

ORDINANCE NO. _____

AN ORDINANCE RELATING TO ZONING AND EXCEPTIONS TO ZONING AMENDING SECTION 1 OF ORDINANCE NO. 27-281 OF THE CITY OF WICHITA, KANSAS, AND REPEALING SAID ORIGINAL SECTION 1 OF ORDINANCE NO. 27-281 OF THE CITY OF WICHITA, KANSAS.

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

SECTION 1: That Section 1 of Ordinance No. 27-281 of the City of Wichita, Kansas, be amended to read as follows:

SECTION 28.04.180 Exceptions. A. USE REGULATIONS.

This chapter shall not apply to existing structures nor to the existing use of any building which shall have complied with all the laws and ordinances in effect prior to the effective date of this chapter excepting for the future change to conforming use as provided in paragraph A of the preceding section. All zoning district regulations shall apply to any enlarging of a building for a nonconforming use in the district in which it is located, and to any alteration of a building which is intended to change its use to a less restricted classification.

1. Whenever the boundary line of any district divides a lot held under a separate ownership from adjoining lots at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), nothing herein shall be construed to prevent the extension of the use permitted on either portion of such lot or parcel of land for a distance not greater than twenty-five feet beyond the boundary line of the district.
2. In any location where two-family dwellings are located in any district with not more than one hundred foot frontage between the lots which they occupy, two-family dwellings may be constructed between them. If sixty per cent or more of the frontage on one side of the street between two intersecting streets is occupied by two-family dwellings on the effective date of this chapter, additional two-family dwellings may be constructed or existing buildings may be converted to two-family dwellings on both sides of the street in any district.
3. In any district where there are four-family dwellings with not more than one hundred feet frontage between the lots which they occupy, additional dwellings not exceeding four families may be constructed between them. If sixty percent or more of the frontage on one side of the street between two intersecting streets is occupied by four-family dwellings on the effective date of this chapter, additional dwellings not exceeding four families may be constructed or existing buildings may be converted to similar dwellings on both sides of the street in any district.

4. Outdoor amusement parks:

- 4.1 Any lawful uses of land or structures providing facilities for miniature golf courses, amusement parks or other outdoor places of entertainment existing at least six months prior to annexation to the city and covering an area of fifteen acres or more, may continue such operations although such use does not conform to the provisions hereof.
- 4.2 Such uses of such land or structures may be maintained, expanded or enlarged within the area owned, leased or rented by the owner or operator of such uses at least six months prior to annexation to the city; provided, however, such expansion or enlargement does not exceed fifty per cent of the existing floor and game area at the time of such annexation.
- 4.3 Such expansion, enlargement or maintenance, shall be in accordance with the height and area regulations of the "B" multiple-family dwelling district.
- 4.4 Any such structure destroyed or partially destroyed by fire, flood, wind, earthquake or other calamity or by the public enemy, may be rebuilt and used for its original purpose.
- 4.5 In the event of discontinuance for a period of two years, paragraph B, of the preceding section, shall then apply to such use.
- 4.6 This subsection shall be effective and apply to all such uses and structures annexed to the city after June 1, 1951.

5. Trailer camps:

The board of zoning appeals may by special permit after a public hearing allow trailer camps, subject to conditions outlined below, in light commercial districts adjacent to roads designated as federal or state routes. Such location shall first be approved by the planning commission when such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the master or comprehensive plan.

- 5.1 Minimum area per trailer, exclusive of car or truck parking space, drives and front, rear, side or play yard - 40' x 25'.
- 5.2 One car or truck parking space shall be provided for each trailer, and not counted as part of the required drive.
- 5.3 A play area in one plot shall provide at least six thousand square feet for the first twenty trailers and an additional two hundred square feet for each trailer more than twenty.

- 5.4 Drives within the trailer area shall be at least twenty-two feet wide, and shall be paved, graveled or similarly surfaced, any of which shall be treated to prevent dust.
 - 5.5 Access and exit roads shall be arranged and located so as to avoid traffic congestion.
 - 5.6 A permanent screen at least five feet high shall enclose the area, except in providing visibility for entrance and exit drives, and shall be provided by the erection and maintenance of a solid wall, uniformly painted board fence, or compact evergreen planting.
 - 5.7 Properly lighted, but any lights used to illuminate such areas shall be so arranged so as to reflect the light away from adjoining premises.
 - 5.8 Compliance with such other requirements as may be deemed necessary by the Wichita-Sedgwick County Health Department.
 - 5.9 If use as a trailer camp is discontinued for a period longer than six months, the permit is revoked and the owner of the land shall restore it to its unimproved condition.
 - 5.10 These conditions shall be attached to the recorded deed of the land and shall be complied with by the present and future owners until such time as this use is discontinued.
6. Conditional uses in "LC" districts: The board of zoning appeals may by special permit authorize the uses specified below in "LC" light commercial districts subject to the following conditions and requirements:
- 6.1 Such location shall first be approved in writing by the planning commission who shall find such use is desirable and essential and is in harmony with the various elements or objectives of the master or comprehensive plan.
 - 6.2 The minimum land area - two acres.
 - 6.3 The maximum building coverage of land area shall be one square foot of ground area of the building to three square feet of land area.
 - 6.4 The minimum setback of any building from the property lines shall be thirty feet; however, the board of zoning appeals may grant a variance to this requirement in unusual conditions.
 - 6.5 All materials shall be within a completely enclosed building (no outside storage).
 - 6.6 All parking and loading areas shall be paved with concrete or asphalt and must not cover more than one-half of required open space.

- 6.7 The maximum number of employees shall be fifteen per acre of net land area in any one shift.
- 6.8 No noxious odors or undue noise shall be detectable from the property line.
- 6.9 The board of zoning appeals must find that the plans assure the proper treatment of screening and compatibility of such construction to the adjoining property and surrounding neighborhood.
- 6.10 Uses that may be so authorized are: (a) bakery, and (b) bottling works.
7. Auto wrecking, salvage yards, used material yards, storage or baling of waste or scrap paper, rags, scrap metals, bottles, or junk may be authorized in the "E" light industrial district by the governing body under a special permit, provided that such operation is not on a main thoroughfare or business street, and in the opinion of the governing body will not adversely affect the character of the neighborhood, is enclosed by a metal or wood fence not less than eight feet in height and having cracks and openings not in excess of five percent of the area of such fence, subject to any other requirements which may be specified by the governing body, and that all waste paper, rags or materials than can be scattered by the wind shall be kept in a building suitable for that purpose, and provided further, that the board of commissioners may impose such additional special conditions to protect the health, safety and welfare of the neighborhood as the board of commissioners may deem proper, including (but not limited to), the posting of a performance bond.
8. The board of commissioners may, by special permit and subject to such protective restrictions as it deems necessary, authorize the location in any district within the city, of any public building erected and used by any department of the city, county, state or federal government, or any building or other structure erected and used by any public utility operated under a franchise granted by the city.
9. The board of commissioners may, by special permit and subject to such protective restrictions as it deems necessary, authorize the extraction of gravel, or sand from either of the rivers within the city.
10. Oil well drilling and operation by special permit:
The board of city commissioners may by special permit authorize the drilling and operation of oil wells in any district; provided that in any district except "E" and "F" the proposed well location shall first be submitted by proper application to the planning commission, who shall hold a hearing and make its recommendation within twenty-one days with respect to whether such use is reasonable and is in harmony with the surrounding area and the objectives of the comprehensive plan, and will preserve property values, personal and property rights, as well as promote the general welfare of the community; and provided further that in any district except "E" and "F" the following conditions are met:

- 10.1 All storage of oil and waste and all pumping equipment and appurtenances shall be enclosed. Such enclosure shall be compatible in construction and design with the surrounding area, and may or may not require a roof, depending on the location and recommendation of the planning commission in each individual case.
- 10.2 The hauling of oil and water, except in case of emergency, shall be during daylight hours only.
- 10.3 The owners of all surface rights of all property within two hundred feet of the well and all equipment appurtenant thereto must give consent in writing, by lease or otherwise, to drilling of an oil well on or within 200 feet of their property.
- 10.4 The owners of the surface rights of seventy-five per cent of the land within the drilling unit must give consent in writing, by lease or otherwise, to drilling of an oil well within said unit.
- 10.5 All provisions of this section are in addition to the restrictions in chapter 25.04 of this code.

11. Swimming clubs - Private, non-profit by special permit:

The board of city commissioners may by special permit authorize the location of such use in the "AA", "A", and "RB" districts, providing the following conditions have been met and further provided that such location and preliminary plans shall first be approved in writing, by the planning commission, who shall first find that such use is reasonable and is in harmony with the surrounding area and the objectives of the comprehensive plan and will preserve property values, personal and property rights, as well as promote the general welfare of the community.

- 11.1 Only facilities for games and outdoor uses such as swimming pool, shuffle board, croquet or tennis courts, shall be permitted. Indoor facilities shall include only meeting rooms and locker rooms. These games and buildings shall not be located within fifty feet of the side property lines, twenty feet of the rear property line, and as required elsewhere in the zoning ordinance for front property lines. No permit under this paragraph shall be granted unless and until the petitioner files the consent, duly acknowledged, of one hundred per cent of the owners within one hundred feet of the property on which such use is to be located.
- 11.2 Solid fencing and screening from abutting property of all outdoor activity areas shall be at least six feet in height. If parking areas are outside this six-foot fence, then a wall at least three and one-half feet in height shall be constructed around parking area to protect adjoining property from headlights.
- 11.3 Any pumps and filters which are located aboveground shall be at least fifty feet from abutting properties.

- 11.4 Only the dispensing of beverages, candy and tobacco shall be permitted, and these shall be from coin-operated machines.
- 11.5 All lights shall be shielded to reflect or direct light away from adjoining property.
- 11.6 No loud speakers or amplification system shall be used so as to be heard outside of the building.
- 11.7 The required parking space shall be computed on the basis of one space, two hundred fifty square feet, for each seventy square feet of pool area.
- 11.8 Parking areas shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surface and shall be maintained in good condition free of all weeds, dust, trash and other debris.

12. Small animal clinic in "BB" office district.

The board of zoning appeals may, by special permit after a public hearing and subject to conditions, allow small animal clinics in the "BB" office district.

12.1 Prior to granting of such permit, the board shall find from plans and specifications submitted that no noise or odors shall be discernible at any exterior building line.

12.2 Treatment shall be limited to dogs, cats and other small animals, all animals shall be harbored indoors.

13. Fallout shelters. Fallout shelters are permitted as accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately. Such shelters shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

The board of zoning appeals may permit, as an exception, construction of joint shelters by two or more property owners. Where such joint shelters are permitted, the board may waive the side and rear yard requirements on the property or properties involved in the construction of the joint shelter to the extent necessary to permit practical and efficient location and construction, provided, however, that side and rear yard requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

14. The board of zoning appeals may by special permit grant exceptions and authorize these uses

New and used car sales
Trailer sales
Trailer, vehicle and equipment rental

in the "LC" light commercial districts subject to the following conditions and requirements:

- a. Location contiguous to a major street as designated in the Pattern For Thorofares, Wichita, Kansas, 1955, or amendments thereto.
 - b. Such screening for areas contiguous to residential zoning districts as may be determined appropriate and necessary to protect adjacent properties from light, debris and noise and to preserve adjacent property values.
 - c. All storage and display areas shall be paved with concrete, asphalt or other comparable material.
 - d. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
 - e. No projecting signs shall be permitted.
 - f. No sound projecting devices or loud speaker shall be used so as to be heard outside of any structure.
 - g. Such other conditions as the board of zoning appeals shall deem necessary to include, but not be restricted to, proper setbacks, landscaping, and maintenance provisions.
 - h. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.
15. Radio and television towers and transmitter facilities.
- 15.1 Any lawful uses of land or structures for radio or television transmitting facilities and towers existing prior to annexation to the city may continue such operation although such use does not conform to the provisions hereof.
 - 15.2 Such uses of land or structures may be maintained, expanded or enlarged within the area owned or leased by the owner or operator of such use; provided, however, that such expansion, enlargement or construction has received approval by the Federal Communications Commission (and, if for towers, by the Federal Aviation Agency).
 - 15.3 Any such structure destroyed or partially destroyed by fire, flood, wind, earthquake or other calamity or by the public enemy, may be rebuilt and used for its original purpose.
 - 15.4 In the event of discontinuance for a period of two years, paragraph B of the preceding section, shall then apply to such use.
16. The board of zoning appeals may by special permit grant exceptions for the use of structures and property for:

Cultural groups including but not limited to the following:

Symphonies
Community theater groups
Historical museums
Art museums

- 16.1 Such permits may be granted for locations in any dwelling district.
- 16.2 Conditions including, but not limited to, screening shall be required by the board of zoning appeals to protect abutting properties from headlights, blowing debris and sound.
- 16.3 Off-street parking and loading areas shall be required by the board of zoning appeals as deemed necessary to serve the greatest maximum use of the facility. Parking and loading area shall not be less than required by Section 28.04.140 of this code, but may exceed such minimum. All parking and loading areas shall be surfaced according to provisions set forth in Section 28.04.140.
- 16.4 If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from adjacent residential districts.
- 16.5 Accessory uses may be permitted provided they maintain the general character of the zoning district and neighborhood in which located.
17. The board or zoning appeals may permit as an exception the placement of a mobile home on any property in any district except in the "AA" one-family dwelling district on a temporary basis subject to the following conditions and requirements.
 - 17.1 The board of zoning appeals shall determine a reasonable time limit to be attached to each individual case.
 - 17.2 The applicant shall show due cause that a hardship exists and that this hardship cannot reasonably be alleviated without the granting of this permit.
 - 17.3 The location of such home shall conform to all lot area, height and setback requirements of the district in which located and the off-street parking requirements of this chapter.
 - 17.4 The board of zoning appeals may include additional conditions as they deem necessary to include, but not limited to, extraordinary setbacks, landscaping and installation of utilities.
18. The board of commissioners may by special permit and subject to such protective restrictions as it deems necessary, authorize outdoor advertising display or sale of merchandise and promotional activities in the "LC" light commercial districts.

19. In order to allow shopping center and other office commercial and industrial activities to erect and maintain advertising signs which advertise only those services, articles or products offered within the building located upon the same unified lot or other unplatted tract on which the sign will be located, the Superintendent of Central Inspection is hereby authorized to issue permits for such signs when located in the "A", "RB", "B", or "BB" zoning districts and when the lot or unplatted tract is held under a unified ownership whether it be a single ownership, partnership, trust or corporation, and is divided into two or more zoning districts on which the main use or uses are located in a zoning district less restrictive than the district in which the sign is to be located.

B. HEIGHT REGULATIONS.

1. Public, semipublic or public service buildings, hospitals, institutions, schools and churches or temples, when permitted in the "AA", "A" and "RB" districts, may be erected to a height not exceeding seventy-five feet, if the building is set back from each yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, flour mills, monuments, stacks, scenery, lofts, tanks, water towers, ornamental towers, spires, church steeples, radio towers or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted ordinances in the city; provided that in the absence of any such ordinance there shall be no height limitation on these structures.
3. On through lots one hundred twenty feet or less in depth, the height of a building may be measured from the grade on either street. On through lots of more than one hundred twenty feet in depth, the height regulations and basis of height measurements for the street permitted the greater height shall apply to a depth of not more than one hundred twenty feet from that street.

C. AREA REGULATIONS.

The following exceptions under special conditions further modify area regulations in which those special conditions exist:

1. Mixed commercial, industrial and residential buildings:
 - 1.1 In those districts in which commercial and industrial buildings are built one or more stories high with the upper one or more stories built above the commercial or industrial buildings for residential purposes, no side yard will be required for the residential portion of the building adjoining another property; provided that the part of the building intended for residential use is not more than two rooms deep from front to rear. Such buildings need not provide side yards on the side of the structure adjoining a street.

- 1.2 If the upper floors of commercial and industrial buildings are used for residential purposes, such upper floors shall be provided with a rear yard or court area of not less than ten feet times the width of the lot.
2. Any multiple-family dwelling built in the "B", "LC", "C", "D", "E", or "F" districts may substitute a court for the rear yard requirement in that district; provided, that the area of the court is not less than the area of the required rear yard, and provided further, that the court shall be open throughout the entire height of the building.
 3. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall again be used as a yard or an open space for another building.

Chimneys or bay windows may extend not more than twelve inches from the main body of the building without being considered as an encroachment in the yard area; eaves may overhang not more than two feet without encroachment in the yard area.

Open outside stairways, entrance hoods, terraces, canopies and balconies may project into a required front or rear yard not more than five feet and may project into a required side yard not more than two feet, and the ordinary projections of chimneys, flues and ventilating ducts may be permitted by the central inspection superintendent when placed so as not to obstruct light and ventilation.

An open unenclosed porch may project into a required front yard for a distance not exceeding eight feet, and may project into a required rear yard for a distance not exceeding five feet.

A modified front yard line shall be established in all districts requiring a setback for residential or commercial purposes in any block having lots platted of record with a reversal of frontage. Such modified front yard line shall extend from the rear corner of the principal building next to the street on the corner lot, or if the corner lot is vacant, from a point at the intersection of the side yard and rear yard restrictions in effect on such premises, to a point on the established front yard line of such street not more than one hundred fifty feet from the rear of such corner lot measured along the street line away from the intersecting street. No building or accessory building or any part thereof, excepting open porches, shall be built in front of such modified front yard line.

SECTION 2. That Section 1 of Ordinance No. 27-281 of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall take effect upon its passage and publication once in the official city paper.

PASSED and approved this _____ day of _____, 1963.

Mayor

ATTEST:

City Clerk

(SEAL)

September 19, 1963

Board of City Commissioners
City Building
Wichita, Kansas

Subject: DR 63-23 - Location of signs
in buffer strips along major
traffic streets

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on August 1, 1963, a public hearing was held for consideration of a proposed amendment to the Zoning Ordinance relating to location of signs in zoning districts used as buffer strips along major traffic streets. The existing Ordinance does not allow signs such as used by shopping centers to be located in the "A", "RB", "B" or "BB" districts when used as a space or use buffer adjacent to the "LC", "C", "D", "E" or "F" districts.

The proposed amendment would allow advertising signs located in the "A", "RB", "B" and "BB" districts when used as a space or use buffer provided they advertise only services, articles and products offered within the building located upon the premises, lot or tract whereon the sign is located.

An ordinance effecting this change has been prepared by the Department of Law. If the Commission agrees with the proposed change, the ordinance should be placed on its first reading.

Respectfully submitted,

Leland R. Edmonds
Secretary

LRE/JWH:mmm

THE CITY OF WICHITA

OFFICE OF Assistant City Attorney DATE August 22, 1963

TO Jim Howe, Planning Department

FROM Lawrence E. Curfman

SUBJECT Amendment to Code
 Section 28.04.180

If I understand my secretary, you have asked that I approve sub-sub-section 19 of sub-section A of an 11-page revision of the subject section.

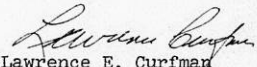
I have read sub-sub-section 19 of sub-section A and glanced at the balance of the revision. You propose a number of important and far-reaching changes which should be carefully considered in connection with the entire ordinance. You have asked my opinion only as to sub-sub-section 19. I think I would make at least the following changes.

On the second line, I would add the word "unplatted" between the words "or" and "tract". I think I would eliminate the word "one" at the end of the second line and substitute some words such as "unified and uniform". In the fourth line, I would insert the words "lot or unplatted" before the word "tract" and I would strike out the two words following "tract".

You will have to define "buffer zone", "space buffer" and "use buffer". I don't know what is meant. You have split an infinitive in the sixth line. In the eighth line you probably mean "or" and not "and".

After you have made all of the changes which I suggest, I still don't understand the sub-section and I am afraid others would be equally confused.

Returned herewith is the whole proposed ordinance.


Lawrence E. Curfman
Assistant City Attorney

LEC:sm

Enclosure

cc: Fred W. Aley

() (Published in The Wichita Evening Eagle and Beacon on _____, 1963).

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on August 1, 1963, 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 28.04.180 - EXCEPTIONS. A. Use Regulations

Add as follows:

Whenever the boundary line in any office, commercial or industrial district divides a lot held under one ownership whether it be a single ownership, partnership, trust, or corporation and where the division of the ownership into separate districts was intended to produce a "buffer zone" to establish a greater setback for buildings and structures then normally required in that district, then advertising signs may be permitted in the "buffer zone" provided they advertise only services, articles and products offered within the building located upon the premises whereon the sign is located.

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 27th day of June, 1963.

Leland R. Edmonds, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

(1-T)

July 26, 1963

TO: Metropolitan Area Planning Commission
FROM: Leland R. Edmonds, Director of Planning
SUBJECT: Location of Signs in Buffer Strips

At the planning Commission meeting of June 6, 1963, the Planning Commission considered a memorandum on the use of buffer zones and their relationship to the establishment of signs. The Commission instructed the staff to prepare an amendment on the basis of "Alternate C" of that memorandum, which read as follows:

"C. Amend the ordinance to allow signs normally permitted in "LC" to be located in the "B" and "BB" districts when used as a buffer".

The staff prepared an amendment along the lines suggested in "Alternate C" above, and advertised the proposed amendment for public hearing on August 1, 1963.

The suggested amendment has been referred to the Department of Law and Superintendent of Central Inspection for their review and consideration. The Department of Law suggested that several revisions be made to the proposed amendment. The amendment has been re-drafted in accordance with their suggested revisions.

It is recommended that the amendment as advertised be changed to read as follows:

~~Whenever the boundary line in any office, commercial or industrial district of the "B", "BB", "LC", "C", "D", "E" or "F" districts divides a lot or tract held under one ownership whether it be a single ownership, partnership, trust, or corporation and where the division of the tract or ownership into separate districts was intended to produce has resulted in a "buffer zone" to establish a greater setback for buildings and structures than normally required in that district, then either create a space buffer or use buffer, advertising signs may be permitted in the "buffer zone" provided they advertise only services, articles and products offered within the building located upon the premises lot or tract whereon the sign is located.~~

Leland R. Edmonds
Director of Planning

LRE:JWH:ber

THE CITY OF WICHITA

OFFICE OF Assistant City Attorney DATE July 12, 1963

TO Robert A. Lakin, Senior Planner
FROM Lawrence Curfman, Assistant City Attorney



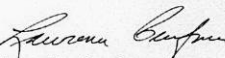
SUBJECT

Signs in "buffer" strips along major traffic streets

I have reviewed the enclosure with your letter of June 17 subject as above. I, like you, am not completely satisfied with the language, but I think in general the idea is probably valid. Instead of using the terms "any office, commercial or industrial district" I think it would be preferable to use the zoning district designation such as "A", "B", "RB", etc. Also, if a tract is divided, should not the same principle apply as in the case of a platted lot?

The word "intent" is not the proper term. Can't you merely say ". . . separate districts resulted in a buffer zone . . ."?

Instead of "premises" I think you should use the terms "lot or tract".


Lawrence E. Curfman
Assistant City Attorney

LEC/mb

cc: Mr. John Dekker

June 17, 1963

Glen E. Lytle, Superintendent of Central Inspection
Robert A. Lakin, Senior Planner

DR 63-23 - Location of signs in "buffer" strips
along major traffic streets.

At the Planning Commission meeting of June 6, 1963, the Planning Commission considered the attached memorandum on the use of buffer zones and their relationship to the establishment of signs. The Commission instructed the staff to prepare an amendment on the basis of alternate "C".

Attached is a draft of a proposed amendment which we feel might be satisfactory to use at least for purposes of establishing a public hearing on the subject.

I am somewhat concerned as to two facets of this amendment. One is the use of the term "buffer", and two - the use of the word "intent". Will you please let me have your comments on this matter at your earliest convenience. I am also asking Lawrence Curfman for his comments on this same subject.

Robert A. Lakin
Senior Planner

RAL:mm

Attachment

June 17, 1963

Lawrence Curfman, Assistant City Attorney

Robert A. Lakin, Senior Planner

DR 62-23 - Location of signs in "buffer" strips
along major traffic streets.

At the Planning Commission meeting of June 6, 1963, the Planning Commission considered the attached memorandum on the use of buffer zones and their relationship to the establishment of signs. The Commission instructed the staff to prepare an amendment on the basis of alternate "C".

Attached is a draft of a proposed amendment which we feel might be satisfactory to use at least for purposes of establishing a public hearing on the subject.

I am somewhat concerned as to two facets of this amendment. One is the use of the term "buffer", and two - the use of the work "intent". I would appreciate any comments you may have either as to the substance or the legality of the proposal.

Robert A. Lakin
Senior Planner

RAL:mmm

Attachment

May 31, 1963

TO: Metropolitan Area Planning Commissioners
FROM: L. L. Little, Director of Planning
SUBJECT: Location of signs in "BB" districts used for
"LC" buffer

In the past several months, the Planning Commission has, on a number of occasions, recommended "B" or "BB" zoning on front portions of property, the balance of which was recommended for "LC" zoning. The apparent intent of such action was to assure that the building would be located sufficiently far from the front property line that it would create no adverse affect in terms of public health, safety or welfare.

At the meeting of May 16, 1963, Dr. Kastens presented a problem to the Planning Commission related to such a zone change. He pointed out that he was not able to obtain a permit to allow the construction of a sign on the frontage which had been zoned as a buffer. As a result of Dr. Kastens' request, the Planning Department was instructed to initiate a zone change for sufficient property to allow the construction of a sign.

Subsequent to that hearing, Mr. C. J. Mendenhall has posed a similar problem related to property located approximately one-half mile west of Seneca on the north side of McArthur Road. This property was recently rezoned to "LC" with the front 70 feet being zoned "BB". The Central Inspection Division has ruled that no sign for the commercial uses can be permitted in the "BB" district.

As noted above, the apparent basic reason for the establishment of such buffer zones in front of light commercial is to control the location of buildings in relation to the front property line. If the Commission desires to exercise this type of control, then the following techniques should be considered:

- A. Continue to buffer zones and provide adequate areas for location of signs, etc.
- B. Require platting or replatting with a building setback line satisfactory to the Planning Commission requirements.

- C. Amend the ordinance to allow signs normally permitted in "LC" to be located in the "B" and "BB" districts when used as a buffer.
- D. Amend the ordinance to require greater front yard setbacks. A provision could be included to provide a base setback of "X" feet, provided that when built next to existing adjacent commercial buildings, the setback would be the same as such buildings, or the average of the adjacent buildings. This same general provision is used in residential districts.

It is suggested that the Commission should consider the above courses of action and determine which is most desirable. If either C. or D. are selected, then the Department should be instructed to advertise for the appropriate public hearing.

Mr. Mendenhall has requested that some specific action be taken on his problem. It is suggested that the Planning Commission should direct the Department to take such action as is necessary and appropriate in terms of Commission consideration of alternates A. through D.

L. L. Little
Director of Planning

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