

DR 62-17 - REQUEST FROM OBLINGER & SMITH TO CONSIDER AMENDMENT TO ZONING ORDINANCE ELIMINATING MAXIMUM HEIGHT RESTRICTIONS.

ACTION

DATE

COMMITTEE	DATE
<i>advis. by 12-20-62</i>	<i>11-1-62</i>
<i>M.A.P.C.</i>	<i>12-20-62</i>
<i>M.A.P.C.</i>	<i>Def. to approve Feb. 7.</i>
<i>B.C.C. # 006</i>	<i>2-7-63</i>
<i>B.C.C.</i>	<i>1-17-63</i>
	<i>2-5-63</i>
	<i>2-12-63</i>

Closed

See # 26-962

that answer must be given

- 2.2 On all lots which are hereafter improved with major buildings or additions to major buildings, there shall be a side yard on each side of not less than five feet in width, provided, however, that on a lot of record at the time of the adoption of Ordinance No. 10-107 (October 1, 1928) having a width of forty feet or less, and held under a distinct ownership from adjoining lots, the width of each side yard shall be not less than three feet, and provided further, that a multiple-family dwelling which is constructed with the front entrance to two or more units facing the side of lots shall have a minimum side yard of ten feet on that portion of the side of the building where such entrances are located.
- 2.3 A side yard width of not less than twenty-five feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, and churches and having accommodations seating two hundred fifty persons or more, community houses and other public and semipublic buildings used, constructed or enlarged in the "RB" office district.
- 2.4 Accessory structures shall be located in compliance with the side yard requirements for main uses or structures of the district in which located. No accessory structure shall be located on any unplatted or recorded easement, or over any known utility.
3. Rear Yard:
- 3.1 There shall be a rear yard having a depth of not less than fifteen feet. If more than one building is constructed on a corner lot, there shall be not less than twenty feet between the front and rear buildings and the depth of the rear yard of the rear building shall be not less than ten feet.
- 3.2 Accessory structures shall not be less than 5 feet from any rear yard line except that accessory structures shall be not less than ten feet from the center line of any platted alley.
4. Lot Area Per Family:
- 4.1 The lot area per family for single-family dwellings shall be not less than three thousand five hundred square feet; for two-family dwellings, not less than two thousand square feet per family; and for multiple-family dwellings, not less than five hundred eighty square feet per family, provided that the application of this rule shall not reduce the yard requirements and provided, further, that this regulation shall not apply to motels or hotels which do not provide cooking facilities in the individual rooms or living units.
- 4.2 The maximum building coverage of land area shall not exceed more than one third of the total land area.

SECTION 3. That Section 7 of Ordinance No. 28-424 of the City of Wichita, Kansas, be amended to read as follows:

28-424 "LC" LIGHT COMMERCIAL DISTRICT REGULATIONS. in the "LC" light commercial district, no buildings or premises shall be used and no building shall be hereafter erected, enlarged, converted or altered, unless otherwise provided in this chapter, except for one or more of the following uses, and all buildings erected, enlarged, converted or altered in the "LC" light commercial district shall conform to the following area and height regulations:

- A.—USE REGULATIONS.**
1. Permitted Uses:
- 1.1 In those portions of the "LC" light commercial district which are less than one hundred feet in continuous length, any use permitted in the adjoining dwelling district shall be permitted. In all other portions of the "LC" light commercial district, any use permitted in the "RB" multiple-family dwelling district shall be permitted.
- 1.2 All purely retail businesses; provided, that all articles for sale, rent, display, storage or hire must be kept within an enclosed building.
- 1.3 Bakeries employing not more than five persons in preparing and baking its products.
- 1.4 Banks.
- 1.5 Barbershops.
- 1.6 Beauty parlors.
- 1.7 Business or commercial schools.
- 1.8 Catering establishments.
- 1.9 Filling stations.
- 1.10 Food locker plants with a capacity of not more than five hundred lockers.
- 1.11 Garages, public; provided, no body or fender work is done.
- 1.12 Garages, storage.
- 1.13 Laundry or dry cleaning establishment employing not more than five persons who are actually engaged in laundry and dry cleaning work.
- 1.14 Motel and hotels.
- 1.15 Offices.
- 1.16 Printing shops employing not more than five persons engaged in the mechanical operations ordinarily used in production of printed matter.

- 1.17 Processing of food not involving the use of raw materials and not involving more than five persons in the kitchen.
- 1.18 Real estate offices.
- 1.19 Self-service laundries.
- 1.20 Shoe shops employing not more than five persons in resoling shoes.
- 1.21 Studios.
- 1.22 Tailor shops; provided, there are not more than five persons employed in the shop.
- 1.23 Theaters or places of public entertainment.
- 1.24 Advertising signs, provided they advertise only services, articles and products offered within the building located upon the premises whereupon the sign is located.
- 1.25 Mortuaries of funeral homes may be permitted within the light commercial districts provided such buildings are located not less than two hundred feet from the boundary of the "AA", "A", and "RB" districts.
- 1.26 Small animal clinics for treatment and boarding of dogs, cats and other pets; provided, that all animals shall be harbored indoors; no noise or odors from such use shall be discernible at any building line.
- 2.1 No billboards or roof signs shall be permitted.
- 2.2 Nothing in the above uses shall be construed as to permit the erection or use of buildings or premises for tourist cabins or trailer camps, furnished homes, except as noted in 1.25 above, miniature golf courses, amusement parks, or other outdoor places of entertainment.

B.—HEIGHT REGULATIONS.
No building shall exceed eighty feet at the required front, side and rear yard lines, but ten feet may be added to the height of the building for each one foot that the lot or portion thereof is set back from the required yard line.

C.—AREA REGULATIONS.

1. Front Yard:
1.1 In those portions of the "LC" district which occupy part of the lot on one side of the street between two intersecting streets and the remainder of the distance is in a dwelling district, the front yard regulation shall be the same as that of the dwelling district in the remainder of the block.

1.2 In all locations where building lines or setback lines or front yard lines are shown on plat maps, no building shall be erected unless approved by the planning commission and which are recorded in the office of the register of deeds of the county. The minimum front yard setback shall be the same as the distance between the front lot line and the building or setback line shown on the plat.

1.3 In all other locations in the "LC" district, the minimum front yard setback shall be ten feet; provided, that no building shall be required on a lot located in a portion of an "LC" district consisting of nine hundred feet or more in continuous length, nor shall this setback restriction apply if the "LC" district adjoins a "C", "D", "E", "F" or "G" district and the total distance of such districts which adjoin each other is nine hundred feet or more in continuous length; provided, further, that the minimum front yard setback of all lots between two adjacent conforming use buildings which are not more than one hundred feet between buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question. Where the lot under construction adjoins on one side only a lot having an existing conforming use building, the minimum front yard setback shall be determined by the following formula:

$$10 + \frac{X}{2}$$

Where "X" equals the minimum front yard setback of the existing building.

Where there are through lots, the above front yard requirements shall apply to the frontage on both streets.

- 1.4 The application of these regulations shall not increase the front yard setback to more than fifteen feet, and provided further, that existing buildings with front yard setbacks in excess of fifteen feet shall not be considered.
2. Side Yard:
2.1 Buildings erected, enlarged or used for commercial purposes need not provide any side yard, but if any side yard is provided, and the side yard adjoins another lot, the side yard shall be not less than five feet, provided that a commercial building located at the boundary line between the "LC" district and any dwelling district shall provide a side yard width of not less than five feet on the side adjoining the dwelling district.

- 2.2 The side yard regulations for buildings erected, enlarged, converted or structurally altered for dwelling purposes, including motor courts, shall be the same as those in the "RB" multiple-family dwelling district.
3. Rear Yard:
3.1 There shall be a rear yard having a depth of not less than fifteen feet on all lots which are developed for residential use, including those used for motor courts; on lots which are used for commercial purposes, the rear yard depth shall be not less than ten feet.
4. Lot Area Per Family:
4.1 In those portions of the "LC" district which adjoin and front upon the same street as the "AA" dwelling district, the minimum lot area per family shall be not less than six thousand five hundred square feet, excepting that on corner lots, the lot area per family shall be not less than three thousand square feet.
- 4.2 In those portions of the "LC" district which adjoin and front upon the same street as the "RB" dwelling district, the lot area per family shall be not less than three thousand square feet, provided that on corner lots, the lot area per family shall be two thousand two hundred square feet.
- 4.3 In those portions of the "LC" district which adjoin and front upon the same street as the "B" dwelling district, the minimum lot area per family shall be one thousand five hundred square feet.
- 4.4 In all other portions of the "LC" district, the minimum lot area per family shall be five hundred eighty square feet.

SECTION 4. That said original Section 3, Section 8 and Section 7 of Ordinance No. 28-424 of the City of Wichita, Kansas, be hereby repealed.

SECTION 5. This ordinance shall take effect on its passage and publication once in the official city paper.

PASSED and approved this 12th day of February 1933.
 (Seal) **Orland P. Byrd,**
 President of the Board of Commissioners
 Attest: **C. H. Funk, City Clerk.** (1-1)

January 30, 1963

Board of City Commissioners
City Building
Wichita, Kansas

Gentlemen:

Re: DR 62-17 - Proposed amendment
to Zoning Ordinance
Public hearing

At the regular meeting of the Metropolitan Area Planning Commission held on January 17, 1963, a public hearing was held for consideration of proposed amendments to the City Zoning Ordinance.

It was moved, seconded and carried unanimously that the Planning Commission recommend to the Board of City Commissioners that the Zoning Ordinance be amended as follows:

SECTION 28.04.070 - "B" MULTIPLE FAMILY DWELLING DISTRICTS

B. HEIGHT REGULATIONS

No building shall exceed fifty-five feet in height at the required front, side and rear yard lines, but above the height permitted at such yard lines, one foot may be added to the height of the building for each one foot that the building or portion thereof is set back from the required yard lines.

SECTION 28.04.080 - "BB" OFFICE DISTRICT REGULATIONS

B. HEIGHT REGULATIONS

No building shall exceed fifty-five feet in height at the required front, side and rear yard lines, but above the height permitted at such yard lines, one foot may be added to the height of the building for each one foot that the building or portion thereof is set back from the required yard lines.

Board of City Commissioners
January 30, 1963

SECTION 28.04.090 - "LC" LIGHT COMMERCIAL DISTRICT REGULATIONS

B. HEIGHT REGULATIONS

No building shall exceed eighty feet at the required front, side and rear yard lines, but two feet may be added to the height of the building for each one foot that the building or portion thereof is set back from the required yard lines.

Respectfully submitted,

L. L. Little
Secretary

LLL:PAL:ber

JANUARY 18, 1963

MR. FRANK SMITH
918 CENTRAL BUILDING
WICHITA, KANSAS

SUBJECT: DR 62-17

DEAR MR. SMITH:

AT ITS REGULAR MEETING ON JANUARY 17, 1963, THE METROPOLITAN AREA PLANNING COMMISSION RECOMMENDED TO THE BOARD OF CITY COMMISSIONERS THAT THE AMENDMENT TO THE TEXT PROVISIONS OF THE ZONING ORDINANCE RELATING TO HEIGHT REQUIREMENTS IN THE "B", "BB" AND "LC" ZONING DISTRICTS BE APPROVED.

THIS AMENDMENT WILL BE FORWARDED TO THE CITY COMMISSION AT SUCH TIME THAT AN ORDINANCE CAN BE PREPARED. WE WILL CONTACT YOU AT SUCH TIME AS THE AMENDMENT IS PREPARED AND THE DATE ON WHICH IT WILL BE FORWARDED TO THE CITY COMMISSION.

SINCERELY YOURS,

ROBERT A. LAKIN
SENIOR PLANNER

RAL/JWH:MM

TO: METROPOLITAN AREA PLANNING COMMISSION
FROM: L. L. LITTLE, DIRECTOR OF PLANNING
SUBJECT: DR 62-17 HEIGHT REGULATIONS IN "B", "BB" AND "LC"
ZONING DISTRICTS

DATE: JANUARY 10, 1963

AT THE PLANNING COMMISSION MEETING OF DECEMBER 20, 1962, QUESTIONS WERE RAISED AS TO THE PHRASEOLOGY OF THE PROPOSED AMENDMENT AS SET FORTH ON THE AGENDA. ONE OF THE PHRASES WAS THE HEIGHT LIMITATION WHICH RESTRICTS A STRUCTURE TO 125 FEET IN THE "B" AND "BB" DISTRICTS, AND TO 10 STORIES OR 125 FEET IN THE "LC" DISTRICT. AT THIS MEETING, GLEN LYTLE, SUPERINTENDENT OF CENTRAL INSPECTION, ANTICIPATED SOME PROBLEMS OF ADMINISTRATION OF THE PROPOSED ORDINANCE AS WRITTEN. SUBSEQUENT DISCUSSIONS WITH MR. LYTLE HAVE INDICATED THAT THE REVISED PROPOSAL WOULD SOLVE THE PROBLEMS OF ADMINISTRATION.

ANOTHER QUESTION WAS AS TO WHETHER OR NOT AN OVERALL HEIGHT LIMITATION SHOULD BE ESTABLISHED. THE STAFF SEES NO PARTICULAR REASON WHY THESE HEIGHT LIMITATIONS COULD NOT OR SHOULD NOT BE DELETED, PROVIDED THAT ADEQUATE SETBACKS ARE MAINTAINED. UNDER THE TERMS OF THE REVISED AMENDMENT, NO ABSOLUTE STORY OR FOOT HEIGHT LIMITATION IS INCLUDED. THE ONLY LIMITATION AS TO HEIGHT WOULD BE THE PROPER SETBACK AND THE REQUIRED LOT AREA PER FAMILY AS SET FORTH IN OTHER SECTIONS OF THE ZONING ORDINANCE.

THE ATTACHED GRAPHS AND PERSPECTIVES SHOW HEIGHT RESTRICTIONS IN VARIOUS ZONING DISTRICTS FOR A GIVEN SETBACK, AND SETBACK REQUIREMENTS FOR A GIVEN HEIGHT.

IT IS RECOMMENDED THAT THE AMENDMENTS BE REVISED AND RECOMMENDED FOR ADOPTION AS FOLLOWS:

SECTION 28.04.070.B - "B" HEIGHT REGULATIONS

AMEND TO READ AS FOLLOWS:

NO BUILDING SHALL EXCEED FORTY-FIVE FIFTY-FIVE FEET IN HEIGHT AT THE REQUIRED FRONT, SIDE AND REAR YARD LINES, BUT ABOVE THE HEIGHT PERMITTED AT SUCH YARD LINES, ONE FOOT MAY BE ADDED TO THE HEIGHT OF THE BUILDING FOR EACH ONE FOOT THAT THE BUILDING OR PORTION THEREOF IS SET BACK FROM THE REQUIRED LINES, PROVIDED HOWEVER, THAT IN NO CIRCUMSTANCES SHALL THE BUILDING EXCEED A HEIGHT OF ONE HUNDRED TWENTY-FIVE FEET.

SECTION 28.04.080.B - "BB" HEIGHT REGULATIONS

AMEND TO READ AS FOLLOWS:

NO BUILDING SHALL EXCEED ~~FORTY-FIVE~~ FIFTY-FIVE FEET IN HEIGHT AT THE REQUIRED FRONT, SIDE AND REAR YARD LINES, BUT ABOVE THE HEIGHT PERMITTED AT SUCH YARD LINES, ONE FOOT MAY BE ADDED TO THE HEIGHT OF THE BUILDING FOR EACH ONE FOOT THAT THE BUILDING OR PORTION THEREOF IS SET BACK FROM THE REQUIRED YARD LINES, PROVIDED HOWEVER ~~THAT IN NO INSTANCE SHALL THE BUILDING EXCEED A HEIGHT OF ONE HUNDRED TWENTY-FIVE FEET.~~

SECTION 28.04.090.B - "LC" HEIGHT REGULATIONS

AMEND TO READ AS FOLLOWS:

NO BUILDING SHALL EXCEED ~~SIX-STORIES-OR~~ EIGHTY FEET AT THE REQUIRED FRONT, SIDE AND REAR YARD LINES, BUT TWO FEET MAY BE ADDED TO THE HEIGHT OF THE BUILDING FOR EACH ONE FOOT THAT THE BUILDING OR PORTION THEREOF IS SET BACK FROM THE REQUIRED YARD LINES, PROVIDED HOWEVER ~~THAT IN NO INSTANCE SHALL THE BUILDING EXCEED A HEIGHT OF TEN STORIES-OR ONE HUNDRED TWENTY-FIVE FEET.~~

L. L. LITTLE
DIRECTOR OF PLANNING

"LC" DISTRICT

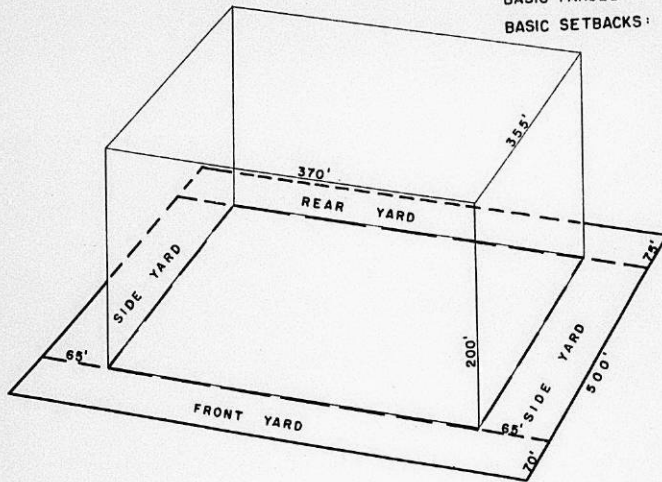
BASIC PARCEL SIZE - 500' X 500'

BASIC SETBACKS:

FRONT - 10'

SIDE - 5'

REAR - 15'



"B" and "BB" DISTRICTS

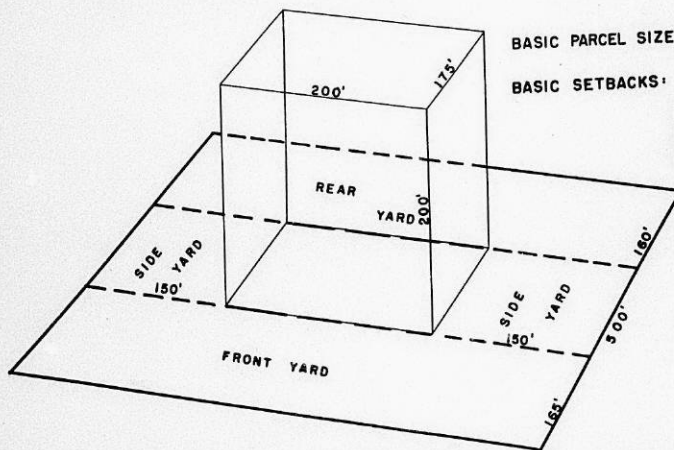
BASIC PARCEL SIZE - 500' X 500'

BASIC SETBACKS:

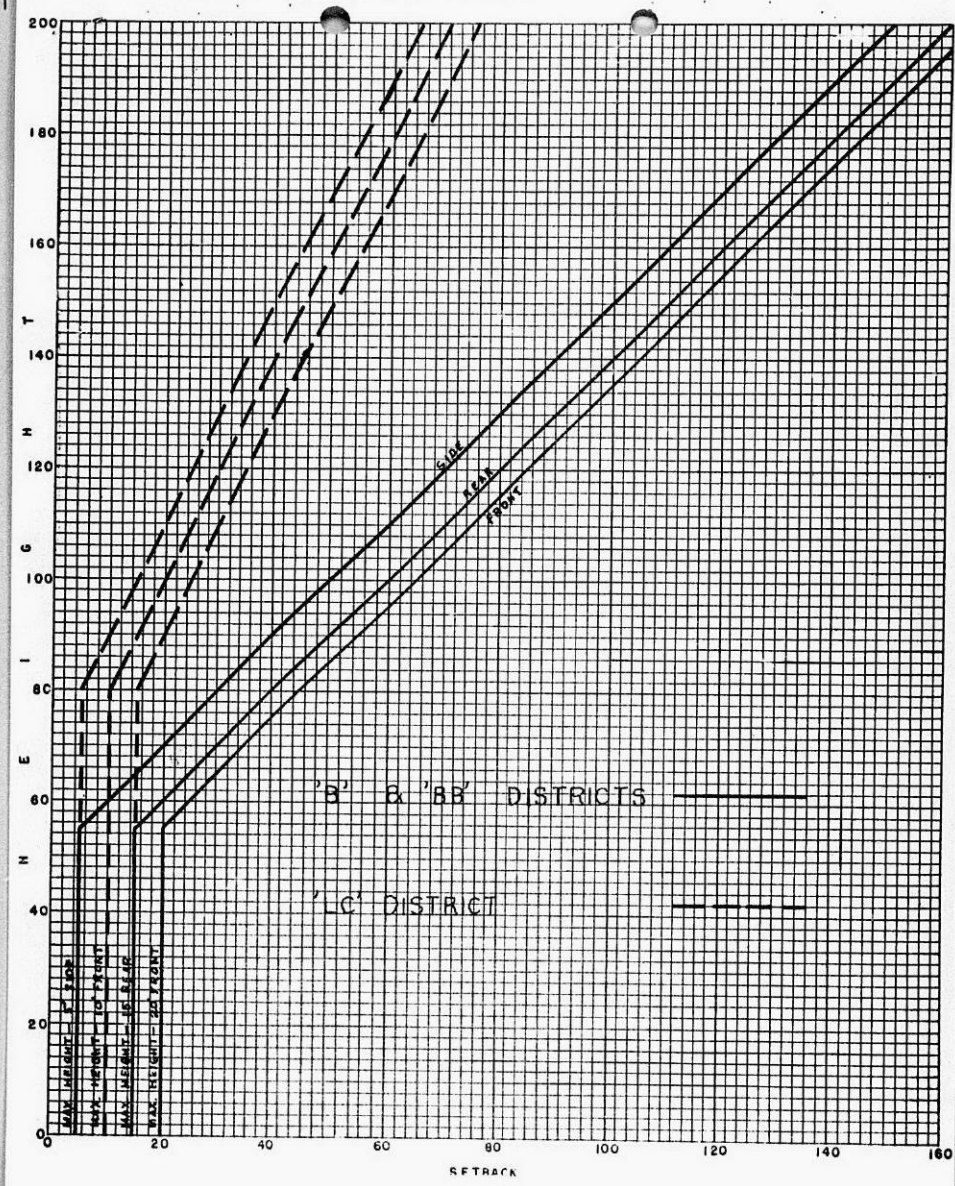
FRONT - 20'

SIDE - 5'

REAR - 15'



HEIGHT - SETBACK RATIO



() (PUBLISHED IN THE WICHITA EVENING EAGLE AND BEACON ON 11-1, 1962) *Marcia*

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THE 20TH DAY OF DECEMBER, 1962, THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, AT 2 P.M. WILL CONSIDER THE FOLLOWING CHANGE TO TITLE 28, THE CODE OF THE CITY OF WICHITA, KANSAS:

SECTION 28.04.070.B - "B" MULTIPLE FAMILY DWELLING DISTRICT REGULATIONS

AMEND TO READ AS FOLLOWS:

B. HEIGHT REGULATIONS

NO BUILDING SHALL EXCEED FOUR STORIES AT THE REQUIRED FRONT, SIDE AND REAR YARD LINES, BUT ABOVE THE HEIGHT PERMITTED AT SUCH YARD LINES, ONE FOOT MAY BE ADDED TO THE HEIGHT OF THE BUILDING FOR EACH ONE FOOT THAT THE BUILDING OR PORTION THEREOF IS SET BACK FROM THE REQUIRED YARD LINES; PROVIDED, HOWEVER, THAT IN NO INSTANCE SHALL THE BUILDING EXCEED A HEIGHT OF MORE THAN TWENTY STORIES.

SECTION 28.04.080.B - "BB" OFFICE DISTRICT REGULATIONS

AMEND TO READ AS FOLLOWS:

B. HEIGHT REGULATIONS

NO BUILDING SHALL EXCEED FOUR STORIES AT THE REQUIRED FRONT, SIDE AND REAR YARD LINES, BUT ABOVE THE HEIGHT PERMITTED AT SUCH YARD LINES, ONE FOOT MAY BE ADDED TO THE HEIGHT OF THE BUILDING FOR EACH ONE FOOT THAT THE BUILDING OR PORTION THEREOF IS SET BACK FROM THE REQUIRED YARD LINES; PROVIDED, HOWEVER, THAT IN NO INSTANCE SHALL THE BUILDING EXCEED A HEIGHT OF MORE THAN TWENTY STORIES.

SECTION 28.04.090.B - "LC" LIGHT COMMERCIAL DISTRICT REGULATIONS

AMEND TO READ AS FOLLOWS:

B. HEIGHT REGULATIONS

NO BUILDING SHALL EXCEED SIX STORIES AT THE REQUIRED FRONT, SIDE AND REAR YARD LINES, BUT TWO FEET MAY BE ADDED TO THE HEIGHT OF THE BUILDING FOR EACH ONE FOOT THAT THE BUILDING OR PORTION THEREOF IS SET BACK FROM THE REQUIRED YARD LINES; PROVIDED, HOWEVER, THAT IN NO INSTANCE SHALL THE BUILDING EXCEED A HEIGHT OF TWENTY STORIES.

THE PROPOSED AMENDMENT WILL THERE BE DISCUSSED AND CONSIDERED BY THE SAID WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, AND ALL PERSONS INTERESTED IN SAID MATTER WILL BE HEARD AT THIS TIME CONCERNING THEIR VIEWS AND WISHES IN THE PREMISES, AND ANY PROTEST AGAINST ANY OF THE PROVISIONS OF THE PROPOSED CHANGE TO THE REVISED ZONING ORDINANCE WILL BE CONSIDERED BY THE COMMISSION AS BY LAW PROVIDED.

WITNESS MY HAND AND SEAL ON THIS 8TH DAY OF NOVEMBER, 1962.

(SEAL)

L. L. LITTLE, SECRETARY
WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA
PLANNING COMMISSION

THE CITY OF WICHITA

OFFICE OF Director of Public Works

DATE November 28, 1962

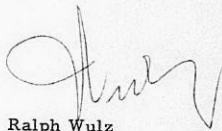
TO R. A. Lakin, Senior Planner

FROM Ralph Wulz, Director of Public Works

SUBJECT Proposed Amendments to
Zoning Ordinance

By memorandum dated November 8, 1962, you called my attention to a proposed amendment to the Zoning Ordinance to relax the maximum height requirements in certain districts.

This is to advise that this department has no objection to the proposed change.



Ralph Wulz
Director of Public Works

RW:dm



THE CITY OF WICHITA
OFFICE OF WATER DEPARTMENT

DATE November 19, 1962

TO Robert A. Lakin, Senior Planner
FROM Robert H. Hess, Director of Water

SUBJECT Proposed Amendments to Zoning Ordinance.

Regarding subject matter, there appear to be no problems which might arise for the Department.

Adequate water service will involve auxiliary facilities by the customer to boost and/or stabilize pressure. This presumably would be under the jurisdiction of Central Inspection.

Robert H. Hess
Robert H. Hess
Director of Water

RHH:FSB:lh



OBLINGER + SMITH LANDSCAPE ARCHITECTS AND PLANNERS



OCTOBER 25, 1962

MR. L. L. LITTLE
DIRECTOR OF PLANNING
METROPOLITAN AREA PLANNING
COMMISSION
CITY BUILDING ANNEX
WICHITA, KANSAS

DEAR MR. LITTLE:

WE ARE PRESENTLY RETAINED AS CONSULTANTS FOR A NUMBER OF APARTMENT PROJECTS. SOME OF THESE PROJECTS ANTICIPATE HIGH RISE BUILDINGS. UNDER THE EXISTING CITY ZONING ORDINANCE THE MAXIMUM ALLOWABLE BUILDING HEIGHT IS 125 FEET IN THE FOLLOWING DISTRICTS:

"B" - MULTIPLE-FAMILY DWELLING DISTRICT
"BB" - OFFICE DISTRICT
"LC" - LIGHT COMMERCIAL DISTRICT

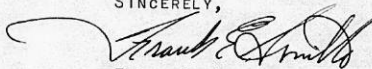
DEPENDING UPON THE STRUCTURAL SYSTEM USED, THIS HAS THE EFFECT OF LIMITING HIGH RISE BUILDINGS TO 12 TO 13 STORIES IN THESE DISTRICTS.

WE BELIEVE THAT WICHITA IS ENTERING AN ERA OF QUALITY APARTMENT DEVELOPMENT AND THAT THE EXISTING ARBITRARY HEIGHT LIMIT OF 125 FEET IS AN UNNECESSARY HARDSHIP AND RESTRICTION IN THE DESIGN OF THESE PRESENT DAY HIGH RISE PROJECTS.

IT IS OUR UNDERSTANDING THAT IN THE NEXT TWO YEARS THE PLANNING COMMISSION WILL DEVELOP A NEW ZONING ORDINANCE WHICH WILL REFLECT CONTEMPORARY BUILDING STANDARDS.

WE, THEREFORE, RESPECTFULLY REQUEST THAT THE COMMISSION CONSIDER THE ELIMINATION OF THE MAXIMUM HEIGHT LIMIT ONLY, WITHOUT ALTERING THE SETBACK OR DENSITY REQUIREMENTS, UNTIL SUCH TIME AS THE NEW ZONING ORDINANCE IS PREPARED.

SINCERELY,



FRANK E. SMITH

FES:BER