
E. H. Denton  
City Manager

EHD/sw  
Attachment

Additions underlined  
Deletions marked thus

MARCH 15, 1977

POSSIBLE AMENDMENT TO THE  
OFF-STREET PARKING REGULATIONS  
OF THE CITY OF WICHITA  
ZONING ORDINANCE

28.04.140 Off-street parking regulations - Parking space.

1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (except that in conversions within the above-mentioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard); and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street. Exception: Required off-street parking spaces for existing residential structures not exceeding four-family dwellings, and additional accessory off-street parking spaces for residential structures exceeding four-family dwellings may be located on surfaced area within the above yards; provided, however, the surfaced areas shall not occupy more than 50% of the required yard areas of a zoning lot adjacent to a street. The required yard areas shall be landscaped with grass, shrubs, trees, or ground cover, and shall be maintained in good condition. Required off-street parking spaces shall be reserved for the sole use of the occupants of the building or lot, and the visitors thereto. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or be located in accordance with provisions of this chapter relating to off-street parking exceptions.

28.04.143 Off-street parking and loading area improvements.

1.1 Parking areas as required under Section 28-04-141, Number and size of spaces; paragraph 3.1; shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust, and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be

appropriately contained by curbs of concrete, brick, metal, wood or similar material. When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

July 8, 1977

Mr. Don Rutledge  
1428 Park Place  
Wichita, Kansas 67203

Re: DR: 77-10

Dear Mr. Rutledge:

Please be advised that the ordinance as recommended by the Planning Commission on off-street parking in residential areas will be forwarded to the Board of City Commissioners for consideration at their meeting of August 2, 1977. Copies of the information furnished to the City Commission will also be furnished to you at transmittal time.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL:rme

cc: Fred Linde, City Grievance Officer

July 8, 1977

Mr. Art Mahoney  
Executive Vice President  
Wichita Area Builders Association  
730 North Main  
Wichita, Kansas 67203

Re: DR 77-10

Dear Mr. Mahoney:

Please be advised that the ordinance as recommended by the Planning Commission on off-street parking in residential areas will be forwarded to the Board of City Commissioners for consideration at their meeting of August 2, 1977. Copies of the information furnished to the City Commission will also be furnished to you at transmittal time.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL:rme

Letter also sent to: Mr. Wes Galyon  
Executive Vice President  
Wichita Board of Realtors  
717 North Emporia  
Wichita, Kansas 67214



## THE WICHITA AREA BUILDERS ASSOCIATION

730 NORTH MAIN, SUITE 1 / WICHITA, KANSAS 67203 / (316) 265-4226

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John McKay, First Vice President  
Elvin Cromer, Second Vice President  
Virgil Woeder, Third Vice President  
Joel Pollock, Secretary, Treasurer  
Arthur E. Mohoney, Executive Vice President

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Ann Howard

### REMODELING COUNCIL CHAIRMAN

Harold Warner, Jr.



AFFILIATED WITH THE  
NATIONAL ASSOCIATION  
OF HOME BUILDERS



June 13, 1977

Wichita-Sedgwick County  
Metropolitan Area Planning Commission

Dear Commissioners:

The subject of front yard parking has been discussed a great deal since the City Commission suggested that the present ordinance be clarified.

A few facts may be in order to assist in dispelling subjective opinions and attempt to examine the problem objectively:

1. The individuals who will be affected by any decision are the property owners.
2. Any decision arrived at is going to cost money if it involved surfacing of any kind, the most expensive would be concrete which costs 25-30 dollars a cubic yard.
3. There are some beautiful homes in beautiful neighborhoods that have circular driveways on the street side of the house.
4. People who have cars will keep them and park them wherever they can.

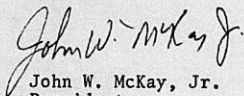
In the interest of providing an incentive for car owners living in a home without sufficient off-street parking to park off-street while not creating a morass; keeping costs to the homeowner minimized and allowing home owners to decide the design of their property the Wichita Area Builders Association recommends:

MAPC  
June 13, 1977  
Page 2

"That residential structures, not exceeding four family dwellings, be allowed to surface 50% of their required yard areas adjacent to the street for off-street parking. That the material for surfacing shall be of the all-weather variety including concrete, asphaltic concrete, asphalt, brick, gravel (1/2 inch or larger) or other comparable material treated to prevent dust."

We thank you for your time and consideration in this matter.

Sincerely,



John W. McKay, Jr.  
President

JWM:cas

June 17, 1977

Wichita-Sedgwick County  
Metropolitan Area Planning Commission

Glen E. Lytle, Special Assistant for Zoning

DR-77-10: Possible amendment to the zoning ordinance  
Re: Off-street parking in residential zoning districts

This possible amendment has been discussed at the planning commission meetings of April 14 and May 12, 1977. After considerable discussion at both meetings, the planning commission continued the public hearing for consideration four weeks later. This item was also deferred 2 weeks at the meeting of June 9, 1977 in order that those involved could formulate a recommendation on the amendment. Copies of previous material is attached for your review.

A meeting was held on Wednesday June 8, 1977 and was attended by the following individuals:

Don Rutledge, Representative of Midtown Citizens Association  
Fred Linde, City Grievance Officer  
Robert E. Feldner, Superintendent of Central Inspection  
H. R. Kuhn, Assistant City Attorney  
Wes Galyon, Executive Vice President, Wichita Board of Realtors  
Art Mahoney, Executive Vice President, Wichita Area Home-builders Association

Provisions of the existing ordinance and both previous proposals were discussed, relating to their limitations, administration and practical application to various situations. A new proposal was submitted for consideration by those present at the meeting. A copy of this proposal (designated number 3) is attached for your information. After considerable discussion, it was a consensus opinion of those present, that this proposal be submitted to the planning commission for consideration of adoption. Those in opposition to some of the provisions of the proposal will present their views to the commission at the planning commission meeting on June 23.

This amendment (number 3) is similar to proposal number 2 except the following requirements have been deleted:

1. No requirements on driveway widths or driveway approaches.
2. No requirement that the driveway be installed essentially perpendicular to the street.
3. No requirement on the unobstructed length of the

Memorandum to W-SC MAPC  
Subject: Off-street parking

June 17, 1977  
Page 2

driveway.

RECOMMENDATION

Make any changes deemed appropriate and forward a recommendation to the Board of City Commissioners.

---

Glen E. Lytle  
Special Assistant for Zoning

cc: John Dekker, Director of Law  
H. R. Kuhn, Assistant City Attorney  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Paul Graves, Traffic Engineer  
George Wilton, Superintendent of Public Works-Maintenance  
Wes Galyon, Executive Vice President, Wichita Board of  
Realtor, 717 N. Emporia 67202  
Art Mahoney, Executive Vice President, Wichita Area  
Homebuilders Association, 730 N. Main, Suite 1, 67202  
Don Rutledge, Midtown Citizens Association, 1425 Park Pl. 67203  
Fred Linde, City Grievance Officer

GEL:ew

June 3, 1977

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

DR-77-10 - Amendment to Zoning Ordinance  
Re: Off-street parking in Residential Zoning  
Districts.

The Metropolitan Area Planning Commission recently deferred action on the proposed amendment to the zoning ordinance related to parking in front yard setbacks. Due to time previously committed to the new zoning ordinance, we will be asking for an additional deferment of two weeks on Thursday, June 9, 1977.

In order to have an amendment ready for the meeting of June 23, 1977, I have set a meeting for Wednesday, June 8, 1977 at 3:00 p.m., in the Planning Department conference room to try to resolve the various problems that have been presented at the previous hearings.

Glen E. Lytle  
Special Assistant  
for Zoning

GEL:el

cc: Fred Linde, Grievance Officer  
H. R. Kuhn, Assistant City Attorney  
Jack Galbraith, Chief Planner, Current Plans  
Art Mahoney, Wichita Builders Ass'n., 730 N. Main, 67203  
Wes Galyon, Wichita Board of Realtors, 626 N. Broadway,  
67214  
Don Rutledge, Midtown Citizens Ass'n., 1428 Park Place,  
67214

WICHITA-SEDGWICK COUNTY

DATE June 17, 1977

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO Wichita-Sedgwick County  
Metropolitan Area Planning Commission

FROM Glen E. Lytle, Special Assistant for Zoning

SUBJECT DR-77-10: Possible amendment to the zoning ordinance  
Re: Off-street parking in residential zoning districts

This possible amendment has been discussed at the planning commission meetings of April 14 and May 12, 1977. After considerable discussion at both meetings, the planning commission continued the public hearing for consideration four weeks later. This item was also deferred 2 weeks at the meeting of June 9, 1977 in order that those involved could formulate a recommendation on the amendment. Copies of previous material is attached for your review.

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Wes Galyon, Executive Vice President, Wichita Board of Realtors  
Art Mahoney, Executive Vice President, Wichita Area Home-builders Association

Provisions of the existing ordinance and both previous proposals were discussed, relating to their limitations, administration and practical application to various situations. A new proposal was submitted for consideration by those present at the meeting. A copy of this proposal (designated number 3) is attached for your information. After considerable discussion, it was a consensus opinion of those present, that this proposal be submitted to the planning commission for consideration of adoption. Those in opposition to some of the provisions of the proposal will present their views to the commission at the planning commission meeting on June 23.

This amendment (number 3) is similar to proposal number 2 except the following requirements have been deleted:

1. No requirements on driveway widths or driveway approaches.
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3. No requirement on the unobstructed length of the


Memorandum to W-SC MAPC  
Subject: Off-street parking

June 17, 1977  
Page 2

driveway.

RECOMMENDATION

Make any changes deemed appropriate and forward a recommendation to the Board of City Commissioners.

  
Glen E. Lytle  
Special Assistant for Zoning

cc: John Dekker, Director of Law  
H. R. Kuhn, Assistant City Attorney  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Paul Graves, Traffic Engineer  
George Wilton, Superintendent of Public Works-Maintenance  
Wes Galyon, Executive Vice President, Wichita Board of  
Realtor, 717 N. Emporia 67204  
Art Mahoney, Executive Vice President, Wichita Area  
Homebuilders Association, 730 N. Main, Suite 1, 67203  
Don Rutledge, Midtown Citizens Association, 1425 Park Pl. 67203  
Fred Linde, City Grievance Officer

GEL:ew

JUNE 8, 1977

POSSIBLE AMENDMENT TO THE  
OFF-STREET PARKING REGULATIONS  
OF THE CITY OF WICHITA  
ZONING ORDINANCE

28.04.140 Off-street parking regulations - Parking space.

1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (~~except that in conversions within the above-mentioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard~~); and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street. (Exception: Required off-street parking spaces for existing residential structures not exceeding four-family dwellings, and additional accessory off-street parking spaces for residential structures not exceeding four-family dwellings may be located on surfaced areas within the above yards; provided, however, the surfaced areas shall not occupy more than 50% of the required yard areas of a zoning lot adjacent to a street. Circular driveways will be permitted on lots of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City Code, providing the yard area between the driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.) The required 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. Required off-street parking spaces shall be reserved for the sole use of the occupants of the building or lot, and the visitors thereto. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or be located in accordance with provisions of this chapter relating to off-street parking exceptions.

28.04.143 Off-street parking and loading area improvements.

1.1 Parking areas ~~as required under Section 28.04.11~~ "Number and size of spaces," ~~paragraph 3.11~~ shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust. and driveways for one, two, three or four-family dwellings shall

be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

Additions underlined  
Deletions marked thus

POSSIBLE AMENDMENT TO THE  
OFF-STREET PARKING REGULATIONS  
OF THE CITY OF WICHITA  
ZONING ORDINANCE

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2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main

use; be located in a zoning district wherein the main use is a permitted use; or be located in accordance with provisions of this chapter relating to off-street parking exceptions.

28.04.143 Off-street parking and loading area improvements.

~~1.1 Parking areas as required under Section 28.04, "Number and size of spaces," paragraph 3.1, shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust. and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.~~

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THE CITY OF WICHITA  
OFFICE OF Grievance Office

DATE May 17, 1977



TO Robert Lakin, Director of Planning  
FROM Fredrick A. Linde, Grievance Officer

SUBJECT Proposed Amendments to Chapter  
28.04.140 of City Code

We have reviewed Mr. Lytle's May 6 proposal for "redefining" front yard setback vehicular parking.

We are in agreement with Mr. Lytle's definition of driveway.

We are not in agreement with the continued inclusion for permitting parking to cover up to 50% of the required front yard setback. Our reasons for opposition remain the same as those covered in our memo on the same subject dated March 17. These include:

1. The effect of opening the front yard for general parking. In our opinion, the effect would be destructive to the characteristic of the neighborhood and harmful to the implied warranty by the city to the home owner that the home owner's neighborhood will retain its essential characteristics.
2. Inevitably, the liberalization will be subject to abuse. Although the proposed amendment incorporates the requirement for "parallel parking," the enforcement of this proposed regulation would be extremely difficult. From a practical standpoint, it matters little whether vehicles are parked in parallel lines or at random. The effect upon the characteristic of the neighborhood is the same, or very nearly the same, whether or not cars are lined up in relatively neat rows. In dealing with the parking of vehicles, parallel becomes a subjective concept rather than a definable measurement and the concept would be most difficult to enforce in court.

Robert Lakin, Director of Planning  
May 17, 1977  
Page 2

3. I note the use of the wording "required front yard setback." Am I correct in assuming that in cases where the front yard exceeds the minimum requirement, 100% of the excess could be utilized for paved parking?

The proposed amendment alters the current requirement that off-street parking shall be provided by garages or similar structures. Do I correctly interpret this as implying that for future residential constructions garages, etc., need no longer be provided, just so long as front yard parking is available?

I return to my original criticism that the instructions from the City Commission were to redefine driveway and did not go into extending parking onto the required front yard setback.

*FAL*

Fredrick A. Linde,  
Grievance Officer

FL:pc

cc: E. H. Denton, City Manager  
Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Maint. Inspection Supervisor

THE CITY OF WICHITA  
OFFICE OF Grievance Office

DATE May 17, 1971



TO Robert Lakin, Director of Planning  
FROM Fredrick A. Linde, Grievance Officer

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Robert Lakin, Director of Planning  
May 17, 1977  
Page 2

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*FL*

Fredrick A. Linde,  
Grievance Officer

FL:pc

cc: E. H. Denton, City Manager  
Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Maint. Inspection Supervisor

Required off-street parking spaces for existing residential structures not exceeding four-family dwellings, and additional accessory off-street parking spaces for residential structures not exceeding four-family dwellings may be located on surfaced areas within the above yards [when there is no vehicular access beyond the front yard setback or when the lot beyond the front yard setback is inadequate for off-street parking as defined in 28.04.141]; provided however, the surfaced areas shall not occupy more than 50% of the required yard areas of a zoning lot adjacent to a street. ....

DON RUTLEDGE

MAY 12, 1977

May 6, 1977

Wichita-Sedgwick County  
Metropolitan Area Planning Commission

Glen E. Lytle, Special Assistant for Zoning

DR 77-10: Possible amendment to the zoning ordinance  
Re: Off-street parking in residential zoning districts

Attached hereto is the possible amendment to the zoning ordinance, related to the off-street parking in residential zoning districts, that was deferred four weeks at the MAPC meeting of April 14, 1977. Previous background information is also included. The public hearing on the amendment was deferred so that consideration could be given to the suggestions made at the meeting by Don Rutledge and Fred Linde.

In reviewing the suggestions made at the meeting, and discussing their legality and practicality in application, the following is a summary of changes made from the first draft:

1. A limitation be placed on the driveway width and require the driveway to have not less than 20 feet of unobstructed length to a public right-of-way line.
2. Require the driveway to be constructed as nearly as possible perpendicular to the street right-of-way and require vehicles to be parked parallel with the driveway.
3. The driveway approach be required to be the same width as the driveway or not less than three feet narrower.
4. Permit circular driveways in the front yards, but only when the lot is of sufficient size to comply with the curb cut regulations of the city code, and there is not less than eight feet of yard area between the driveway and public right-of-way that must be landscaped.

In discussing the provisions of the changes with Mr. Rutledge, it was pointed out that what the Midtown Association really was trying to accomplish was enforcement of the provisions of the ordinance related to the maintenance of the front yard areas. The pictures shown by Mr. Rutledge clearly represent what happens to a neighborhood when parking areas are not defined and occupants park in any direction in a front yard area. In most examples shown by the pictures there were no improvements made to the property to provide a surfaced area, or was there any improvement made to the driveway approach to make the parking spaces reasonably orderly and accessible.

Memorandum to the Wichita-Sedgwick County  
Metropolitan Area Planning Commission

May 6, 1977  
Page 2

What has been proposed in this draft will be adequate to provide the necessary guidelines to prevent most of what were shown in the pictures, yet flexible enough to not prohibit many of the situations of driveway configurations now in compliance with the existing regulations. It will also clarify that accessory parking is permitted on improved driveways in front yard areas.

RECOMMENDATION

Make any changes deemed appropriate and forward a recommendation to the Board of City Commissioners.

---

Glen E. Lytle  
Special Assistant for Zoning

cc: John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Paul Graves, Traffic Engineer  
George Wilton, Superintendent of Public Works, Maintenance

GEL:ew

WICHITA-SEDGWICK COUNTY

DATE May 6, 1977

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO Wichita-Sedgwick County  
Metropolitan Area Planning Commission

FROM Glen E. Lytle, Special Assistant for Zoning

SUBJECT DR 77-10: Possible amendment to the zoning ordinance  
Re: Off-street parking in residential zoning districts

Attached hereto is the possible amendment to the zoning ordinance, related to the off-street parking in residential zoning districts, that was deferred four weeks at the MAPC meeting of April 14, 1977. Previous background information is also included. The public hearing on the amendment was deferred so that consideration could be given to the suggestions made at the meeting by Don Rutledge and Fred Linde.

In reviewing the suggestions made at the meeting, and discussing their legality and practicality in application, the following is a summary of changes made from the first draft:

1. A limitation be placed on the driveway width and require the driveway to have not less than 20 feet of unobstructed length to a public right-of-way line.
2. Require the driveway to be constructed as nearly as possible perpendicular to the street right-of-way and require vehicles to be parked parallel with the driveway.
3. The driveway approach be required to be the same width as the driveway or not less than three feet narrower.
4. Permit circular driveways in the front yards, but only when the lot is of sufficient size to comply with the curb cut regulations of the city code, and there is not less than eight feet of yard area between the driveway and public right-of-way that must be landscaped.

In discussing the provisions of the changes with Mr. Rutledge, it was pointed out that what the Midtown Association really was trying to accomplish was enforcement of the provisions of the ordinance related to the maintenance of the front yard areas. The pictures shown by Mr. Rutledge clearly represent what happens to a neighborhood when parking areas are not defined and occupants park in any direction in a front yard area. In most examples shown by the pictures there were no improvements made to the property to provide a surfaced area, or was there any improvement made to the driveway approach to make the parking spaces reasonably orderly and accessible.


Memorandum to the Wichita-Sedgwick County  
Metropolitan Area Planning Commission

May 6, 1977  
Page 2

What has been proposed in this draft will be adequate to provide the necessary guidelines to prevent most of what were shown in the pictures, yet flexible enough to not prohibit many of the situations of driveway configurations now in compliance with the existing regulations. It will also clarify that accessory parking is permitted on improved driveways in front yard areas.

RECOMMENDATION

Make any changes deemed appropriate and forward a recommendation to the Board of City Commissioners.

  
Glen E. Lytle  
Special Assistant for Zoning

cc: John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
Robert Feldner, Superintendent of Central Inspection  
Paul Graves, Traffic Engineer  
George Wilton, Superintendent of Public Works, Maintenance

GEL:ew

MAY 12, 1977

POSSIBLE AMENDMENT TO THE  
OFF-STREET PARKING REGULATIONS  
OF THE CITY OF WICHITA  
ZONING ORDINANCE

28.04.140 Off-street parking regulations - Parking space.

1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (~~except that in conversions within the above-mentioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard~~); and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street. (Exception: Required off-street parking spaces for existing residential structures not exceeding four-family dwellings, and additional accessory off-street parking spaces for residential structures not exceeding four-family dwellings may be located on surfaced areas within the above yards; provided, however, the surfaced areas shall not occupy more than 50% of the required yard areas of a zoning lot adjacent to a street. Driveways for single-family dwellings shall not exceed 24 feet in width, and shall not exceed 30 feet in width for any two, three or four family dwelling. Driveways shall provide not less than twenty feet of unobstructed length to a public right-of-way line. Driveway approaches shall be the same width as the driveway or be not less than three feet less in width. Except for circular driveways as permitted below, driveways shall be installed as near as possible perpendicular to the street right-of-way line. Vehicles shall be parked parallel with the driveway. Circular driveways will be permitted on lots of sufficient size to comply with the curb cut regulations of Chapter 10.16 of the City Code, providing the yard area between the driveway and the public right-of-way line shall not be less than eight feet and landscaped with a combination of shrubs, trees, grass and other materials defined as landscaping in this code.) The required 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. Required off-street parking spaces shall be reserved for the sole use of the occupants of the building or lot, and the visitors thereto. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main

use; be located in a zoning district wherein the main use is a permitted use; or be located in accordance with provisions of this chapter relating to off-street parking exceptions.

28.04.143 Off-street parking and loading area improvements.

1.1 Parking areas as required under Section 28.04.---"Number and size of spaces,"---paragraph 3.17, shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust. and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood or similar material. When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

April 18, 1977

Mr. Donovan Rutledge  
1425 Park Place  
Wichita, Kansas 67203

Re: DR 77-10

Dear Mr. Rutledge:

I would appreciate the opportunity to discuss with you in more detail the recommendations made to the planning commission on the off-street parking amendment.

Although the planning commission deferred action on this item for four weeks, we need to develop some changes to the ordinance in the next couple of weeks. I would appreciate you giving me a call to let me know the most convenient time for you, and I will try to accommodate your schedule, preferably after Tuesday, April 19.

I have your slides used in your presentation, and you can either pick them up, or leave them for the next hearing.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL:rme

cc: Fred Linde, City Grievance Officer

WICHITA-SEDGWICK COUNTY

DATE April 7, 1977

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO Wichita-Sedgwick County Metropolitan  
Area Planning Commission

FROM Glen E. Lytle, Special Assistant for Zoning

SUBJECT DR 77-10: Possible amendment to the zoning ordinance  
Re: Off-street parking in residential zoning districts

Attached hereto is a copy of a possible amendment to the zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of April 14, 1977. Also attached is a copy of a memo from Fredrick Linde, Grievance Officer for the City of Wichita, commenting on the proposed amendment.

BACKGROUND

This possible amendment to the zoning ordinance was requested by the Board of City Commissioners as a result of discussion pertaining to the receipt of a citation for parking in a front yard. During the discussion by the City Commission, it was suggested that the language of the ordinance be changed to clarify that a person may park on a driveway in the front yard setback. Although it has been the opinion of the Planning Department staff that the use of driveways for parking is not prohibited, it is specific on the location of the required spaces to not be located in the front yard setback. In the particular situation that precipitated the citation by Central Inspection, it was the result of a neighborhood asking for enforcement of the off-street parking provisions of the zoning ordinance and the related provision of the maintenance of required yards to be landscaped. It is impossible to maintain landscaping of required yard areas where vehicles continuously park and drive on unsurfaced areas.

In many areas of the city residential structures are constructed on lots so that vehicular access to the rear yard is impossible. In many instances off-street parking was not a consideration at the time the structures were built. Off-street parking for residential structures has been required since 1946, on the basis of one space for each dwelling unit. Since 1953 off-street parking has been required to be provided for each lodger or boarder. At this same time, the ordinance was changed to require that the required parking be located in back of the front yard setback. There are therefore a myriad of differing situations within the city as to compliance, non-compliance, violations and legal non-conforming parking spaces.

One other factor that has created some of the problem areas in the city has been the elimination of on-street parking along many arterial and collector streets. This has caused many property

Wichita-Sedgwick County Metropolitan Area Planning Commission  
April 7, 1977  
Page 2

owners and tenants to solve their parking problems by pulling off the driveway and onto the front yard areas. Some of this has been the result of the inability of an owner to secure a permit to widen the approach to provide access to parking spaces deemed to be in violation of the zoning ordinance.

As you will note in the comments by Fred Linde, City Grievance Officer, the number of complaints received by his office are on the use of front yards for parking areas and the lack of enforcement of the existing regulations.

The proposed amendment was prepared as a combined effort of the Department of Law, Central Inspection and the Planning Department staff. It is an attempt to alleviate the confusion of the ordinance and establish an acceptable method of providing for the use of a portion of the front yard area for parking.

Copies of this material have been furnished to the Wichita Board of Realtors, Wichita Association of Home Builders, and others who have expressed interest in the problem.

#### SUMMARY

The amendment to Section 28.04.140, paragraph 1, would permit the use of 50% of the required yard areas adjacent to a street to be surfaced and used for off-street parking for residential structures existing on the date of adoption of the ordinance, provided it be limited to not to exceed four-family dwellings. It would also permit the use of 50% of the required yard areas adjacent to a street to be surfaced and used for off-street parking in excess of the required spaces that would be behind the setback lines.

The examples designated on the attached sheet as A, B, C, and D are all within the 50% limitation set forth in the proposed amendment. The examples used all have structures located on the lots where access to the rear yards are impossible. As you will note the examples used are typical of what we have in our community, from a small lot common to many areas developed 25 to 30 or more years ago, to a large lot with a circular drive in the front yard area. It would seem inappropriate to allow example D, which occurs in many of the nicer single family neighborhoods, and not allow the other examples to use the same proportionate area of their required yard areas.

The amendment to Section 28.04.140, paragraph 2, is an amendment to permit the use of property for off-street parking whenever the property is located in the same zoning district as is required for the main use. As an example, this would permit a church located in the "LC" light commercial district to use property in the adjacent residential district for off-street parking, since


Wichita-Sedgwick County Metropolitan Area Planning Commission  
April 7, 1977  
Page 3

churches are a permitted use in any residential zoning district. This revision does not change any of the landscaping and screening requirements for the development of office and institutional uses within or adjacent to a residential zoning district.

The amendment to Section 28.04.143 is to set forth more closely the materials and method permissible for off-street parking for dwellings up to four-family structures. It also provides authority for the Superintendent of Central Inspection to require the use of appropriate barriers to contain vehicle parking within approved areas should the owner or tenant continue to park in areas that are required to be landscaped.

RECOMMENDATION

Make any changes deemed to be in the best interest of the public and forward a recommendation for adoption to the Board of City Commissioners.

  
Glen E. Lytle  
Special Assistant for Zoning

Attachments:

Possible amendment to the zoning ordinance  
Memorandum from Fredrick Linde, Grievance Officer

cc: John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
Robert B. Feldner, Superintendent of Central Inspection  
Fredrick Linde, Grievance Officer

GEL:ew

THE CITY OF WICHITA

OFFICE OF Supt. of Public Works Maintenance DATE April 14, 1977



TO Glen Lytle, Special Assistant for Zoning

FROM G. H. Wilton

SUBJECT DR 77-10: Off-Street Parking

I have reviewed your proposed amendment to the off-street parking regulation and in particular to surfacing requirements. I am concerned that gravel will work its way out the sidewalk where it is a danger to pedestrians or into the street where it has to be cleaned up by maintenance forces. It is my recommendation that the surfacing must be monolithic.

*G. H. Wilton* (3)

G. H. Wilton  
Superintendent  
Public Works Maintenance

jm

cc: R. W. Bruggeman, Director of Public Works

THE CITY OF WICHITA  
OFFICE OF Grievance Office

DATE March 17, 1977



TO Robert Lakin, Director of Planning

FROM Fredrick Linde, Grievance Officer

*FLK*

SUBJECT Proposed Amendments to Chapter  
28.04.140 of City Code

The Community Grievance Office receives many complaints from citizens about off-street parking in residential areas. In addition to complaints, this office hears many comments which we classify as general criticisms of the present code and of its administration. In addition, we received the grievance of Mrs. Petty, on behalf of her mother, who protested the citation issued against parking on a graveled driveway at her residence on North Waco.

Of the complaints we have received, more than 5 out of each 6 complain about the use of the front yard setback for parking. The comments consistently make the point of being opposed to even the present types of permitted usage on the front yard. Obviously, this class of comments could be expected to expand greatly if the present code is liberalized along the lines proposed to the City Commission at its regular meeting of March 15.

So far as I have been able to determine, the only individuals wanting relaxed controls on front yard parking are the operators of boarding houses, owners of duplexes and four-plexes and that class of individuals who always want to abuse every type of regulation. These include persons who would attempt to use the yard for commercial and recreational vehicles, for passenger vehicles of questionable utility and individuals who simply have too many automobiles.

We recognize that the proposed liberalizations would presumably not conflict with the present and continuing controls on the use of the front yard for commercial and recreational vehicles and for junk and inoperable automobiles. However, any relaxation in the present code will inevitably lead to efforts to erode further

Robert Lakin  
March 17, 1977  
Page 2

and to abuse the liberal limits already conceived. Further, the present code is enforced only on a complaint basis. There is no general and regular enforcement of it and I presume there would be even less regular enforcement following the enactment of the proposed changes. What happens then is that the violations become established, the persons creating the violations appeal under various hardships provisions for continuation under a variance appeal and before too long, the entire problem simply gets out of control.

In this paragraph, I will attempt to distill the principal items of criticism of the proposal to allow vehicular parking on up to one-half of the total front yard setback.

1. The effect on the neighborhood will be degenerative. Some properties will take advantage of the proposal and neighborhoods will take on the appearance of used car lots.
2. The principal impact of the proposal will be in "AA" zones. Most of the single family units are owner occupied. People buying houses have many reasons for locating where they do but one of the reasons is the expectation that the neighborhood will continue to retain its characterizations. If parking is permitted, then the City of Wichita will fail to keep faith with the vast numbers of people who have bought houses with the expectation of living in a neighborhood compatible to their interests and expectations.
3. A further abuse will be the attempted storage of junk cars. Many automobiles are of marginal value now and the owners are motivated to get rid of them because they know the difficulty of storage. If we let people pave the front yard, many of these people are going to take advantage of the paving and attempt to hold on to these marginal vehicles far past their useful and economic life. To control this particular violation will require further efforts by both the Health Department and Central Inspection. Again, we recognize that such abuses are controlled by other parts of the city code but we tend to discount the potency of those controls if Chapter 28 should be amended.

Robert Lakin  
March 17, 1977  
Page 3

4. The same observations as in "3" apply to boats, trailers, house trailers, vans and similar recreational vehicles. It will, I am convinced, apply also to many commercial vehicles, particularly the marginal ones such as large pick up trucks and panel trucks converted into vans.
5. One of the factors which tend to regulate the number of automobiles is the difficulty of finding parking. Here, of course, we strike to the very nucleus of the proposal. Some people do want more automobiles and they want to be able to park them with a minimum of difficulty. This is not consistent with the present state of our economy and of our energy supplies. To point up this idea I include here a clipping from the March 16, 1977, Eagle, quoting Transportation Secretary Adams:

## When There's No Gas, What Next?

EAGLE - 3-16-77

WASHINGTON (AP) — Transportation Secretary Brock Adams said Tuesday that Americans must begin preparing for the day when "the gas runs out" and they no longer can freely drive their automobiles.

"We must look to the ultimate ex-

haustion of the oil supplies that keep the transportation running," Adams said in an interview in which he outlined several ideas his department is considering for the future.

Those ideas include designing autos with greater fuel efficiency, building mass transit systems that attract people from cars, designing cities around mass transit, and developing electrically powered cars, which Adams said could become the "vehicle of the future."

ADAMS SAID MANY of the ideas will be incorporated into the comprehensive energy plan President Carter intends to send Congress April 20.

He said a major goal of the administration plan will be to educate citizens to the fact that their transportation habits will have to be changed, that someday they will be "unable any longer to use their automobiles as they do now."

"In the next four to eight years, we have to basically build into the United States the idea of the alternative systems that are more energy efficient, that will be evolving into the system we will have to use when oil and gas — if they haven't yet run out completely — will not be cheap fuels that you can use under your (heating system) boiler or you can use with one person in one automobile driving to work," the secretary said.

ADAMS SAID educating people to the change will be very difficult because people are wedded to their cars and gasoline currently is plentiful and relatively cheap.

"We have to show the people how and where we're going, and you're hopeful in the meantime you don't have a disaster like another oil embargo or another hideously bad winter which shuts off fuel supplies," Adams said.

The secretary said he supports building and refurbishing mass transportation systems based on subways, buses and commuter trains. But he said plans must be tailored "to the various generations of cities we have."

Robert Lakin  
March 17  
Page 4

One positive way to control the passenger automobile inventory, minimize gasoline usage and tend to increase the use of mass transit is simply to make it difficult to park automobiles. In my personal opinion, we have already done far too much to accommodate the automobile and the country and our social life and economy have all suffered because of it.

6. Again, I repeat: If we allow single family residences to convert their front yards into miniature parking lots, the city will fail to keep faith with the majority of the people who don't want this to happen.
7. Some people contact us to seek ways in which they can use the front yard for parking. Far more contact us to complain about the front yard being used for parking. We estimate this ratio to be about 1 to 5.

If some relaxation is deemed imperative, and if the use of the front yard for parking is considered in the greatest interest of the City of Wichita, then there should be definite restrictions on the geometrics. At this point, one relaxation that might be tolerable would simply be to allow in the case of single wide driveways, a second driveway parallel and adjacent to the first. A double wide driveway in a "AA" zone would allow four automobiles at a minimum.

The citation issued to the mother of the lady addressing the City Commission was in error. The car was parked on a driveway, even though the driveway is gravel, but the driveway is definable and readily observable as a driveway. The reaction of the City Commission was to the language of 28.04.140. The comments of the Commissioners were about interpretation of the present code. The Commissioners did not ask for a complete revision of the language and the intent, but simply to revise the way the code is written so it can be understood by a normal individual.

FL:pc

cc: E. H. Denton, City Manager  
Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Maint. Inspection Supervisor

APRIL 14, 1977

POSSIBLE AMENDMENT TO THE  
OFF-STREET PARKING REGULATIONS  
OF THE CITY OF WICHITA  
ZONING ORDINANCE

28.04.140 Off-street parking regulations - Parking space.

1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard ~~(except that in conversions within the above mentioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard)~~; and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street. Exception: Required off-street parking spaces for existing residential structures not exceeding four-family dwellings, and additional accessory off-street parking spaces for residential structures not exceeding four-family dwellings may be located on surfaced areas within the above yards; provided, however, the surfaced areas shall not occupy more than 50% of the required yard areas of a zoning lot adjacent to a street. The required yard areas shall be landscaped with grass, shrubs, trees, or ground cover, and shall be maintained in good condition. Required off-street parking spaces shall be reserved for the sole use of the occupants of the building or lot, and the visitors thereto. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or be located in accordance with provisions of this chapter relating to off-street parking exceptions.

28.04.143 Off-street parking and loading area improvements.

1.1 Parking areas ~~as required under Section 28-04-1417-"Number and size of spaces," paragraph 3.17 shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.~~ and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be

appropriately contained by curbs of concrete, brick, metal, wood or similar material. When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

**THE CITY OF WICHITA**

**OFFICE OF CITY MANAGER**

**DATE** March 15, 1977

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

**FROM** E. H. Denton, City Manager

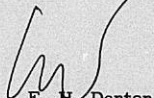
**SUBJECT** Proposed Revision to the  
Off-Street Parking Regulations  
of the Zoning Ordinance



Attached is a copy of a revision to Section 28.04.140 which has been proposed by the Central Inspection Division.

On March 15, 1977, the City Commission referred this proposal to the Metropolitan Area Planning Commission for review and recommendation.

Please present this proposal for the attention of the MAPD at its next regularly scheduled meeting.

  
E. H. Denton  
City Manager

EHD/sw  
Attachment

THE CITY OF WICHITA  
OFFICE OF LAW DEPARTMENT

DATE March 2, 1977



TO Robert G. Finch, Assistant City Manager  
FROM Thomas R. Powell, Assistant City Attorney

SUBJECT Revision to Sections 28.04.140  
and 28.04.143

Find attached a proposed amendment to the above sections of the Code of the City of Wichita, Kansas that was prepared by joint effort between the MAPD, CID and the Law Department.

The amendment attempts to resolve the problem as to whether or not vehicles may be parked in the required front yard. Section 28.04.140 as amended would allow off street parking in the required front yard area as long as the parking area does not exceed 50 percent of the required front yard and as long as the parking area is surfaced in a manner that is in conformance with the requirements set out at Section 28.04.143.

An amendment to Section 28.04.143 is included in this revision to the code for the reason that the section, as amended, more clearly defines and clarifies exactly what a surfaced area is for purposes of off street parking.

The amendment to Subsection 2 of Section 28.04.140 would allow a church, for example, located in "LC" zoned property to provide accessory parking in "A" zoned property that is within 600 feet of the church. A church is an allowable use in "A" zoned property and an accessory parking lot is allowed. Under present interpretation, the church located on "LC" zoned property would not be allowed to have accessory parking on adjacent property or property located within 600 feet if the property was located in an "A" zone. On the other hand, a church located in "A" zoned property is allowed to have accessory parking within 600 feet of the church when the property the parking lot is to be located is within an "A" zoned area.

If the proposed amendments meet with City Commission approval, it should be referred to the MAPC for their recommendations and action.

*Thomas R. Powell*  
Thomas R. Powell  
Assistant City Attorney

TRP:kh

Attachment

cc: Robert Lakin, Director of Planning  
Jack Galbraith, Chief Planner - Community Development  
Robert Feldner, Supt. of Central Inspection  
Glen Lytle, Specialist for Zoning

Additions underlined  
Deletions marked thus

MARCH 15, 1977

POSSIBLE AMENDMENT TO THE  
OFF-STREET PARKING REGULATIONS  
OF THE CITY OF WICHITA  
ZONING ORDINANCE

28.04.140 Off-street parking regulations - Parking space.  
1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (~~except that in conversions within the above-mentioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard~~); and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street.  
Exception: Required off-street parking spaces for existing residential structures not exceeding four-family dwellings, and additional accessory off-street parking spaces for residential structures not exceeding four-family dwellings may be located on surfaced areas within the above yards; provided, however, the surfaced areas shall not occupy more than 50% of the required yard areas of a zoning lot adjacent to a street. The required yard areas shall be landscaped with grass, shrubs, trees, or ground cover, and shall be maintained in good condition. Required off-street parking spaces shall be reserved for the sole use of the occupants of the building or lot, and the visitors thereto. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or be located in accordance with provisions of this chapter relating to off-street parking exceptions.

28.04.143 Off-street parking and loading area improvements.  
1.1 Parking areas as required under Section 28.04.141, "Number and size of spaces," paragraph 3.17, shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust. and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be

appropriately contained by curbs of concrete, brick, metal, wood or similar material. When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

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Additions underlined  
Deletions marked thus

POSSIBLE AMENDMENT TO THE  
OFF-STREET PARKING REGULATIONS  
OF THE CITY OF WICHITA  
ZONING ORDINANCE

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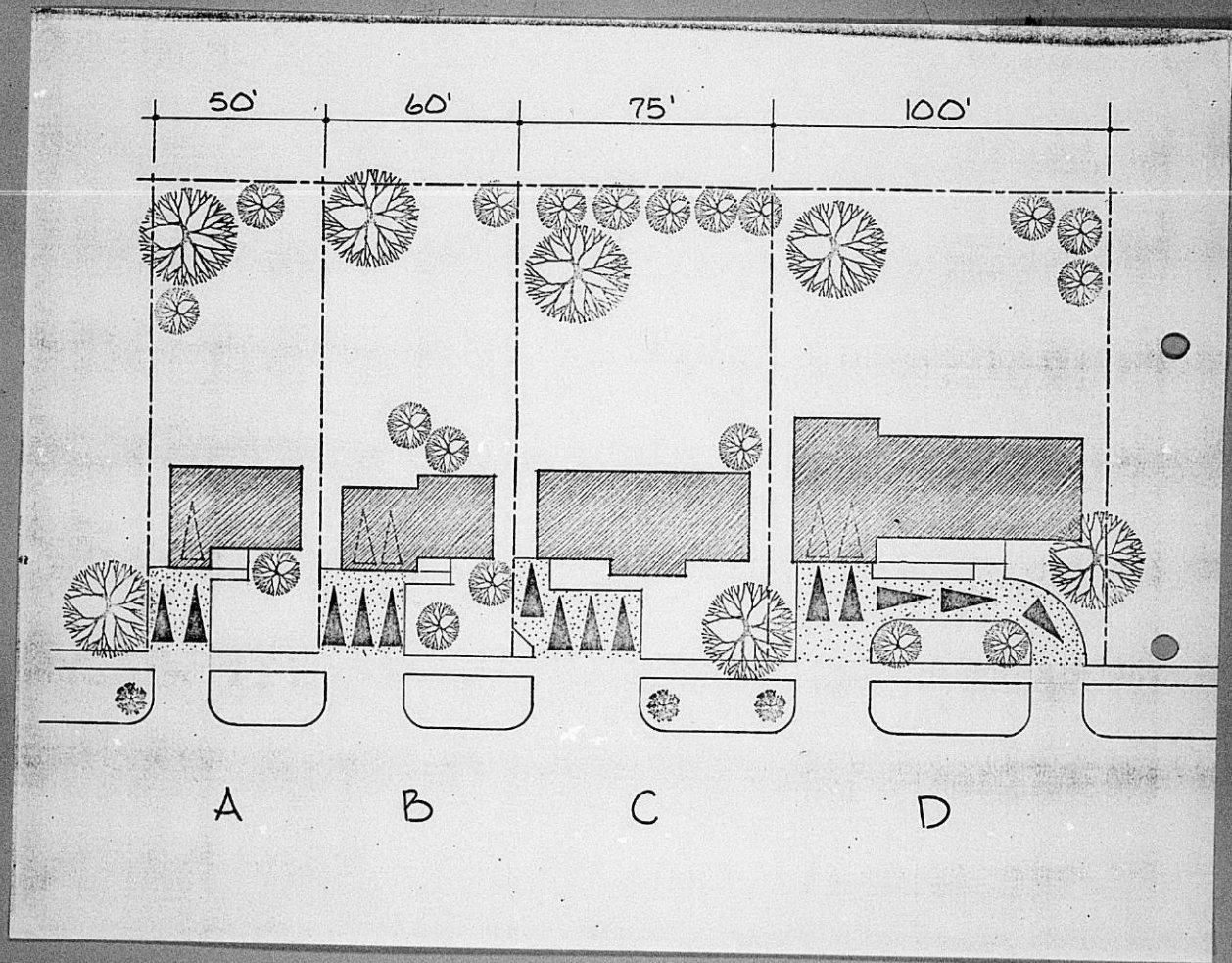
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1.1 Parking areas as required under Section 28.04.141, "Number and size of spaces," paragraph 3-17, shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust. and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be appropriately contained by curbs of concrete, brick, metal, wood

or similar material. When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.



April 7, 1977

Wichita-Sedgwick County Metropolitan  
Area Planning Commission

Glen E. Lytle, Special Assistant for Zoning

DR 77-10: Possible amendment to the zoning ordinance  
Re: Off-street parking in residential zoning districts

Attached hereto is a copy of a possible amendment to the zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of April 14, 1977. Also attached is a copy of a memo from Fredrick Linde, Grievance Officer for the city of Wichita, commenting on the proposed amendment.

BACKGROUND

This possible amendment to the zoning ordinance was requested by the Board of City Commissioners as a result of discussion pertaining to the receipt of a citation for parking in a front yard. During the discussion by the City Commission, it was suggested that the language of the ordinance be changed to clarify that a person may park on a driveway in the front yard setback. Although it has been the opinion of the Planning Department staff that the use of driveways for parking is not prohibited, it is specific on the location of the required spaces to not be located in the front yard setback. In the particular situation that precipitated the citation by Central Inspection, it was the result of a neighborhood asking for enforcement of the off-street parking provisions of the zoning ordinance and the related provision of the maintenance of required yards to be landscaped. It is impossible to maintain landscaping of required yard areas where vehicles continuously park and drive on unsurfaced areas.

In many areas of the city residential structures are constructed on lots so that vehicular access to the rear yard is impossible. In many instances off-street parking was not a consideration at the time the structures were built. Off-street parking for residential structures has been required since 1946, on the basis of one space for each dwelling unit. Since 1953 off-street parking has been required to be provided for each lodger or boarder. At this same time, the ordinance was changed to require that the required parking be located in back of the front yard setback. There are therefore a myriad of differing situations within the city as to compliance, non-compliance, violations and legal non-conforming parking spaces.

One other factor that has created some of the problem areas in the city has been the elimination of on-street parking along many arterial and collector streets. This has caused many property

Wichita-Sedgwick County Metropolitan Area Planning Commission  
April 7, 1977  
Page 2

owners and tenants to solve their parking problems by pulling off the driveway and onto the front yard areas. Some of this has been the result of the inability of an owner to secure a permit to widen the approach to provide access to parking spaces deemed to be in violation of the zoning ordinance.

As you will note in the comments by Fred Linde, City Grievance Officer, the number of complaints received by his office are on the use of front yards for parking areas and the lack of enforcement of the existing regulations.

The proposed amendment was prepared as a combined effort of the Department of Law, Central Inspection and the Planning Department staff. It is an attempt to alleviate the confusion of the ordinance and establish an acceptable method of providing for the use of a portion of the front yard area for parking.

Copies of this material have been furnished to the Wichita Board of Realtors, Wichita Association of Home Builders, and others who have expressed interest in the problem.

#### SUMMARY

The amendment to Section 28.04.140, paragraph 1, would permit the use of 50% of the required yard areas adjacent to a street to be surfaced and used for off-street parking for residential structures existing on the date of adoption of the ordinance, provided it be limited to not to exceed four-family dwellings. It would also permit the use of 50% of the required yard areas adjacent to a street to be surfaced and used for off-street parking in excess of the required spaces that would be behind the setback lines.

The examples designated on the attached sheet as A, B, C, and D are all within the 50% limitation set forth in the proposed amendment. The examples used all have structures located on the lots where access to the rear yards are impossible. As you will note the examples used are typical of what we have in our community, from a small lot common to many areas developed 25 to 30 or more years ago, to a large lot with a circular drive in the front yard area. It would seem inappropriate to allow example D, which occurs in many of the nicer single family neighborhoods, and not allow the other examples to use the same proportionate area of their required yard areas.

The amendment to Section 28.04.140, paragraph 2, is an amendment to permit the use of property for off-street parking whenever the property is located in the same zoning district as is required for the main use. As an example, this would permit a church located in the "LC" light commercial district to use property in the adjacent residential district for off-street parking, since

Wichita-Sedgwick County Metropolitan Area Planning Commission  
April 7, 1977  
Page 3

churches are a permitted use in any residential zoning district. This revision does not change any of the landscaping and screening requirements for the development of office and institutional uses within or adjacent to a residential zoning district.

The amendment to Section 28.04.143 is to set forth more closely the materials and method permissible for off-street parking for dwellings up to four-family structures. It also provides authority for the Superintendent of Central Inspection to require the use of appropriate barriers to contain vehicle parking within approved areas should the owner or tenant continue to park in areas that are required to be landscaped.

RECOMMENDATION

Make any changes deemed to be in the best interest of the public and forward a recommendation for adoption to the Board of City Commissioners.

---

Glen E. Lytle  
Special Assistant for Zoning

Attachments:

Possible amendment to the zoning ordinance  
Memorandum from Fredrick Linde, Grievance Officer

cc: John Dekker, Director of Law  
Ray Bruggeman, Director of Public Works  
Robert B. Feldner, Superintendent of Central Inspection  
Fredrick Linde, Grievance Officer

GEL:ew

(First Published in the Daily Record March 21, 1977) 1-T  
**OFFICIAL NOTICE**  
**TO WHOM IT MAY CONCERN AND TO ALL PERSONS**  
**INTERESTED.**

NOTICE IS HEREBY GIVEN that on Thursday, April 14, 1977, the Wichita-Sedgewick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 435 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following change in Title 28, the Code of the City of Wichita, Kansas:

An amendment to Sections 28.04.140 and 28.04.143 of the zoning ordinance, related to the off-street parking requirements and improvements in the residential zoning districts.

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

The proposed amendment will there be discussed and considered by the Wichita-Sedgewick 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 of the zoning ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 17th day of March, 1977.  
(SEAL)

**ROBERT A. LAKIN,**  
Secretary, Wichita-Sedgewick County Metropolitan Area Planning Commission.

from: *JLS*

date: 3/16/77

admin. adv. plans cur. plans social graphics

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remarks: *Go ahead and set up  
a DR case file. Make sure  
we notify American Board and  
CPO's of this scheduled meeting.  
Schedule for April 14 if possible.*

Item 13

JE

THE CITY OF WICHITA  
OFFICE OF LAW DEPARTMENT

DATE March 2, 1977



TO Robert G. Finch, Assistant City Manager  
FROM Thomas R. Powell, Assistant City Attorney

SUBJECT Revision to Sections 28.04.140  
and 28.04.143

Find attached a proposed amendment to the above sections of the Code of the City of Wichita, Kansas that was prepared by joint effort between the MAPD, CID and the Law Department.

The amendment attempts to resolve the problem as to whether or not vehicles may be parked in the required front yard. Section 28.04.140 as amended would allow off street parking in the required front yard area as long as the parking area does not exceed 50 percent of the required front yard and as long as the parking area is surfaced in a manner that is in conformance with the requirements set out at Section 28.04.143.

# An amendment to Section 28.04.143 is included in this revision to the code for the reason that the section, as amended, more clearly defines and clarifies exactly what a surfaced area is for purposes of off street parking.

The amendment to Subsection 2 of Section 28.04.140 would allow a church, for example, located in "LG" zoned property to provide accessory parking in "A" zoned property that is within 600 feet of the church. A church is an allowable use in "A" zoned property and an accessory parking lot is allowed. Under present interpretation, the church located on "LG" zoned property would not be allowed to have accessory parking on adjacent property or property located within 600 feet if the property was located in an "A" zone. On the other hand, a church located in "A" zoned property is allowed to have accessory parking within 600 feet of the church when the property the parking lot is to be located is within an "A" zoned area.

If the proposed amendments meet with City Commission approval, it should be referred to the MAPC for their recommendations and action.

*Thomas R. Powell*  
Thomas R. Powell  
Assistant City Attorney

TRP:kh

Attachment

cc: Robert Lakin, Director of Planning  
Jack Galbraith, Chief Planner - Community Development  
Robert Feldner, Supt. of Central Inspection  
Glen Lytle, Specialist for Zoning

Additions underlined  
Deletions marked thus

POSSIBLE AMENDMENT TO THE  
OFF-STREET PARKING REGULATIONS  
OF THE CITY OF WICHITA  
ZONING ORDINANCE

28.04.140 Off-street parking regulations - Parking space.  
1. For the purpose of this chapter, in residential zoning districts, off-street parking spaces and circulation aisles (except points of ingress and egress), shall not occupy any part of any required front yard (~~except that in conversions within the above-mentioned districts the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard~~); and on corner lots, no parking space shall be permitted in the required side yard adjacent to the street. Exception: Required off-street parking spaces for existing residential structures not exceeding four-family dwellings, and additional accessory off-street parking spaces for residential structures not exceeding four-family dwellings may be located on surfaced areas within the above yards; provided, however, the surfaced areas shall not occupy more than 50% of the required yard areas of a zoning lot adjacent to a street. The required yard areas shall be landscaped with grass, shrubs, trees, or ground cover, and shall be maintained in good condition. Required off-street parking spaces shall be reserved for the sole use of the occupants of the building or lot, and the visitors thereto. Churches, theaters, stadiums, auditoriums and other similar places of public assembly may make arrangements for joint use of parking spaces with other uses as herein specified.

2. For the purpose of this chapter, off-street parking shall be considered as an accessory use when located in the same zoning district with the use for which parking is provided. Parking not located in the same zoning district in which the main use is located must be located within the zoning district in which parking lots or storage garages are permitted as a main use; be located in a zoning district wherein the main use is a permitted use; or be located in accordance with provisions of this chapter relating to off-street parking exceptions.

28.04.143 Off-street parking and loading area improvements.  
1.1 ~~Parking areas as required under Section 28-04.1417--"Number and size of spaces," paragraph 3:17 shall be paved or otherwise surfaced with an all-weather surface treated to prevent dust.~~ and driveways for one, two, three or four-family dwellings shall be surfaced with an all-weather surface consisting of concrete, asphaltic concrete, asphalt, brick, gravel not less than 1/2 inch in diameter, or other comparable material treated to prevent dust. Any material used for surfacing that is not monolithic must be

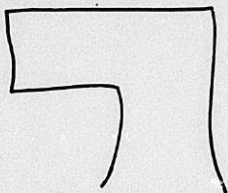
appropriately contained by curbs of concrete, brick, metal, wood or similar material. When deemed necessary by the Superintendent of Central Inspection appropriate barriers shall be provided to contain vehicle use within the approved areas.

1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, 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.

- Drain Board
- Plan
- Neighborhoods

Refer to MAPC for coments,  
begin.

Have some diagrams of 50%



Streets heavily traveled.

WICHITA-SEDGWICK COUNTY


DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

TO Frederick Linde, Grievance Officer  
FROM Robert A. Lakin, Director of Planning  
SUBJECT Proposed Amendments to Chapter 28.04.140 of  
the City Code

I have reviewed your expansive memo on the above subject and will provide it to the Planning Commission so that they may have benefit of your views when they consider the proposed amendment to the zoning ordinance. As you may remember, this was referred to the Law Department to prepare a clarification as to the language. I think this has been done, and even though you apparently do not now like that particular clarification, the general subject is now open. I think this is the result of the handling of the initial complaint. The whole issue was presented with the sanction of your office that parking should be allowed in front yards. I really don't know that your position has changed, only the degree to which parking is allowed.

I am also curious by your introduction of the energy issue as to what you think ought to be included in the zoning ordinance. Should we restrict and reduce the number of off-street parking spaces thus giving less recognition to the automobile? I am confused. You may wish to be at the Planning Commission meeting when we submit this to them. We will advertise it for public hearing so the Planning Commission will be in a position to make such amendments and changes to the language developed by the Law Department. I will have Jack Galbraith give you a notice or copy of the agenda when that is coming up.

  
Robert A. Lakin, Director of Planning

cc: Jack Galbraith w/  
incoming memo from Linde  
Glen Lytle

RAL:ew

THE CITY OF WICHITA  
OFFICE OF Grievance Office

DATE March 17, 1977



TO Robert Lakin, Director of Planning

FROM Fredrick Linde, Grievance Officer

*FL*

SUBJECT Proposed Amendments to Chapter  
28.04.140 of City Code

The Community Grievance Office receives many complaints from citizens about off-street parking in residential areas. In addition to complaints, this office hears many comments which we classify as general criticisms of the present code and of its administration. In addition, we received the grievance of Mrs. Petty, on behalf of her mother, who protested the citation issued against parking on a graveled driveway at her residence on North Waco.

Of the complaints we have received, more than 5 out of each 6 complain about the use of the front yard setback for parking. The comments consistently make the point of being opposed to even the present types of permitted usage on the front yard. Obviously, this class of comments could be expected to expand greatly if the present code is liberalized along the lines proposed to the City Commission at its regular meeting of March 15.

So far as I have been able to determine, the only individuals wanting relaxed controls on front yard parking are the operators of boarding houses, owners of duplexes and four-plexes and that class of individuals who always want to abuse every type of regulation. These include persons who would attempt to use the yard for commercial and recreational vehicles, for passenger vehicles of questionable utility and individuals who simply have too many automobiles.

We recognize that the proposed liberalizations would presumably not conflict with the present and continuing controls on the use of the front yard for commercial and recreational vehicles and for junk and inoperable automobiles. However, any relaxation in the present code will inevitably lead to efforts to erode further

Robert Lakin  
March 17, 1977  
Page 2

and to abuse the liberal limits already conceived. Further, the present code is enforced only on a complaint basis. There is no general and regular enforcement of it and I presume there would be even less regular enforcement following the enactment of the proposed changes. What happens then is that the violations become established, the persons creating the violations appeal under various hardships provisions for continuation under a variance appeal and before too long, the entire problem simply gets out of control.

In this paragraph, I will attempt to distill the principal items of criticism of the proposal to allow vehicular parking on up to one-half of the total front yard setback.

1. The effect on the neighborhood will be degenerative. Some properties will take advantage of the proposal and neighborhoods will take on the appearance of used car lots.
2. The principal impact of the proposal will be in "AA" zones. Most of the single family units are owner occupied. People buying houses have many reasons for locating where they do but one of the reasons is the expectation that the neighborhood will continue to retain its characterizations. If parking is permitted, then the City of Wichita will fail to keep faith with the vast numbers of people who have bought houses with the expectation of living in a neighborhood compatible to their interests and expectations.
3. A further abuse will be the attempted storage of junk cars. Many automobiles are of marginal value now and the owners are motivated to get rid of them because they know the difficulty of storage. If we let people pave the front yard, many of these people are going to take advantage of the paving and attempt to hold on to these marginal vehicles far past their useful and economic life. To control this particular violation will require further efforts by both the Health Department and Central Inspection. Again, we recognize that such abuses are controlled by other parts of the city code but we tend to discount the potency of those controls if Chapter 28 should be amended.

Robert Lakin  
March 17, 1977  
Page 3

4. The same observations as in "3" apply to boats, trailers, house trailers, vans and similar recreational vehicles. It will, I am convinced, apply also to many commercial vehicles, particularly the marginal ones such as large pick up trucks and panel trucks converted into vans.
5. One of the factors which tend to regulate the number of automobiles is the difficulty of finding parking. Here, of course, we strike to the very nucleus of the proposal. Some people do want more automobiles and they want to be able to park them with a minimum of difficulty. This is not consistent with the present state of our economy and of our energy supplies. To point up this idea I include here a clipping from the March 16, 1977, Eagle, quoting Transportation Secretary Adams:

## When There's No Gas, What Next?

EAGLE - 3-16-77

WASHINGTON (AP) — Transportation Secretary Brock Adams said Tuesday that Americans must begin preparing for the day when "the gas runs out" and they no longer can freely drive their automobiles.

"We must look to the ultimate ex-

haustion of the oil supplies that keep the transportation running," Adams said in an interview in which he outlined several ideas his department is considering for the future.

Those ideas include designing autos with greater fuel efficiency, building mass transit systems that attract people from cars, designing cities around mass transit, and developing electrically powered cars, which Adams said could become the "vehicle of the future."

ADAMS SAID MANY of the ideas will be incorporated into the comprehensive energy plan President Carter intends to send Congress April 20.

He said a major goal of the administration plan will be to educate citizens to the fact that their transportation habits will have to be changed, that someday they will be "unable any longer to use their automobiles as they do now."

"In the next four to eight years, we have to basically build into the United States the idea of the alternative systems that are more energy efficient, that will be evolving into the system we will have to use when oil and gas — if they haven't yet run out completely — will not be cheap fuels that you can use under your (heating system) boiler or you can use with one person in one automobile driving to work," the secretary said.

ADAMS SAID educating people to the change will be very difficult because people are wedded to their cars and gasoline currently is plentiful and relatively cheap.

"We have to show the people how and where we're going, and you're hopeful in the meantime you don't have a disaster like another oil embargo or another hideously bad winter which shuts off fuel supplies," Adams said.

The secretary said he supports building and refurbishing mass transportation systems based on subways, buses and commuter trains. But he said plans must be tailored "to the various generations of cities we have."

Robert Lakin  
March 17  
Page 4

One positive way to control the passenger automobile inventory, minimize gasoline usage and tend to increase the use of mass transit is simply to make it difficult to park automobiles. In my personal opinion, we have already done far too much to accommodate the automobile and the country and our social life and economy have all suffered because of it.

6. Again, I repeat: If we allow single family residences to convert their front yards into miniature parking lots, the city will fail to keep faith with the majority of the people who don't want this to happen.
7. Some people contact us to seek ways in which they can use the front yard for parking. Far more contact us to complain about the front yard being used for parking. We estimate this ratio to be about 1 to 5.

If some relaxation is deemed imperative, and if the use of the front yard for parking is considered in the greatest interest of the City of Wichita, then there should be definite restrictions on the geometrics. At this point, one relaxation that might be tolerable would simply be to allow in the case of single wide driveways, a second driveway parallel and adjacent to the first. A double wide driveway in a "AA" zone would allow four automobiles at a minimum.

The citation issued to the mother of the lady addressing the City Commission was in error. The car was parked on a driveway, even though the driveway is gravel, but the driveway is definable and readily observable as a driveway. The reaction of the City Commission was to the language of 28.04.140. The comments of the Commissioners were about interpretation of the present code. The Commissioners did not ask for a complete revision of the language and the intent, but simply to revise the way the code is written so it can be understood by a normal individual.

FL:pc

cc: E. H. Denton, City Manager  
Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Maint. Inspection Supervisor

THE CITY OF WICHITA  
OFFICE OF Grievance Office

DATE March 27 1977



TO Glen Lytle, Current Plans

FROM Fredrick Linde, Grievance Officer *FL*

SUBJECT Proposed Amendment to Chapter  
28.04.140 of City Code

The comments I am making in this memo are an extension and continuation of our general conversation on Tuesday.

In the proposed amendment to the off-street parking regulations, you are proposing to allow up to 50% of the required front yard setback to be used for off-street parking. I believe my primary objection to the proposal is the inclusion of single family residences in "AA" zones.

As I commented on Tuesday, the majority of single family buildings are owner-occupied. When a family buys a house in a "AA" zone, it makes the assumption that certain protections will be given against unwarranted intrusions and disruptions. One of the assumptions the family makes is that the neighborhood will retain its characteristics.

If the volume of complaints and grievances received by this office is any indication, one of the greatest irritants is the use of front yards for parking purposes. The objections cover many areas, but always reduce to the simple fact that parking on a front yard, whether paved or not, deteriorates the appearance of the neighborhood and contributes to visual pollution. Neighbors simply do not want to look out and see a parking lot on their neighbor's front yard.

As you can see, I am restricting my objections largely to what it would do to single family properties. I do this because generally duplexes and larger units are not owner-occupied and the expectations are lower.

I am not discounting some of the obvious facts. Certainly, our regulations are being violated at the present time. Virtually every block in the "AA" zoning areas has blatant violations. I cannot accept

Glen Lytle  
March 2, 1977  
Page 2

*Jra*

*good pt.  
many  
not good*

the premise that these violations should be legitimized by adopting the proposed change in the code. One method to address the problem for the future would be to revise our requirements for off-street parking spaces. It could well be done on a square foot of living space. For example, for each 1,000 square feet or fraction an additional parking space would be mandated. For a 2,500 square foot house, the requirement would be three. Admittedly, this addresses the problem only from now on and does nothing to alleviate the difficulties which we now have.

I have another point which I believe is of some importance. In some of the older areas as well as newer areas, single family houses develop into boarding houses. To allow the borders to use the front yard for parking will simply accelerate the degeneration of the neighborhood and deny to many people the protection they now have, meager though it may be.

Another source of grievances covers work on automobiles in private residences. If part of the front yard is permitted to be paved, I have the opinion that the paved portion in some cases will be converted into an outside workshop with the inevitable accumulation of junk automobiles, spare parts and the other features which are so common. I recognize the Health Department's jurisdiction over junk and inoperable automobiles is not being changed by the proposed amendment but we have all seen far too many cases where defendants in court actions argue apparent conflicts in adjoining laws, and in this case I am sure a defense will be, "How can I be guilty of keeping a junk automobile if Chapter 28.04.140 says I can pave half of my front yard and use it for parking? All I am doing is parking where the law says I can park." A large number of motor vehicles become of marginal value each year. If there is no place on the property for convenient and easy storage of the marginal vehicle the owner will, in most cases, dispose of the car. If he is allowed to pave one-half of the front yard, then again in many, many cases the owner of the vehicle will elect to simply push it onto the paving and keep it there as a back up or whatever car.

FL:pc

cc: ✓ Bob Lakin, Director of Planning  
Bob Feldner, Supt. of Central Inspection  
Joe Donnelly, Maint. Inspection Supervisor  
Tom Powell, Assistant City Attorney

THE CITY OF WICHITA  
OFFICE OF Grievance Office

DATE March



TO Glen Lytle, Current Plans

FROM Fredrick Linde, Grievance Officer *gal*

SUBJECT Proposed Amendment to Chapter  
28.04.140 of City Code

The comments I am making in this memo are an extension and continuation of our general conversation on Tuesday.

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As I commented on Tuesday, the majority of single family buildings are owner-occupied. When a family buys a house in a "AA" zone, it makes the assumption that certain protections will be given against unwarranted intrusions and disruptions. One of the assumptions the family makes is that the neighborhood will retain its characteristics.

If the volume of complaints and grievances received by this office is any indication, one of the greatest irritants is the use of front yards for parking purposes. The objections cover many areas, but always reduce to the simple fact that parking on a front yard, whether paved or not, deteriorates the appearance of the neighborhood and contributes to visual pollution. Neighbors simply do not want to look out and see a parking lot on their neighbor's front yard.

As you can see, I am restricting my objections largely to what it would do to single family properties. I do this because generally duplexes and larger units are not owner-occupied and the expectations are lower.

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Glen Lytle  
March 2, 1977  
Page 2

the premise that these violations should be legitimized by adopting the proposed change in the code. One method to address the problem for the future would be to revise our requirements for off-street parking spaces. It could well be done on a square foot of living space. For example, for each 1,000 square feet or fraction an additional parking space would be mandated. For a 2,500 square foot house, the requirement would be three. Admittedly, this addresses the problem only from now on and does nothing to alleviate the difficulties which we now have.

I have another point which I believe is of some importance. In some of the older areas as well as newer areas, single family houses develop into boarding houses. To allow the borders to use the front yard for parking will simply accelerate the degeneration of the neighborhood and deny to many people the protection they now have, meager though it may be.

Another source of grievances covers work on automobiles in private residences. If part of the front yard is permitted to be paved, I have the opinion that the paved portion in some cases will be converted into an outside workshop with the inevitable accumulation of junk automobiles, spare parts and the other features which are so common. I recognize the Health Department's jurisdiction over junk and inoperable automobiles is not being changed by the proposed amendment but we have all seen far too many cases where defendants in court actions argue apparent conflicts in adjoining laws, and in this case I am sure a defense will be, "How can I be guilty of keeping a junk automobile if Chapter 28.04.140 says I can pave half of my front yard and use it for parking? All I am doing is parking where the law says I can park." A large number of motor vehicles become of marginal value each year. If there is no place on the property for convenient and easy storage of the marginal vehicle the owner will, in most cases, dispose of the car. If he is allowed to pave one-half of the front yard, then again in many, many cases the owner of the vehicle will elect to simply push it onto the paving and keep it there as a back up or whatever car.

FL:pc

cc: Bob Lakin, Director of Planning  
Bob Feldner, Supt. of Central Inspection  
Joe Donnelly, Maint. Inspection Supervisor  
Tom Powell, Assistant City Attorney

## FRONT YARDS

1. LAWNS, TREES, ETC
2. DISTANCE FROM ST. NOISE, FUMES ETC.
3. AREAS TO PROVIDE SEPARATION, LIGHT & AIR, VISUAL -
4. AESTHETIC VALUE TO A NEIGHBORHOOD

— TO PROVIDE AESTHETICS - CONTROL OVER USE  
AND APPEARANCE OF FRONT YARD IS IMPORTANT.

— CAMPERS, BOATS, TRUCKS, ETC <sup>160 (S)</sup> SHOULD BE REGULATED.

— ALSO MAINTAIN <sup>160 (L)</sup> REASONABLE AMOUNT OF GREENWAY.

Suggested - generally -

REQD. SPACES NOT TO BE LOCATED  
IN FEET. YD. SETBACK AREA.

HOWEVER ADDITIONAL ACCESSORY O.S.P.K.  
MAKE BE LOCATED ON SURFACED AREAS  
WITHIN THE FRONT YARD PROVIDED THE  
AREAS DO NOT OCCUPY MORE THAN ~~THE~~  
50% OF THE REQUIRED YARD.

11  
7  
5

Exception: Additional accessory off-street  
parking spaces may be located on surfaced  
areas within the above yards; provided however,  
the surfaced areas shall not occupy more than  
50% of the required yard areas adjacent to the  
street.

Exception: Required <sup>off street</sup> parking spaces for existing residential  
structures not exceeding four-family dwellings,  
and additional accessory off-street parking  
spaces for residential structures not exceeding  
four-family dwellings may be located on  
surfaced areas within the above yards;  
provided however, the surfaced areas shall  
not occupy more than 50% of the  
yard areas of a zoning lot adjacent to  
a street.

## FELDNER

- 1 Define driveway —
- 2 size of space for residential
- 3 surfacing
4. application to existing bldgs —
5. Applicability to non-conforming street
6. Day-care center - off street loading?

Mtg - 2-25-77 in Law Dept. Confer. Rm.

GRAVES, FELDNER, POWELL, GALBRAITH, LYTLE

P2 / be located adjacent to the main one  
or be separated only by an alley and be located etc.

Feldner -  
comment  
re: change  
5-2-77

2. <sup>as a main use;</sup>  
revised -  
located in a zoning district wherein the main  
use is, <sup>permitted</sup>, or be located in accordance

28.04.143 D.S.P. & C.A. Imp. — 1.1. Parking  
and driveway  
areas, for one, two, three and four family dwellings  
shall be surfaced with an all weather  
surface consisting of concrete, asphaltic concrete,  
asphalt, bricks, gravel not less than 1/2 inch  
diameter, or other material treated to prevent dust.  
Any material used for surfacing that is not  
monolithic shall be provided with curbs  
of concrete, brick, metal or wood sufficient to  
contain all loose material within the  
driveway or parking areas.

1.2 For all off-street parking lots, ~~and~~  
loading areas

**THE CITY OF WICHITA**

**OFFICE OF** Central Inspection Division

**DATE** February 16, 1977



**TO** John Delker, Director of Law

**FROM** Robert B. Feldner, Superintendent of Central Inspection

**SUBJECT** Revision to Section 28.04.140  
of the City Code

In response to the City Manager's memo to you, dated February 15, 1977, titled as above, I would like to recommend that a meeting be held between your office, the Metropolitan Area Planning Department and Central Inspection Division.

It appears that any change to this section will involve numerous definitions and clarifying passages. Prior conversations with the Director of Planning indicate that he has concerns and recommendations which should be included.

I will be happy to meet at your convenience.

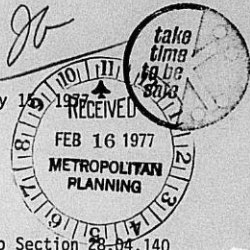
  
Robert B. Feldner  
Superintendent of Central Inspection

RBF:idh

cc: Robert G. Finch, Assistant City Manager  
R. W. Bruggeman, Director of Public Works  
Robert Lakin, Director of Planning

**THE CITY OF WICHITA**  
OFFICE OF CITY MANAGER

*gf*  
DATE February 15, 1977



TO John Dekker, Director of Law  
FROM Robert G. Finch, Assistant City Manager

SUBJECT Revision to Section 28.04.140  
of the City Code

On February 15, 1977, the City Commission directed that an ordinance be submitted in three weeks to clarify Section 28.04.140 of the City Code as pertains to parking of vehicles in residential zoning districts.

Please work with Messrs. Feldner and Lakin to return the proposed amendment to the City Commission at its meeting of March 14, 1977.

*Robert G. Finch*

Robert G. Finch  
Assistant City Manager

RGF:mp

cc: Robert A. Lakin, Director of Planning ✓  
Robert Feldner, Superintendent of Central Inspection

**THE CITY OF WICHITA**  
OFFICE OF Grievance Office

DATE February 18, 1977




TO Bob Lakin, Director of Planning  
FROM Fredrick Linde, Grievance Officer

SUBJECT Parking Regulations



As you know, I had suggested to Mr. Denton the idea of codifying the present vehicle parking regulations in Chapter 28 of the City Code. Along with this, I believe there would be a place for a simple tabular display of parking regulations on private property. Whether or not incorporated in any future code, the tables would serve as a handy guide to the city restrictions and requirements and would simplify the average citizen's understanding of the requirements. If nothing else, the table by itself could be made available through PIO.

Attached, is a suggested summary covering regulations in "AA" and "A" zones. If this approach appears to have merit, it could easily be expanded to include the other zoning areas and might include in addition, a brief summary on the resident's responsibility for junk and inoperable cars, for the maintenance of antique vehicles and restrictions on auto repair work on private property.

  
Fredrick Linde,  
Grievance Officer

FL:pc  
cc: Mr. E. H. Denton, City Manager  
Mr. Robert Feldner, Supt. of Central Inspection  
Mr. John Dekker, City Attorney

Attachment

Parking Regulations for Private Property

Zone

Single family "AA" = Passenger auto-1 - off-street space required for passenger auto: parking space is to be beyond front yard building setback - at least 25' from front property line. The parking space may be along house or in rear. A driveway alone will not satisfy the requirement.

Recreational (boat, motor camper, etc.) - no space required, unless if maintained at residence must not be parked or stored on any portion of front yard setback, including driveway.

Truck, other than pick up - no space required, except none permitted on any part of the property except one truck if not over 2 tons capacity may be maintained inside a garage.

Commercial, such as tractors, bulldozers: none permitted

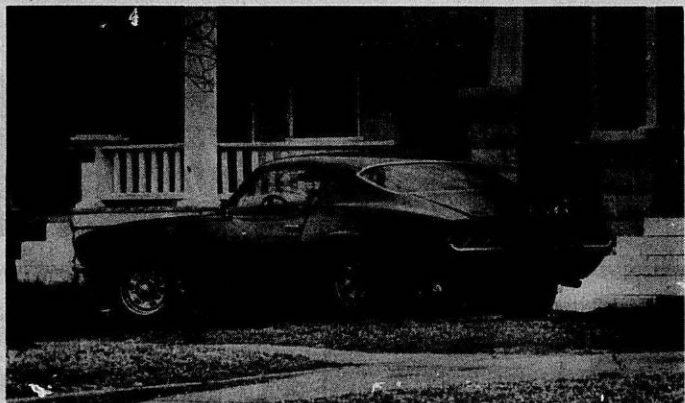
Two family "A" -  
Duplexes

Passenger auto - 1 each unit required, as in "AA"

Recreational - same as "AA"

Truck, etc. - same as "AA"

Commercial - same as "AA"



Staff Photos

**CITY ORDINANCE PROHIBITS PARKING IN FRONT YARDS**  
... Many homes in Midtown area don't have enough parking spots

# Front-Yard Parking Issue Has Everyone Confused

By TERRY HORNE  
Staff Writer

The city has been cracking down recently in the Midtown area on enforcement of a little-known ordinance that prohibits homeowners from parking cars in their front yards.

The city's central inspection division has written about 30 warnings since late January after it received a complaint from the Midtown Citizens Association that the ordinance was being violated.

The citizens' group said the parked cars in front yards gives the neighborhood a blighted appearance.

But what seemed like a simple enforcement of the law became clouded Tuesday when the daughter of a 77-year-old woman who was issued a warning appeared before the city commission.

**MRS. MARLENE PETTY**, daughter of Mrs. Goldie Wilson, 1745 N. Waco, told the commission her mother was cited for parking her car in her driveway. She said her mother was told by city officials that the law prohibited her from parking in her driveway.

Vice-Mayor Jack Shanahan, apparently contacted by Mrs. Petty before the meeting, said he wanted an interpretation of the ordinance because, "I've read it a dozen times and I feel like I cannot park in my own driveway."

Bob Lakin, head of the Metropolitan Area Planning Department, said the ordinance "is less than clear" but said it has been interpreted to mean that each dwelling has to have a parking space beyond the "front-yard

setback," which generally is 25 feet from the curb.

However, cars can be parked in a driveway within the front-yard setback.

**THE ORDINANCE** prohibits parking in landscaped areas or in areas other than for access within the front-yard setback, said Bob Feldner, head of central inspection.

Feldner said no tickets were given to persons in the Midtown area who parked in their driveways.

He said Mrs. Wilson was cited because she had converted half her front yard into a sand-covered driveway, which does not meet the city's criteria.

"A driveway shall be paved or an otherwise all-weather surface," Feldner said.

Lakin said the problem has arisen in the Midtown area because many of the large, older homes had been converted into apartments without enough garage or side-yard parking spaces for the tenants.

"**OBVIOUSLY, THERE** has been some confusion on the enforcement of the ordinance," Lakin said.

In an interview, Bill Loepp of central inspection, who issued the warnings in Midtown, said none were issued to persons who parked in driveways. He said interpreting the ordinance that way would be unenforceable "because everyone does it."

Mike Gragert, president of Midtown Citizens Association, told commissioners his group isn't against people parking in their driveways. He said members only opposed front yards being used for parking lots.

Loepp said warnings usually aren't issued until his office gets a complaint from the public.

"**WE DON'T SPEND** our time driving around looking for that sort of thing," he said.

On a motion by Shanahan, the commission voted unanimously to have the city's law department return in three weeks with a revised ordinance that "will hopefully clearly state what is to be accomplished."

City Manager Gene Denton said the city staff will work with Midtown residents who received warnings to find a solution to their parking problem.

The area generally affected by the warning crackdown is between 21st Street North and Murdock and the Arkansas River and St. Francis.