

DR-76-10 - Possible Amendment to Zoning Ordinance Re: Screening of Office, Commercial and Industrial Development.

ACTION

DATE

COMMITTEE

Approved Oct 1 7/15/76

M.A.P.C.

B.C.C./B. CO. C. Deferred 7-27-76

BCC Defer 2 weeks 8-3-76

BCC Return to MAPC for recommendation 8-17-76

MAPC Adopted Change 9-16-76

BCC Approved 10-26-76

Closed.

18

November 25, 1978

Wesley G. Ward
300 Callahan
Wichita, Kansas 67209

Subject: Your Inter-department
Memo or Complaint to -Robert
B. Feldner, Superintendent of
Central Inspection.
Dated January 12, 1977
"Regard of Property at 440 N. Kansas"

To: Mr. Jack H. Galbraith, - Chief Planner
Metropolitan Area Planning Department

Dear Mr. Galbraith

I did not choose to request information regarding your letter of inducement to Mr. Feldner, But this has now become a very serious matter.

May i request you inform me whether this effort was your own volition or were you ordered to implement this action.

Jack sometimes people or a person are required to do things of not their own choosing, - Please be Cautious and Careful for your own good. - "Your reply is urgent."

Sincerely Yours;

W. G. Ward

Mr. W. G. Ward

RECEIVED
FEB 25 1978
METROPOLITAN AREA PLANNING DEPARTMENT



THE CITY OF WICHITA
OFFICE OF Central Inspection

DATE December 7, 1977

*Public Agenda Item
No 1*

*80
No Action BCC
12/13/77
5-0*

TO E. H. Denton, City Manager
FROM Robert B. Feldner, Superintendent of Central Inspection

SUBJECT Complaints - Wesley G. Ward;
440 N. Kansas

This correspondence is a status report for your information on the above continuing subject, and provides current information as of this date in anticipation of Mr. Ward's appearance on the City Commission Public Agenda of December 13, 1977. A brief review of this project and the attendant problems follows.

In early 1976 Mr. Willis Chambers, Architect, submitted plans in Mr. Ward's behalf for a small commercial building. On May 5, 1976, Mr. Chambers was notified by telephone and by letter that review of the plan evinced some deficient items. One of these deficiencies was a plan showing the required screening and landscaping. Mr. Chambers responded, supplying all the necessary information, except the landscape plan. Mr. Ward had many personal contacts with Central Inspection, wherein he expressed his discontent with the screening requirements. Due to the small size of Mr. Ward's parcel, once the structure was in place, space existed for only off-street parking or screening. Both are required. Mr. Ward was notified in the conversations and again by letter, May 17, 1976, that the plans could not be approved until either additional land was acquired for ingress/egress or a variance from the Board of Zoning Appeals to the screening requirements was obtained.

Mr. Ward chose not to follow either course, and went to the Grievance Office and the City Manager requesting a waiver of requirements. Upon being informed that administrative waivers were not possible, he requested an appearance before the City Commission and was placed on the Public Agenda for May 25, 1976. At that meeting the Commission denied the request for a waiver of requirements. However, at the suggestion of the Superintendent of Central Inspection and Planning representatives, the requirement was forwarded to the responsible boards for review. While the review was under way, Mr. Ward was issued a building permit, with the written (copy attached) understanding that he would provide whatever was required of his site after the review.

Throughout the ensuing months, Mr. Ward was involved in the construction of his building and the zoning ordinance was amended to provide relief in instances involving this and other small parcels of land. It should be noted that the requirements were reduced, not deleted.

An inspection of Mr. Ward's structure in January, 1977, revealed that major changes from the approved plans had transpired. He was notified at this time

December 7, 1977

Subject: Complaints - Wesley G. Ward: 440 N. Kansas

Page 2

and once again February 2, 1977, that revised building plans and screening plans were necessary. At this stage the structure was complete enough that the utility hook-ups were done and the mechanical equipment, heating, etc. operational. Mr. Ward did supply a revised plan with the off-street parking drawn in on the adjoining parcel (north). In the review of this plan with the Building Code Administrator, Mr. Ward indicated he would obtain a lease on the property of adequate size to provide for access and three off-street parking spaces. The Building Code Administrator asked that the lease be recorded and that the required screening and landscaping be included on the plan. Mr. Ward then indicated a screening fence along the south lot line and the landscaped areas on the west frontage.

Ensuing inspections revealed no progress, thus Mr. Ward was again contacted March 14, 1977 and reminded of his prior agreements and responsibilities. He immediately accused the division of harassment, then contacted Mr. Galbraith, Chief Planner of MAPD and reiterated his accusations. Approximately a week later he made the same allegations to the City Manager. Somewhere within this time frame, Mr. Ward allowed illegal occupancy of his structure. The structure was incomplete internally, had no screening, landscaping or off-street parking. The business that was occupying the structure, Dealer Sales Service, involved preparing/repairing used cars for sale. They had the structure full and vehicles (approximately 23 total) parked on both sides of the street, as well as all empty space in front of and beside the structure was completely utilized. Some space was even utilized in a vacant lot across the street. Notice to correct the violations was immediately issued to the occupant. Mr. Ward was then contacted by telephone and given the same notification. He indicated that he had sold the structure to Mr. John Cook and was no longer responsible for the structure or its use. Mr. Cook was then contacted and informed of the multitudinous violations. He acknowledged that he bought the structure and expressed amazement at the structure's deficiencies. He also indicated his cooperation in abating the violations stemming from his lessee. These violations were subsequently rectified, the lessee having moved. When informed that the requirements remain with the structure and land, regardless of changes in ownership, Mr. Cook contacted his attorney to ascertain his legal options. He did request that he be granted time to determine whether he or Mr. Ward would be financially responsible in meeting the requirements. In view of the fact that the overt use violations had been abated, and with the stipulation that he keep Central Inspection informed, Mr. Cook's request was honored. In a conversation with Central Inspection on December 5, 1977, Mr. Cook provided information that he was making an escrow purchase of the structure and due to that arrangement Mr. Ward was the owner of record. Central Inspection conducted a title search which verified that fact. Thus it appears that contrary to his belief and desires, Mr. Ward is responsible in meeting the requirements.

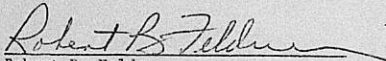
This division has extended every effort and given every possible concession in attempting to bring this project to a satisfactory conclusion. Given Mr. Ward's

December 7, 1977

Subject: Complaints - Wesley G. Ward: 440 N. Kansas.

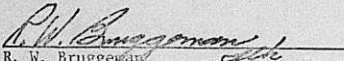
Page 3

prior lack of performance and his apparent intent not to rectify the violations, Central Inspection foresees no recourse other than legally charging him with violations of the Zoning Ordinance and Building Code of the City. Unless the City Commission directs otherwise, this matter will be forwarded to the Law Department immediately following the December 13, 1977, meeting.



Robert B. Feldner
Superintendent of Central Inspection

APPROVED:



R. W. Bruggeman
Director of Public Works

RBF/imc

cc: Robert Lakin, Director of Planning Department
Jack Galbraith, Planning Department



300 Callahan
Wichita, Kansas 67209

June 16, 1976

Robert B. Feldner;
Superintendent of Central Inspection

Dear Sir; In regard to your request for a letter confirming that is
my requirement to furnish additional land for offstreet parking.

I hereby agree and understand and have made the necessary
arrangements. I also understand if the landscape requirements are
reduced this requirement will not be necessary. Additional parking
is shown on plot plan of 440 N. Kansas

Wesley G. Ward

Wesley G. Ward

WGW

WICHITA-SEDGWICK COUNTY

DATE

March 14, 1977

METROPOLITAN AREA PLANNING DEPARTMENT

TO Robert A. Lakin, Director of Planning
FROM Jack H. Galbraith, Chief Planner
SUBJECT Phone Call from W. G. Ward

Last Wednesday afternoon (March 9, 1977), I returned a call from Mr. Ward and I believe there should be a record of our conversation. He stated that he had a discussion with Sam Mobley of Central Inspection concerning the screening requirement for his property at 440 N. Kansas. He stated that Sam had advised him of a memo I had written to Feldner concerning his failure to comply with the requirement and he requested that I provide him a copy of my memo for his files. I stated that I would provide him with a copy and, up to that point the conversation had gone well, however, when I asked if there was a problem or a misunderstanding on the complying with the screen conditions, he became quite critical of both me, and the entire Planning Department; accused us of harassment; that he was tired of the whole thing; that his attorney had requested the memo; that the Planning Department was responsible (in part) for the recent death of his architect; that he was again going to the City Manager, the City Commission and blow the whole thing apart.

Glen Lytle was across the desk from me during this conversation and I responded to Ward that I was amazed at his remarks, especially the ones on harassment and the death of his architect. I reminded him of our cooperation in amending the screening requirements of the text to eliminate the landscaping provisions so that he was able to construct on that narrow piece of property. He stated that he no longer owned the property; that a Mr. Cook is now the owner; and that the owner to the south doesn't want the screening fence. As he requested, I mailed him a copy of my memo, which is attached.

The next morning, Feldner came up on another matter and I reviewed my conversation with Ward. Feldner stated that, in writing, Ward had agreed to provide parking as a condition of the building permit and that the building plans clearly indicated the fence along the south line was required.

This is yet another case where Central Inspection tried to work with someone needing a permit before the amendment was completed, and issued the permit subject to certain agreements and now, apparently, hasn't received cooperation and Ward is strongly objecting to my calling the matter to their attention as he probably thought the conditions were forgotten.

Page Two
Robert A. Lakin
March 14, 1977

Wanted you to be aware of this conversation as I expect Ward may
again request to be on the public agenda.

Jack H. Galbraith
Chief Planner

JHG:el
Attachment

January 12, 1977

Robert B. Feldner, Superintendent
Central Inspection
Jack H. Galbraith, Chief Planner

Property at 440 North Kansas

It has been noted that the building at 440 North Kansas has apparently been occupied by the owner. I don't believe the property is in compliance with the provisions of the zoning ordinance related to landscaping and screening.

You will probably recall that the owner, Mr. Ward of this property, appeared before the City Commission on at least two occasions, and at least once before the planning commission, relative to the problem of securing a building permit due to the landscaping and screening provisions of the zoning ordinance. In fact, due to his complaints, the zoning ordinance was amended to provide certain relief on this and other similar properties.

I was under the impression that even though we were in process of amending the screening provisions, your office, as a convenience to Mr. Ward, issued him a permit with the understanding that he would provide whatever was required of his site after the amendment was approved. Would you please review his plans so that compliance with the ordinance can be obtained.

Jack H. Galbraith
Chief Planner

JHG:rme

cc: Robert A. Lakin, Director of Planning
Ray Bruggeman, Director of Public Works

March 11, 1977

Mr. W. G. Ward
300 Callahan
Wichita, Kansas 67209

Dear Mr. Ward:

At your request, attached is a copy of my memorandum written to Bob Feldner in January on the property on 440 North Kansas.

If I can be of further assistance, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:el

Enclosure

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

September 30, 1976

TO E. H. Denton, City Manager

FROM Robert A. Lakin, Director of Planning

SUBJECT DR 76-10 - Possible Amendment to the Zoning Ordinance Re: Screening of Office, Institutions, Commercial and Industrial Development

Attached hereto is a delineated copy of an ordinance, as recommended by the Planning Commission, amending the screening and landscaping requirements for office, institutional, commercial and industrial development when such occurs adjacent to any residential zoning district. Please place this on the planning agenda for consideration by the City Commission at the meeting of October 26, 1976.

Background

The need for this amendment to the zoning ordinance was first brought to the attention of the City Commission, and the Planning Commission, by Mr. W. G. Ward in May 1976. It was brought about by his inability in securing a building permit for a building at 440 North Kansas.

An amendment was prepared by the staff and advertised for public hearing before the MAPC on July 8, 1976. The MAPC recommendation made on that date was forwarded to the City Commission for their consideration at the meeting of July 27, 1976.

The City Commission deferred the item one week and considered the ordinance at the meeting of August 3, 1976. After discussing the ordinance on that date, the City Commission deferred the matter for two weeks with instructions to the staff to prepare changes to include schools, hospitals and other institutional uses instead of just churches that had been recommended by the Planning Commission.

At the meeting of August 17, 1976, the City Commission considered the possible changes as recommended by the staff, then referred the ordinance back to the MAPC with a recommendation that certain changes be made in the ordinance.

The MAPC reconsidered the ordinance at their meeting of September 16, 1976 that was amended in accordance with the recommendations of the City Commission. Copies of the minutes are attached.

Page 2. - E. H. Denton, City Manager
September 30, 1976

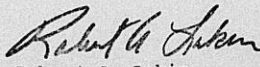
Summary

The ordinance as recommended by the Planning Commission will make the following changes from the existing regulations:

1. Permit the owner the option of providing a landscaped yard at a lesser dimension than was previously required, with an option to eliminate the landscaped yard by the extension of the required screening at a 3-foot height to the public right-of-way line.
2. Eliminate the requirement of providing a 20-foot landscaped yard when a side or rear of the building is across the street from a front or side yard of a residential zoning district. In lieu of this requirement, a provision to screen all loading docks, trash receptacles, outdoor storage, etc., whenever such uses are within 150 feet of a residential zoning district.
3. Clarifies the requirement for screening of uses adjacent to an alley.
4. Now includes schools, churches and other institutional uses, however, an exception is provided along any property line, or portion thereof, which is provided with a 25-foot landscaped yard.

Recommendation

It is recommended by the Planning Commission that this ordinance be adopted.



Robert A. Lakin
Director of Planning

RAL:GEL:ber
Attachment

cc: Ray Bruggeman, Director of Public Works
Robert Feldner, Superintendent of Central Inspection

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 16, 1976:

17. DR 76-10 - Amendment to zoning ordinance Re: Screening of office, commercial and industrial development. (Referred back by City Commission.)

GLEN LYTLE, Special Assistant for Zoning, reviewed the following staff report which had been provided the Commissioners prior to the meeting:

Attached hereto is a delineated copy of an ordinance amending the screening and landscaping provisions of the zoning ordinance that has been referred back to the MAPC by the Board of City Commissioners. Also included is a copy of the ordinance that was forwarded to the City Commission with a recommendation for adoption by the MAPC.

The City Commission considered the recommendation of the MAPC on two occasions, August 3 and August 17, 1976. After discussions on these dates, the Board of City Commissioners recommended that the ordinance be returned to the MAPC and that the following changes be made to the ordinance:

1. Require all institutional uses to comply with the regulations and not just churches, provided, however, office and institutional uses may omit screening if a 25-foot landscaped yard is provided.
2. Delete the provision for the Superintendent of Central Inspection to determine the most appropriate location for screening of mixed land use development. It will, therefore, place the responsibility on the Board of Zoning Appeals to be the body to vary the location should an owner desire to place screening at a location other than at a property line.

These suggestions made by the City Commission have been incorporated in the delineated copy of the ordinance.

Recommendation

Make any changes deemed appropriate and forward the ordinance to the City Commission with a recommendation for adoption.

LYTLE said the changes proposed in paragraph #1 of the staff report would permit the omission of screening for office and institutional uses along a lot line or portion thereof, when the property is provided with a 25-foot landscaped yard. In paragraph #2, the City Commission felt that should an owner want to locate the screening for mixed use development at some location other than on the property line of the development, then it should be considered by the Board of Zoning Appeals for a determination rather than the Superintendent of Central Inspection.

BAYOUTH asked just how different the proposed changes overall were than originally, and LYTLE indicated there was considerable difference, and he explained briefly the amendments being considered in total.

BARRIER thought there should be provision for enforcing the maintenance of screening required, or a penalty provided for. LYTLE responded that that point is covered by the ordinance already and that any violations thereof should be reported to the Central Inspection Division. BARRIER asked if that division actually inspected regularly or only when a complaint is filed. LYTLE thought it was probably only upon complaint.

PORTER thought requiring Board of Zoning Appeals approval might tend to make for better maintenance of screening.

MOTION: That the Planning Commission recommend to the City Commission that the zoning ordinance text be amended as follows:

SECTION 28.05.160 K of the Code of the City of Wichita, Kansas shall be amended to read as follows:

K. SCREENING OF OFFICE, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL DEVELOPMENT

Screening and landscaping shall be provided on all properties developed for office, institutional, commercial and industrial uses when such uses are established on property within or adjacent to the "AA", "A", "RB", "R-5", "R-6" "B" and "G" residential zoning districts in accordance with the following:

1. Screening shall be provided along all side or rear lot lines adjacent to a residential zoning district to extend to within 20 feet of each street right-of-way. Exception: Screening may be omitted for office and institutional uses along any lot line, or portion thereof, whenever a property is developed with a 25-foot landscaped yard adjacent to such lot line or portion thereof.
2. Whenever a front or side yard is adjacent to any property located in a residential zoning district, there shall be provided adjacent thereto, either:

- a. A landscaped yard twenty feet in depth for a distance equal to one third of the zoning lot line along the street. (This shall not require the landscaped yard to exceed 50 feet nor permit the yard to be less than 15 feet); or,
- b. Screening along that side or rear lot line shall be extended to the street right-of-way line at a height of three feet.
3. Screening shall be provided on all development sufficient to reasonably hide from ground level view, all loading docks, trash receptacles, outdoor storage, outdoor work areas or similar uses from any residential zoning district located within 150 feet of such uses.
4. Whenever properties are developed adjacent to an alley, screening may be omitted at driveways deemed essential for ingress and egress to uses established on the property.
5. Landscaped yards required by this section of the code shall not be used for driveways, parking, loading, outdoor storage, displays, work areas, signs or similar uses.

Porter moved, Greider seconded and it carried by a vote of 8 in favor (Porter, Greider, Barrier, Bayouth, Gragg, Goebel, Porter and Savina), and 1 opposed (Hennessy). Taylor was absent.

DELINEATED COPY
Additions underlined
Deletions marked-thru

84582

Nov. 9, 1976

ORDINANCE NO. 34-714

AN ORDINANCE AMENDING SECTION 28.04.160 K OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE SCREENING AND LANDSCAPING REQUIREMENTS FOR OFFICE, INSTITUTIONAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT WHEN ESTABLISHED ON PROPERTY ADJACENT TO ANY RESIDENTIAL ZONING DISTRICT: AND REPEALING SAID ORIGINAL SECTION 28.04.160 K OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.160 K of the Code of the City of Wichita, Kansas shall be amended to read as follows:

"K. SCREENING OF OFFICE, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL DEVELOPMENT

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2. Whenever a front or side yard is adjacent to any property located in a residential zoning district, there shall be provided adjacent thereto, either;
 - (a) A landscaped yard twenty feet in depth for a distance equal to one third of the zoning lot line along the street. (This shall not require

the landscaped yard to exceed 50 feet nor permit the yard to be less than 15 feet); or,

(b) Screening along that side or rear lot line shall be extended to the street right-of-way line at a height of three feet.

3. Screening shall be provided on all development sufficient to reasonably hide from ground level view, all loading docks, trash receptacles, outdoor storage, outdoor work areas or similar uses from any residential zoning district located within 150 feet of such uses.

4. Whenever properties are developed adjacent to an alley, screening may be omitted at driveways deemed essential for ingress and egress to uses established on the property.

5. Landscaped yards required by this section of the code shall not be used for driveways, parking, loading, outdoor storage, displays, work areas, signs or similar uses."

~~Screening and landscaping shall be provided on all properties developed for office, commercial, institutional and industrial uses when such are established on property adjacent to the "AA", "A", "RB", "R-5", "R-6", "B" and "G" residential zoning district. Exception: Office and institutional uses established in any of the residential districts need not provide the screening, but shall provide the landscaping.~~

~~Screening and landscaping shall be in accordance with the following:~~

~~1. Where a side or rear lot line coincides with a side or rear lot line of an adjacent residence district, then screening shall be provided along such lot line.~~

~~2. Where the rear or side wall of any structure used for office, commercial, institutional or industrial use lies across the street from the front yard or the side yard of a residential zoning district, then screening shall be provided along such rear or side wall and shall be not less than twenty feet from the street right-of-way line. The twenty-foot setback shall be landscaped.~~

3.---Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a landscaped yard equal in depth to the minimum front yard required by this title on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least fifty feet, including the width of any intervening alley.

4.---Landscaped yards shall not be used for storage, display, parking, loading or signs.

5.---Screening shall not be located closer to the street right-of-way than twenty feet or be higher than permitted by ordinances.

The original Section 28.04.160 K of the Code of the City of Wichita, Kansas is 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 _____, 1976.

James M. Donnell, Mayor

ATTEST:

Donald C. Gisick, City Clerk

Approved as to form

John Dekker, City Attorney

September 30, 1976

E. H. Denton, City Manager

Robert A. Lakin, Director of Planning

DR 76-10 - Possible Amendment to the Zoning Ordinance Re: Screening of Office, Institutions, Commercial and Industrial Development

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3. Clarifies the requirement for screening of uses adjacent to an alley.
4. Now includes schools, churches and other institutional uses, however, an exception is provided along any property line, or portion thereof, which is provided with a 25-foot landscaped yard.

Recommendation

It is recommended by the Planning Commission that this ordinance be adopted.

Robert A. Lakin
Director of Planning

RAL:GEL:ber
Attachment

cc: Ray Bruggeman, Director of Public Works
Robert Feldner, Superintendent of Central Inspection

WICHITA-SEDGWICK COUNTY

DATE

September 9, 1976

METROPOLITAN AREA PLANNING DEPARTMENT

TO Wichita-Sedgwick County Metropolitan Area
Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT DR 76-10 - Possible amendment to the Zoning Ordinance
Re: Screening of Office, Institutional, Commercial
and Industrial Development

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1. Require all institutional uses to comply with the regulations and not just churches, provided however, office and institutional uses may omit screening if a 25 foot landscaped yard is provided.
2. Delete the provision for the Superintendent of Central Inspection to determine the most appropriate location for screening of mixed land use development. It will therefore place the responsibility on the Board of Zoning Appeals to be the body to vary the location should an owner desire to place screening at a location other than at a property line.

These suggestions made by the City Commission have been incorporated in the delineated copy of the ordinance.

RECOMMENDATION

Make any changes deemed appropriate and forward the ordinance to the City Commission with a recommendation for adoption.

Robert A. Lakin
Robert A. Lakin
Director of Planning

RAL:GEL:rme

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cc: Ray Bruggeman, Director of Public Works
Robert Feldner, Superintendent of Central Inspection

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Nov. 9, 1976

ORDINANCE NO. 34-714

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the landscaped yard to exceed 50 feet nor permit the yard to be less than 15 feet); or,

(b) Screening along that side or rear lot line shall be extended to the street right-of-way line at a height of three feet.

3. Screening shall be provided on all development sufficient to reasonably hide from ground level view, all loading docks, trash receptacles, outdoor storage, outdoor work areas or similar uses from any residential zoning district located within 150 feet of such uses.

4. Whenever properties are developed adjacent to an alley, screening may be omitted at driveways deemed essential for ingress and egress to uses established on the property.

5. Landscaped yards required by this section of the code shall not be used for driveways, parking, loading, outdoor storage, displays, work areas, signs or similar uses."

~~Screening and landscaping shall be provided on all properties developed for office, commercial, institutional and industrial uses when such are established on property adjacent to the "AA", "A", "RB", "R-5", "R-6", "B" and "G" residential zoning district. Exception: Office and institutional uses established in any of the residential districts need not provide the screening, but shall provide the landscaping.~~

~~Screening and landscaping shall be in accordance with the following:~~

~~1. Where a side or rear lot line coincides with a side or rear lot line of an adjacent residence district, then screening shall be provided along such lot line.~~

~~2. Where the rear or side wall of any structure used for office, commercial, institutional or industrial use lies across the street from the front yard or the side yard of a residential zoning district, then screening shall be provided along such rear or side wall and shall be not less than twenty feet from the street right-of-way line. The twenty-foot setback shall be landscaped.~~

~~3.---Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a landscaped yard equal in depth to the minimum front yard required by this title on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least fifty feet, including the width of any intervening alley.~~

~~4.---Landscaped yards shall not be used for storage, display, parking, loading or signs.~~

~~5.---Screening shall not be located closer to the street right of way than twenty feet or be higher than permitted by ordinances.~~

The original Section 28.04.160 K of the Code of the City of Wichita, Kansas is 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 _____, 1976.

James M. Donnell, Mayor

ATTEST:

Donald C. Gisick, City Clerk

Approved as to form

John Dekker, City Attorney

September 9, 1976

Wichita-Sedgwick County Metropolitan Area
Planning Commission
Robert A. Lakin, Director of Planning

DR 76-10 - Possible amendment to the Zoning Ordinance
Re: Screening of Office, Institutional, Commercial
and Industrial Development

Attached hereto is a delineated copy of an ordinance amending the screening and landscaping provisions of the zoning ordinance that has been referred back to the MAPC by the Board of City Commissioners. Also included is a copy of the ordinance that was forwarded to the City Commission with a recommendation for adoption by the MAPC.

The City Commission considered the recommendation of the MAPC on two occasions, August 3 and August 17, 1976. After discussions on these dates, the Board of City Commissioners recommended that the ordinance be returned to the MAPC and that the following changes be made to the ordinance:

1. Require all institutional uses to comply with the regulations and not just churches, provided however, office and institutional uses may omit screening if a 25 foot landscaped yard is provided.
2. Delete the provision for the Superintendent of Central Inspection to determine the most appropriate location for screening of mixed land use development. It will therefore place the responsibility on the Board of Zoning Appeals to be the body to vary the location should an owner desire to place screening at a location other than at a property line.

These suggestions made by the City Commission have been incorporated in the delineated copy of the ordinance.

RECOMMENDATION

Make any changes deemed appropriate and forward the ordinance to the City Commission with a recommendation for adoption.

Robert A. Lakin
Director of Planning

RAL:GEL:rme
Attachment
cc: Ray Bruggeman, Director of Public Works
Robert Feldner, Superintendent of Central Inspection

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE August 18, 1976

Lytlo
86



TO Robert A. Lakin, Director of Planning
FROM Robert G. Finch, Assistant City Manager

SUBJECT DR 76-10 - Possible Amendment
to Zoning Ordinance, Screening
of Office, Commercial and
Industrial Development

On August 17, 1976, the City Commission voted to return the subject proposal to the MAPC for reconsideration.

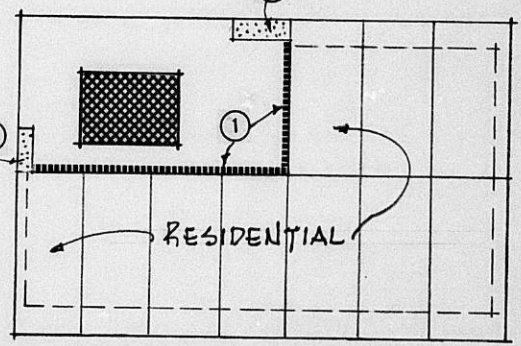
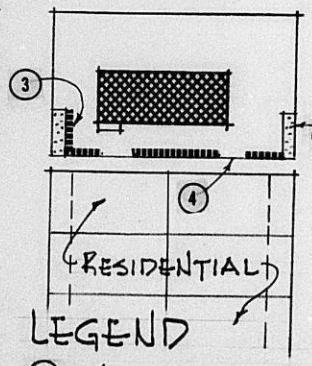
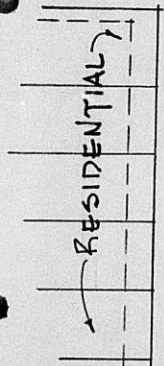
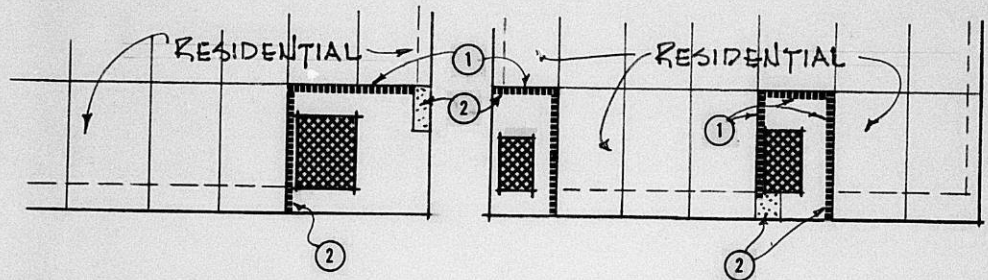
A specific change approved by the City Commission was the deletion of suggestion number three (3) contained in your memo to the City Manager dated August 11, 1976.

Please present this matter to the MAPC for reconsideration at its next regular meeting.

Finch
Robert G. Finch
Assistant City Manager

RGF/sh





- LEGEND**
- SECT. OF ORDIN.
 - ▬ SCREENING
 - ▨ LANDSCAPING
 - ▩ OFF. COMM. OR IND. BUILDING

SCREENING & LANDSCAPING
 REQUIREMENTS FOR OFFICE,
 COMMERCIAL & INDUSTRIAL DEVELOPMENT
 ADJACENT TO RESIDENTIAL
 DR-76-10

6-30-76

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

DATE

August 11, 1976

TO E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning
SUBJECT DR 76-10 - Possible amendment to Zoning Ordinance
Re: Screening of Office, Commercial and Industrial
Development.

In response to the comments of the City Commission on August 3, 1976, related to the amendment of the landscaping and screening provisions of the zoning ordinance, the following suggestions are submitted for their consideration.

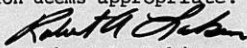
1. With the inclusion of all institutional uses in the ordinance, it might be appropriate to include an exception to the screening as noted in paragraph one. This would provide separation without a fence, and in many instances a more desirable appearance.
2. It is recommended that paragraph five be deleted. The screening would then be required to be at the lot line of all development. Should an owner desire to vary the location, the Board of Zoning Appeals could then make the determination.
3. It is suggested that a provision be included in the ordinance that would exempt a development from the screening requirements if adjacent to at least 150 feet of vacant or undeveloped land, providing, however, the owner would furnish some form of surety that screening would be installed when development occurred on the adjacent property.

I have attached information showing definitions that are now a part of the zoning ordinance and also the sections of the City Code pertaining to the jurisdiction of the Board of Zoning Appeals related to appeals and Variances.

Since the City Commission did not concur in the recommendation of the planning commission on the ordinance it is necessary to return the ordinance to the MAPC for reconsideration.

RECOMMENDATION

Return the ordinance to the MAPC for reconsideration along with any changes the City Commission deems appropriate.


Robert A. Lakin
Director of Planning

RAL:GEL:rme
Attachment

DEFINITIONS NOW PART OF ZONING ORDINANCE

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects, such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

SCREENING. Decorative fencing, evergreen vegetation* or landscaped earth berms* maintained for the purpose of concealing from view the area behind such fence, evergreen vegetation or berms. When fencing is used for screening, it shall not be less than six nor more than eight feet in height.

*Whenever evergreen vegetation or landscaped earth berms are used for screening, a plan shall be submitted for approval by the director of planning and the superintendent of central inspection.

JURISDICTION OF Bd. OF ZONING APPEALS

2.12.590 Same—Jurisdiction. A. APPEALS. Appeals to the board may be taken by any person aggrieved, or by any officer of the city or any governmental agency or body affected by any decision of the officer administering the provisions of Title 28 of this code. Such appeal shall be taken within a reasonable time as provided by the rules of the board, by filing a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken, when notified by the secretary of the board, shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. The board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of Title 28 of this code.

B. VARIANCES. The board may authorize in specific cases a variance from the specific terms of Title 28 which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of Title 28 will, in an individual case, result in unnecessary hardship, and provided that the spirit of Title 28 shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by Title 28 (zoning ordinance) in such zoning district. A request for a variance may be granted upon a finding by the board that all of the following conditions have been met:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance.)

8-11-76

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 28.04.160 K OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE SCREENING AND LANDSCAPING REQUIREMENTS FOR OFFICE, ~~CHURCH~~, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL DEVELOPMENT WHEN ESTABLISHED ON PROPERTY ADJACENT TO ANY RESIDENTIAL ZONING DISTRICT; AND REPEALING SAID ORIGINAL SECTION 28.04.160 K OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.160 K of the Code of the City of Wichita, Kansas shall be amended to read as follows:

"K. SCREENING OF OFFICE, ~~CHURCH~~, COMMERCIAL, ^{INSTITUTIONAL} ~~INSTITUTIONAL~~ AND INDUSTRIAL DEVELOPMENT

Screening and landscaping shall be provided on all properties developed for office, ~~church~~, commercial, ^{institutional} and industrial uses when such uses are established on property within or adjacent to the "AA", "A", "RB", "R-5", "R-6", "B" and "G" residential zoning districts in accordance with the following:

1. Screening shall be provided along all side or rear lot lines adjacent to a residential zoning district to extend to within 20 feet of each street right-of-way. Exception: Screening may be omitted for office and institutional uses along any lot line, or portion thereof, whenever a property is developed with a 25 foot landscaped yard adjacent to such lot line or portion thereof.
2. Whenever a front or side yard is adjacent to any property located in a residential zoning district, there shall be provided adjacent thereto, either;
 - (a) A landscaped yard twenty feet in depth for a distance equal to one third of the zoning lot line along the street (This shall not require the landscaped yard to exceed 50 feet nor permit the yard to be less than 15 feet); or,
 - (b) Screening along that side or rear lot line shall be extended to the street right-of-way line at a height of three feet.

3. Screening shall be provided on all development sufficient to reasonably hide from ground level view, all loading docks, trash receptacles, outdoor storage, outdoor work areas or similar uses from any residential zoning district located within 150 feet of such uses.

4. Whenever properties are developed adjacent to an alley, screening may be omitted at driveways deemed essential for ingress and egress to uses established on the property.

~~5. Whenever a property is developed for a combination of office, commercial, industrial and residential uses, the Superintendent of Central Inspection shall determine the most appropriate location for screening to protect adjacent residential properties.~~

5. Landscaped yards required by this section of the code shall not be used for driveways, parking, loading, outdoor storage, displays, work areas, signs or similar uses."

~~Screening and landscaping shall be provided on all properties developed for office, commercial, institutional and industrial uses when such are established on property adjacent to the "AA", "A", "RB", "R-5", "R-6", "B" and "G" residential zoning district. Exception: Office and institutional uses established in any of the residential districts need not provide the screening, but shall provide the landscaping.~~

~~Screening and landscaping shall be in accordance with the following:~~

~~1. Where a side or rear lot line coincides with a side or rear lot line of an adjacent residence district, then screening shall be provided along such lot line.~~

~~2. Where the rear or side wall of any structure used for office, commercial, institutional or industrial use lies across the street from the front yard or the side yard of a residential zoning district, then screening shall be provided along such rear or side wall and shall be not less than twenty feet from the street right-of-way line. The twenty-foot setback shall be landscaped.~~

~~3.---Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a landscaped yard equal in depth to the minimum front yard required by this title on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least fifty feet, including the width of any intervening alley.~~

~~4.---Landscaped yards shall not be used for storage, display, parking, loading or signs.~~

~~5.---Screening shall not be located closer to the street right of way than twenty feet or be higher than permitted by ordinances.~~

The original Section 28.04.160 K of the Code of the City of Wichita, Kansas is 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 _____, 1976.

James M. Donnell, Mayor

ATTEST:

Donald C. Gisick, City Clerk

Approved as to form

John Dekker, City Attorney

August 11, 1976

E. H. Denton, City Manager

Robert A. Lakin, Director of Planning

DR 76-10 - Possible amendment to Zoning Ordinance
Re: Screening of Office, Commercial and Industrial
Development.

In response to the comments of the City Commission on August 3, 1976, related to the amendment of the landscaping and screening provisions of the zoning ordinance, the following suggestions are submitted for their consideration.

1. With the inclusion of all institutional uses in the ordinance, it might be appropriate to include an exception to the screening as noted in paragraph one. This would provide separation without a fence, and in many instances a more desirable appearance.
2. It is recommended that paragraph five be deleted. The screening would then be required to be at the lot line of all development. Should an owner desire to vary the location, the Board of Zoning Appeals could then make the determination.
3. It is suggested that a provision be included in the ordinance that would exempt a development from the screening requirements if adjacent to at least 150 feet of vacant or undeveloped land, providing, however, the owner would furnish some form of surety that screening would be installed when development occurred on the adjacent property.

I have attached information showing definitions that are now a part of the zoning ordinance and also the sections of the City Code pertaining to the jurisdiction of the Board of Zoning Appeals related to appeals and Variances.

Since the City Commission did not concur in the recommendation of the planning commission on the ordinance it is necessary to return the ordinance to the MAPC for reconsideration.

RECOMMENDATION

Return the ordinance to the MAPC for reconsideration along with any changes the City Commission deems appropriate.

Robert A. Lakin
Director of Planning

RAL:GEL:rme
Attachment

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE August 3, 1976



TO Robert A. Lakin, Director of Planning
FROM Robert G. Finch, Assistant City Manager
SUBJECT Screening Ordinance

On August 3, 1976, the City Commission deferred the subject ordinance for two weeks and requested that the proposal be amended to reflect more specific guidelines in paragraph 5, a provision for appeal to the BZA and the inclusion of schools, hospitals and other institutions.

Please have the amended proposal returned to this office for inclusion on the agenda for August 17, 1976.


Robert G. Finch
Assistant City Manager

RGF/mp

cc: Glen Lytle, Special Assistant for Zoning



WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

July 20, 1976

TO E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning
SUBJECT DR 76-10 - Possible amendment to Zoning Ordinance
Re: Screening of Office, Commercial and Industrial
Development.

Attached hereto is a delineated copy of an ordinance amending the screening and landscaping provisions of the zoning ordinance that should be forwarded to the City Commission for their consideration. Also included is a copy of an excerpt of the Planning Commission minutes of July 8, 1976 and an illustration sheet showing general applications of the ordinance.

BACKGROUND

In early 1974, the Board of City Commissioners requested that the zoning ordinance be amended to include some provisions for the protection of residential areas from office, institutional, commercial and industrial development when such uses are developed adjacent thereto. The present screening and landscaping requirements were adopted and became effective in May 1974.

After two years of experience in administering the provisions of the ordinance, it is apparent that there is a need to amend the ordinance, particularly as it relates to the landscaping provisions when applied to small tract developments. This was brought to the attention of the City Commission on the public agenda by Mr. W. G. Ward on May 25, 1976, relative to the problem of securing a permit to construct a building at 440 North Kansas. At the Planning Commission meeting of May 27, 1976, it was recommended by the M.A.P.C. that an amendment be advertised for public hearing.

The amendment was prepared and the public hearing before the Planning Commission was held on July 8, 1976. After discussion of the proposed ordinance, the Planning Commission recommended the ordinance be amended to require churches to provide screening and landscaping in the same manner as required for office, commercial and industrial development.

SUMMARY

The ordinance, as recommended by the Planning Commission, provides several significant changes from the regulations as it now exists. The following is a summary of the requirements compared to the present ordinance:

E. H. Denton, City Manager
July 20, 1976
Page 2

1. Paragraph one is similar to the existing ordinance by requiring screening along any side or rear lot lines adjacent to residential zoning districts.
2. Paragraph two is the major change in the ordinance. Rather than a mandatory landscaped yard of 50 feet by the depth of the front yard setback in the residential zoning district, the owner has two options. Either provide a landscaped yard that is variable based on the frontage of the property, or extend the screening required by paragraph one to the street right-of-way line at a reduced height of three feet.
3. Paragraph three also provides a significant change by requiring screening from view of a number of uses that are considered objectionable when in close proximity to a residential neighborhood. It is an attempt to provide flexibility of design to the owner rather than the mandatory screening of the side or rear of the building when across the street from a front or side yard in a residential zoning district.
4. Paragraph four provides for openings in required screening along alleys that are deemed essential for ingress and egress.
5. Paragraph five has been included in the regulations to provide some flexibility in the screening provisions when a development combines a number of uses, including residential. The location of the screening to protect the adjacent residential property would be determined by the Superintendent of Central Inspection.
6. Paragraph six is essentially the same as the existing regulations.
7. Existing regulations require that churches, schools, hospitals and other institutional uses comply with the landscaped yard provisions, but are exempted from the screening provisions required for office, commercial and industrial uses. The amendment, as submitted to the Planning Commission, eliminated any special requirements for landscaping or screening of such uses. The staff felt that with the option to the owner, under paragraph two, to eliminate the landscaped yard requirement by extension of the screening, it would not be appropriate to include institutional uses under the provisions of the ordinance. The ordinance as recommended by the Planning Commission requires churches to comply, but does not include other institutional uses.

E. H. Denton, City Manager
July 20, 1976
Page 3

RECOMMENDATION

It is recommended by the Planning Commission that this ordinance be adopted.



Robert A. Lakin
Director of Planning

RAL:GEL:rme
Attachments

cc: Ray Bruggeman, Director of Public Works
Robert Feldner, Superintendent of Central Inspection

DELINEATED COPY
Additions underlined
Deletions marked-thru

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 28.04.160 K OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE SCREENING AND LANDSCAPING REQUIREMENTS FOR OFFICE, CHURCH, COMMERCIAL AND INDUSTRIAL DEVELOPMENT WHEN ESTABLISHED ON PROPERTY ADJACENT TO ANY RESIDENTIAL ZONING DISTRICT; AND REPEALING SAID ORIGINAL SECTION 28.04.160 K OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 28.04.160 K of the Code of the City of Wichita, Kansas shall be amended to read as follows:

"K. SCREENING OF OFFICE, CHURCH, COMMERCIAL, INDUSTRIAL AND INDUSTRIAL DEVELOPMENT

Screening and landscaping shall be provided on all properties developed for office, church, commercial, and industrial uses when such uses are established on property within or adjacent to the "AA", "A", "RB", "R-5", "R-6", "B" and "C" residential zoning districts in accordance with the following:

1. Screening shall be provided along all side or rear lot lines adjacent to a residential zoning district to extend to within 20 feet of each street right-of-way.
2. Whenever a front or side yard is adjacent to any property located in a residential zoning district, there shall be provided adjacent thereto, either;
 - (a) A landscaped yard twenty feet in depth for a distance equal to one third of the zoning lot line along the street (This shall not require the landscaped yard to exceed 50 feet nor permit the yard to be less than 15 feet); or,
 - (b) Screening along that side or rear lot line shall be extended to the street right-of-way line at a height of three feet.

3. Screening shall be provided on all development sufficient to reasonably hide from ground level view, all loading docks, trash receptacles, outdoor storage, outdoor work areas or similar uses from any residential zoning district located within 150 feet of such uses.
4. Whenever properties are developed adjacent to an alley, screening may be omitted at driveways deemed essential for ingress and egress to uses established on the property.
5. Whenever a property is developed for a combination of office, commercial, industrial and residential uses, the Superintendent of Central Inspection shall determine the most appropriate location for screening to protect adjacent residential properties.
6. Landscaped yards required by this section of the code shall not be used for driveways, parking, loading, outdoor storage, displays, work areas, signs or similar uses."

~~Screening and landscaping shall be provided on all properties developed for office, commercial, institutional and industrial uses when such are established on property adjacent to the "AA", "A", "RB", "R-5", "R-6", "B" and "G" residential zoning district. Exception: Office and institutional uses established in any of the residential districts need not provide the screening, but shall provide the landscaping.~~

~~Screening and landscaping shall be in accordance with the following:~~

- ~~1.---Where a side or rear lot line coincides with a side or rear lot line of an adjacent residence district, then screening shall be provided along such lot line.~~
- ~~2.---Where the rear or side wall of any structure used for office, commercial, institutional or industrial use lies across the street from the front yard or the side yard of a residential zoning district, then screening shall be provided along such rear or side wall and shall be not less than twenty feet from the street right-of-way line.---The twenty-foot setback shall be landscaped.~~

3.---Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a landscaped yard equal in depth to the minimum front yard required by this title on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least fifty feet, including the width of any intervening alley.

4.---Landscaped yards shall not be used for storage, display, parking, loading or signs.

5.---Screening shall not be located closer to the street right of way than twenty feet or be higher than permitted by ordinances.

The original Section 28.04.160 K of the Code of the City of Wichita, Kansas is 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 _____, 1976.

James M. Donnell, Mayor

ATTEST:

Donald C. Gisick, City Clerk

Approved as to form

John Dekker, City Attorney

7-25-76

bcc: Mr. Wesley G. Ward
300 Callahan
W.K. 67209

TIM HURLEY, EXEC. DIR
WICH. ASSOC. OF HOME BUILDERS
730 N. MAIN
W.K. 13

WES GALYON
WICHITA Bd. OF REALTORS
626 N. BROADWAY
W.K. 14

EARL MISKIMEN, ARCH
255 N. WATER
W.K. 67202

DICK BRADHAM, ARCH.
321 S. HYDRAULIC
W.K. 67202

BILL KÖRPER
330 LAURA
W.K. 67202

July 20, 1976

E. H. Denton, City Manager

Robert A. Lakin, Director of Planning

DR 76-10 - Possible amendment to Zoning Ordinance
Re: Screening of Office, Commercial and Industrial
Development.

Attached hereto is a delineated copy of an ordinance amending the screening and landscaping provisions of the zoning ordinance that should be forwarded to the City Commission for their consideration. Also included is a copy of an excerpt of the Planning Commission minutes of July 8, 1976 and an illustration sheet showing general applications of the ordinance.

BACKGROUND

In early 1974, the Board of City Commissioners requested that the zoning ordinance be amended to include some provisions for the protection of residential areas from office, institutional, commercial and industrial development when such uses are developed adjacent thereto. The present screening and landscaping requirements were adopted and became effective in May 1974.

After two years of experience in administering the provisions of the ordinance, it is apparent that there is a need to amend the ordinance, particularly as it relates to the landscaping provisions when applied to small tract developments. This was brought to the attention of the City Commission on the public agenda by Mr. W. G. Ward on May 25, 1976, relative to the problem of securing a permit to construct a building at 440 North Kansas. At the Planning Commission meeting of May 27, 1976, it was recommended by the M.A.P.C. that an amendment be advertised for public hearing.

The amendment was prepared and the public hearing before the Planning Commission was held on July 8, 1976. After discussion of the proposed ordinance, the Planning Commission recommended the ordinance be amended to require churches to provide screening and landscaping in the same manner as required for office, commercial and industrial development.

SUMMARY

The ordinance, as recommended by the Planning Commission, provides several significant changes from the regulations as it now exists. The following is a summary of the requirements compared to the present ordinance:

E. H. Denton, City Manager
July 20, 1976
Page 2

1. Paragraph one is similar to the existing ordinance by requiring screening along any side or rear lot lines adjacent to residential zoning districts.
2. Paragraph two is the major change in the ordinance. Rather than a mandatory landscaped yard of 50 feet by the depth of the front yard setback in the residential zoning district, the owner has two options. Either provide a landscaped yard that is variable based on the frontage of the property, or extend the screening required by paragraph one to the street right-of-way line at a reduced height of three feet.
3. Paragraph three also provides a significant change by requiring screening from view of a number of uses that are considered objectionable when in close proximity to a residential neighborhood. It is an attempt to provide flexibility of design to the owner rather than the mandatory screening of the side or rear of the building when across the street from a front or side yard in a residential zoning district.
4. Paragraph four provides for openings in required screening along alleys that are deemed essential for ingress and egress.
5. Paragraph five has been included in the regulations to provide some flexibility in the screening provisions when a development combines a number of uses, including residential. The location of the screening to protect the adjacent residential property would be determined by the Superintendent of Central Inspection.
6. Paragraph six is essentially the same as the existing regulations.
7. Existing regulations require that churches, schools, hospitals and other institutional uses comply with the landscaped yard provisions, but are exempted from the screening provisions required for office, commercial and industrial uses. The amendment, as submitted to the Planning Commission, eliminated any special requirements for landscaping or screening of such uses. The staff felt that with the option to the owner, under paragraph two, to eliminate the landscaped yard requirement by extension of the screening, it would not be appropriate to include institutional uses under the provisions of the ordinance. The ordinance as recommended by the Planning Commission requires churches to comply, but does not include other institutional uses.

E. H. Denton, City Manager
July 20, 1976
Page 3

RECOMMENDATION

It is recommended by the Planning Commission that this ordinance be adopted.

Robert A. Lakin
Director of Planning

RAL:GEL:rme
Attachments

cc: Ray Bruggeman, Director of Public Works
Robert Feldner, Superintendent of Central Inspection

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 8, 1976:

20. DR 76-10 - Public hearing for possible amendment to the zoning ordinance Re: Screening of office, commercial and industrial development.

LYTLE reviewed the following staff report, and discussed various proposals therein as illustrated by slides viewed by the Commissioners.

Attached hereto is a delineated copy of a possible amendment to the zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of July 8, 1976. Copies have also been furnished to the Wichita Association of Homebuilders, the Wichita Board of Realtors, the Metro Building Codes Group, the Wichita Chamber of Commerce and other individuals who have expressed interest in this amendment.

Background

In early 1974, the Board of City Commissioners requested that the zoning ordinance be amended to include some provision for protection of residential areas from office, commercial and industrial development. The present screening and landscaping requirements were adopted and became effective in May 1974.

After two years of experience in administering these provisions, it is apparent that there is a need to amend the ordinance, particularly as it is applied to small tract developments. This was brought to your attention at the Planning Commission meeting of May 27, 1976, by W. T. Ward, relative to the problem of securing a building permit at 440 North Kansas. A copy of an excerpt of the MAPC minutes of that date is also attached for your information.

Summary

The proposed amendment provides several changes from the ordinance as it now exists. The following summarizes, by paragraph, the proposed changes in Section 28.04.160.K.:

1. Paragraph one is essentially the same as the existing ordinance, requiring screening of side and rear lot lines adjacent to residential zoning districts.
2. Paragraph two provides an option to the owner of either a landscaped yard twenty feet in depth by one-third of the zoning lot line along the street; or, the extension of the screening at a height of three feet and to the street right-of-way line.

Also included is an alternate paragraph two that conforms more nearly to the motion made by the MAPC. This would allow the Superintendent of Central Inspection to make a determination of the need to reduce a required landscaped yard, based on the size and configuration of the development. This would provide, in most cases, some landscaped yard adjacent to residential properties, however, when the yard is reduced, the screening would be extended to the street right-of-way line at a height of three feet.

3. Paragraph three provides for the screening of outdoor type uses within 150 feet of a residential zoning district. Although most uses of this type would occur in the heavy commercial or industrial zoning districts, and not generally located adjacent to residential, this will require screening of trash receptacles and such uses on all properties. This will eliminate the requirement to screen the entire side or rear of a building when across the street from residential, but only require the screening of the objectionable outdoor uses. This also eliminates a 30-foot landscaped yard adjacent to the street when screening of a side or rear of the building is required by present regulations.

4. Paragraph four provides for penetration of screening at driveways essential for ingress and egress. This is necessary due to the change in language in paragraph one that will require screening at rear or side property lines adjacent to an alley.
5. Paragraph five has been included to provide some flexibility in the screening provisions when a development combines a number of uses, including residential, and a separation on the same property is not practical.
6. Paragraph six is essentially the same as the present regulations.
7. In addition to the six provisions included in the proposed ordinance, you will note that institutional uses have been dropped from the regulations. Previous regulations exempted them from the screening requirements and required only the landscaping. In most instances, churches, schools and similar uses are established in the residential zoning districts requiring front yard setbacks that are generally landscaped and not permitted to be used for off-street parking.

Illustrations of the application of the requirements are shown on the attached drawing.

Recommendation

Make any changes the Commission deems appropriate and forward the ordinance to the City Commission for their consideration.

LYTLE also discussed alternate paragraph 2 as follows:

2. Whenever a front or side yard is adjacent to any property located in a residential zoning district, a landscaped yard twenty feet in depth by one-third of the zoning lot line along a street shall be provided adjacent thereto. The application of this regulation shall not require the landscaped yard to exceed a distance of fifty feet nor permit the landscaped yard to be less than fifteen feet. Exception: Whenever if it is determined by the Superintendent of Central Inspection that the requirement of the landscaped yards would deny reasonable access to the property, or severely restrict the development of the property, he may reduce such landscaped yard providing the screening along such rear or side lot line shall be extended to the street right-of-way line at a height of three feet.

This would allow the Superintendent of Central Inspection to reduce the landscaped yard requirement, based on the physical characteristics of each individual property.

SAVINA referred to the Atlantic Mills location where no landscaping was required. LYTLE said it would be optional with the owner whether they provide landscaping or fencing.

For the record, LAKIN felt that the net result of the option would mean that 99.9% would extend the fencing rather than providing landscaping, and it was his personal observation that he would almost rather have a mediocre fence than poor landscaping. In most cases where outdoor storage of merchandise is allowed in "IC", there is another provision of the ordinance which requires screening.

It was pointed out that Paragraph 5 of the memo relates to where there is a combination of uses on one site; it allows the Superintendent of Central Inspection to determine the most appropriate place on the development site for screening. When questioned as to appeal provisions, LYTLE explained that any decision of the Superintendent of Central Inspection is appealable to the Board of Zoning Appeals.

BARRIER asked if the Cobblestone Alley CUP screening would be a fence or landscaping and GALBRAITH said what is being discussed would not apply on CUPs, that screening is established in the approval of a CUP.

In explaining the proposed amendment further, LYTLE stated that institutional uses under the present regulations are required to provide the landscaping, but it is proposed to eliminate such requirement for institutional uses, primarily because most schools, churches, etc., are developed in residential areas and are required to provide front yard setbacks; and are not allowed to park in the front setback area.

BARRIER asked about institutional use parking lots. LYTLE replied that they were not required to be screened under previous regulations and are not proposed to be required to screen by this amendment. BARRIER felt that churches in residential areas should be required to screen their parking lots. BAYOUTH considered this a very sensitive area.

GALBRAITH pointed out that churches and schools are often found in the "AA" single-family district and there are no screening requirements, however, in cases where churches have asked for exceptions for parking lots through the Board of Zoning Appeals, screening is required.

JOHN RIDDEL, representing Bob Feldner, Superintendent of Central Inspection, suggested rather than eliminate landscaping altogether, reduce the amount of landscaping and require a 3-foot fence extended to the front property line. It was pointed out that alternate paragraph two would require landscaping according to the judgment of the Superintendent of Central Inspection for each individual case.

There was further discussion between the Commission and Mr. Riddel and reference made to various situations as depicted on the slides presented.

SAVINA said what was intended was that the fence go to the property line with no landscaping.

LAKIN said the staff report indicates a choice, either fence or landscaping, or the landscaping can be reduced when there is a limited site. LAKIN commented that if landscaping is going to be required he was almost inclined to favor requiring the owner to guarantee and show how they are going to provide water for maintenance of the landscaping.

MOTION: That the Planning Commission recommend to the City Commission that the zoning ordinance be amended as follows:

SECTION 28.04.160.K. of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

K. SCREENING OF OFFICE, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT.

Screening and landscaping shall be provided on all properties developed for office, commercial, and industrial uses when such uses are established on property within or adjacent to the "AA", "A", "RB", "R-5", "R-6", "B" and "C" residential zoning districts in accordance with the following:

1. Screening shall be provided along all side or rear lot lines adjacent to a residential zoning district to extend to within 20 feet of each street right-of-way.

2. Whenever a front or side yard is adjacent to any property located in a residential zoning district, there shall be provided adjacent thereto, either:
 - (a) A landscaped yard twenty feet in depth for a distance equal to one-third of the zoning lot line along the street. (This shall not require the landscaped yard to exceed 50 feet nor permit the yard to be less than 15 feet); or
 - (b) Screening along the side or rear lot line shall be extended to the street right-of-way line at a height of three feet.
3. Screening shall be provided on all development sufficient to reasonably hide from ground level view all loading docks, trash receptacles, outdoor storage, outdoor work areas or similar uses from any residential zoning district located within 150 feet of such uses.
4. Whenever properties are developed adjacent to an alley, screening may be omitted at driveways deemed essential for ingress and egress to uses established on the property.
5. Whenever a property is developed for a combination of office, commercial, industrial and residential uses, the Superintendent of Central Inspection shall determine the most appropriate location for screening to protect adjacent residential properties.
6. Landscaped yards required by this section of the code shall not be used for driveways, parking, loading, outdoor storage, displays, work areas, signs or similar uses.

Hennessy moved and Savina seconded.

BARRIER objected to institutions being removed from the requirements of screening.

AMENDED MOTION: That the first paragraph under K. be amended to include "institutional" and to read as follows: "K. Screening of office, commercial, institutional and industrial development;" otherwise the motion to be the same as originally made. Barrier moved and Taylor seconded.

Savina was excused from the meeting.

VOTE ON THE ABOVE AMENDED MOTION: Motion carried by a vote of 5 in favor (Barrier, Taylor, Greider, Kamen, and Goebel), and 2 opposed (Hennessy and Bayouth). Porter, Gragg and Savina were absent.

In the discussion, it was brought out that institutional would include schools and libraries.

KAMEN said he did not realize that institutional would involve libraries. BARRIER said she would like to withdraw her substitute motion and make a new one. KAMEN felt that church parking lots should be screened.

TAYLOR pointed out that a motion would be needed to reconsider the matter if that is what the Commission desires to do, in order to have an amended substitute motion.

MOTION: Kamen moved, Greider seconded and it carried unanimously that the Planning Commission reconsider this matter. Savina, Porter and Gragg were absent.

AMENDED MOTION TO THE ORIGINAL MOTION: That the first paragraph under K. be amended to include "churches" and to read as follows: "K. Screening of office, commercial, churches, and industrial development;" otherwise the motion to be the same as originally made. Barrier moved and Greider seconded. Vote on the amended substitute motion carried by a vote of 5 in favor (Barrier, Greider, Taylor, Kamen, and Goebel), and 2 opposed (Bayouth and Hennessy). Savina, Porter and Gragg were absent.

HENNESSY said he would withdraw his original motion, but it was explained that in that case there would be no prime motion for the amended motion to relate to.

VOTE ON PRIME MOTION: Carried by a vote of 5 in favor (Barrier, Greider, Goebel, Taylor, and Kamen), and 2 opposed (Bayouth and Hennessy). Porter, Gragg and Savina were absent.

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 8, 1976:

20. DR 76-10 - Public hearing for possible amendment to the zoning ordinance Re: Screening of office, commercial and industrial development.

LYTLE reviewed the following staff report, and discussed various proposals therein as illustrated by slides viewed by the Commissioners.

Attached hereto is a delineated copy of a possible amendment to the zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of July 8, 1976. Copies have also been furnished to the Wichita Association of Homebuilders, the Wichita Board of Realtors, the Metro Building Codes Group, the Wichita Chamber of Commerce and other individuals who have expressed interest in this amendment.

Background

In early 1974, the Board of City Commissioners requested that the zoning ordinance be amended to include some provision for protection of residential areas from office, commercial and industrial development. The present screening and landscaping requirements were adopted and became effective in May 1974.

After two years of experience in administering these provisions, it is apparent that there is a need to amend the ordinance, particularly as it is applied to small tract developments. This was brought to your attention at the Planning Commission meeting of May 27, 1976, by W. T. Ward, relative to the problem of securing a building permit at 440 North Kansas. A copy of an excerpt of the MAPC minutes of that date is also attached for your information.

Summary

The proposed amendment provides several changes from the ordinance as it now exists. The following summarizes, by paragraph, the proposed changes in Section 28.04.160.K.:

1. Paragraph one is essentially the same as the existing ordinance, requiring screening of side and rear lot lines adjacent to residential zoning districts.
2. Paragraph two provides an option to the owner of either a landscaped yard twenty feet in depth by one-third of the zoning lot line along the street; or, the extension of the screening at a height of three feet and to the street right-of-way line.

Also included is an alternate paragraph two that conforms more nearly to the motion made by the MAPC. This would allow the Superintendent of Central Inspection to make a determination of the need to reduce a required landscaped yard, based on the size and configuration of the development. This would provide, in most cases, some landscaped yard adjacent to residential properties, however, when the yard is reduced, the screening would be extended to the street right-of-way line at a height of three feet.

3. Paragraph three provides for the screening of outdoor type uses within 150 feet of a residential zoning district. Although most uses of this type would occur in the heavy commercial or industrial zoning districts, and not generally located adjacent to residential, this will require screening of trash receptacles and such uses on all properties. This will eliminate the requirement to screen the entire side or rear of a building when across the street from residential, but only require the screening of the objectionable outdoor uses. This also eliminates a 30-foot landscaped yard adjacent to the street when screening of a side or rear of the building is required by present regulations.

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Recommendation

Make any changes the Commission deems appropriate and forward the ordinance to the City Commission for their consideration.

LYTLE also discussed alternate paragraph 2 as follows:

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For the record, LAKIN felt that the net result of the option would mean that 99.9% would extend the fencing rather than providing landscaping, and it was his personal observation that he would almost rather have a mediocre fence than poor landscaping. In most cases where outdoor storage of merchandise is allowed in "LC", there is another provision of the ordinance which requires screening.

It was pointed out that Paragraph 5 of the memo relates to where there is a combination of uses on one site; it allows the Superintendent of Central Inspection to determine the most appropriate place on the development site for screening. When questioned as to appeal provisions, LYTLE explained that any decision of the Superintendent of Central Inspection is appealable to the Board of Zoning Appeals.

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VOTE ON PRIME MOTION: Carried by a vote of 5 in favor (Barrier, Greider, Goebel, Taylor, and Kamen), and 2 opposed (Bayouth and Hennessy). Porter, Gragg and Savina were absent.

July 1, 1976

Wichita-Sedgwick County Metropolitan
Area Planning Commission

Robert A. Lakin, Director of Planning

DR 76-10 - Possible amendment to Zoning Ordinance
Re: Screening of Office, Commercial and Industrial
Development

Attached hereto is a delineated copy of a possible amendment to the zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of July 8, 1976. Copies have also been furnished to the Wichita Association of Homebuilders, the Wichita Board of Realtors, the Metro Building Codes Group, the Wichita Chamber of Commerce and other individuals who have expressed interest in this amendment.

BACKGROUND

In early 1974, the Board of City Commissioners requested that the zoning ordinance be amended to include some provision for protection of residential areas from office, commercial and industrial development. The present screening and landscaping requirements were adopted and became effective in May 1974.

After two years of experience in administering these provisions, it is apparent that there is a need to amend the ordinance, particularly as it is applied to small tract developments. This was brought to your attention at the Planning Commission meeting of May 27, 1976, by Mr. W. T. Ward, relative to the problem of securing a building permit at 440 North Kansas. A copy of an excerpt of the MAPC minutes of that date is also attached for your information.

SUMMARY

The proposed amendment provides several changes from the ordinance as it now exists. The following summarizes, by paragraph, the proposed changes in Section 28.04.160.K:

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3. Paragraph three provides for the screening of outdoor type uses within 150 feet of a residential zoning district. Although most uses of this type would occur in the heavy commercial or industrial zoning districts, and not generally located adjacent to residential, this will require screening of trash receptacles and such uses on all properties. This will eliminate the requirement to screen the entire side or rear of a building when across the street from residential, but only require the screening of the objectionable outdoor uses. This also eliminates a 20-foot landscaped yard adjacent to the street when screening of a side or rear of the building is required by present regulations.
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Illustrations of the application of the requirements are shown on the attached drawing.

Page 3 - Metropolitan Area Planning Commission
July 1, 1976

RECOMMENDATION

Make any changes the Commission deems appropriate and forward the ordinance to the City Commission for their consideration.

Robert A. Lakin
Director of Planning

RAL:GEL:ber
Attachments

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

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

July 1, 1976

TO Wichita-Sedgwick County Metropolitan
Area Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT DR 76-10 - Possible amendment to Zoning Ordinance
Re: Screening of Office, Commercial and Industrial
Development

Attached hereto is a delineated copy of a possible amendment to the zoning ordinance that has been advertised for public hearing at the Planning Commission meeting of July 8, 1976. Copies have also been furnished to the Wichita Association of Homebuilders, the Wichita Board of Realtors, the Metro Building Codes Group, the Wichita Chamber of Commerce and other individuals who have expressed interest in this amendment.

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SUMMARY

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2. Paragraph two provides an option to the owner of either a landscaped yard twenty feet in depth by one-third of the zoning lot line along the street; or, the extension of the screening at a height of three feet and to the street right-of-way line.

Also included is an alternate paragraph two that conforms more nearly to the motion made by the MAPC. This would allow the Superintendent of Central Inspection to make a determination of the need to reduce a required landscaped yard, based on the size and configuration of the development. This would provide, in most cases, some landscaped yard adjacent to residential properties, however, when the yard is reduced, the screening would be extended to the street right-of-way line at a height of three feet.

3. Paragraph three provides for the screening of outdoor type uses within 150 feet of a residential zoning district. Although most uses of this type would occur in the heavy commercial or industrial zoning districts, and not generally located adjacent to residential, this will require screening of trash receptacles and such uses on all properties. This will eliminate the requirement to screen the entire side or rear of a building when across the street from residential, but only require the screening of the objectionable outdoor uses. This also eliminates a 20-foot landscaped yard adjacent to the street when screening of a side or rear of the building is required by present regulations.
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Illustrations of the application of the requirements are shown on the attached drawing.

Page 3 - Metropolitan Area Planning Commission
July 1, 1976

RECOMMENDATION

Make any changes the Commission deems appropriate and forward the ordinance to the City Commission for their consideration.



Robert A. Lakin
Director of Planning

RAL:GEL:ber
Attachments

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

(Published in the Daily Record, June 15, 1976)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, July 8, 1976, the WICHITA SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in the City Commission Chambers, 1st Floor, 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 Section 28.04.160 K of the zoning ordinance changing the requirements for screening and landscaping of Office, Commercial, Institutional and Industrial development when such uses are established adjacent to any of 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 10th day of June, 1976.

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

(SEAL)

POSSIBLE AMENDMENT TO THE ZONING ORDINANCE
REVISING THE SCREENING AND LANDSCAPING
REQUIREMENTS FOR OFFICE, COMMERCIAL, INSTI-
TUTIONAL AND INDUSTRIAL DEVELOPMENT WHEN
ESTABLISHED ON PROPERTY ADJACENT TO ANY
RESIDENTIAL ZONING DISTRICT.

SECTION 28.04.160 K of the Code of the City of Wichita, Kansas shall be amended to read as follows:

K. SCREENING OF OFFICE, COMMERCIAL, ~~INSTITUTIONAL~~ AND INDUSTRIAL DEVELOPMENT

Screening and landscaping shall be provided on all properties developed for office, commercial, and industrial uses when such uses are established on property within or adjacent to the "AA", "A", "RB", "R-5", "R-6", "B" and "G" residential zoning districts in accordance with the following:

1. Screening shall be provided along all side or rear lot lines adjacent to a residential zoning district to extend to within 20 feet of each street right-of-way.
2. Whenever a front or side yard is adjacent to any property located in a residential zoning district, there shall be provided adjacent thereto, either:
 - (a) A landscaped yard twenty feet in depth for a distance equal to one third of the zoning lot line along the street. (This shall not require the landscaped yard to exceed 50 feet nor permit the yard to be less than 15 feet), or;
 - (b) Screening along that side or rear lot line shall be extended to the street right-of-way line at a height of three feet.
3. Screening shall be provided on all development sufficient to reasonably hide from ground level view, all loading docks, trash receptacles, outdoor storage, outdoor work areas or similar uses from any residential zoning district located within 150 feet of such uses.
4. Whenever properties are developed adjacent to an alley, screening may be omitted at driveways deemed essential for ingress and egress to uses established on the property.

5. Whenever a property is developed for a combination of office, commercial, industrial and residential uses, the Superintendent of Central Inspection shall determine the most appropriate location for screening to protect adjacent residential properties.

6. Landscaped yards required by this section of the code shall not be used for driveways, parking, loading, outdoor storage, displays, work areas, signs or similar uses.

~~Screening and landscaping shall be provided on all properties developed for office, commercial, institutional and industrial uses when such are established on property adjacent to the "AA", "A", "RB", "R-5", "R-6", "B" and "G" residential zoning district. Exception: Office and institutional uses established in any of the residential districts need not provide the screening, but shall provide the landscaping.~~

~~Screening and landscaping shall be in accordance with the following:~~

- ~~1.---Where a side or rear lot line coincides with a side or rear lot line of an adjacent residence district, then screening shall be provided along such lot line.~~
- ~~2.---Where the rear or side wall of any structure used for office, commercial, institutional or industrial use lies across the street from the front yard or the side yard of a residential zoning district, then screening shall be provided along such rear or side wall and shall be not less than twenty feet from the street right-of-way line. The twenty-foot setback shall be landscaped.~~
- ~~3.---Where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residential district, then a landscaped yard equal in depth to the minimum front yard required by this title on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least fifty feet, including the width of any intervening alley.~~
- ~~4.---Landscaped yards shall not be used for storage, display, parking, loading or signs.~~
- ~~5.---Screening shall not be located closer to the street right-of-way than twenty feet or be higher than permitted by ordinances.~~

Alternate paragraph # 2

2. Whenever a front or side yard is adjacent to any property located in a residential zoning district, a landscaped yard twenty feet in depth by one-third of the zoning lot line along a street shall be provided adjacent thereto. The application of this regulations shall not require the landscaped yard to exceed a distance of fifty feet nor permit the landscaped yard to be less than fifteen feet. Exception: Whenever it is determined by the Superintendent of Central Inspection that the requirement of the landscaped yards would deny reasonable access to the property, or severely restrict the development of the property, he may reduce such landscaped yard providing the screening along such rear or side lot line shall be extended to the street right-of-way line at a height of three feet.

Excerpt of 5-27-76 MAPC Minutes

30. Request from Commissioner Savina to discuss Section 28.04.160. Screening and landscaping requirements of the City zoning ordinance.

LAKIN said that Commissioner Savina had discussed this matter with him a week or so ago, after a citizen (W. T. Ward), had approached Mr. Savina with his problem so far as complying with the screening requirements. In Mr. Ward's case, it appears that in early conversations with Central Inspection personnel, he understood there was no problem in obtaining a permit on his property, but in the final review, he was informed of the required landscaping and screening because his commercial property is adjacent to a residential property. In Mr. Ward's case, he has only a 60-foot frontage, and the requirement is for 50 feet of landscaped area for the depth of the required front yard, which does not leave sufficient driveway width for access to his property.

LAKIN stated that it had been suggested to Mr. Ward that the Board of Zoning Appeals has the right to grant variances on such a condition where it is related to hardship, but Mr. Ward has chosen to take his problem to the City Commission where it was discussed at length.

LAKIN said the staff has been aware of problems in interpretation of the screening requirements, other than the example on Mr. Ward's property. He related that the screening provisions were included in the ordinance several years ago because the City Commission was experiencing difficulty in granting commercial zoning next to residential without providing some type of protection for the residential. LAKIN said the present requirements also provide for a fence and landscaping at the rear and side of commercial property where it abuts residential, and that it would probably be advisable to consider an amendment to the requirement for landscaping as it often results in just grass and small shrubs which are not cared for. Another problem of interpretation is created where property lines are not coterminus.

LAKIN'S discussion was illustrated by diagrams of various possibilities and problems of interpreting and applying the requirements. He agreed with Commissioner Savina that the ordinance needs to be amended and asked for some guidance from the Commission.

LAKIN noted that the Commission may want to consider not requiring landscaping at all, but have the screening wall on the side extended to the front property line, or might want to develop a sliding scale of some kind based on the frontage of a property. LAKIN said he was inclined to favor just requiring a wall or fencing and forgetting about landscaping.

GOEBEL indicated he would not favor options so far as an applicant or a neighborhood because so often mutual agreement is difficult to come by, although he did favor requiring some type of protection for residential properties.

In considering the cost of any screening required, it was thought that plant material of sufficient maturity and quality to do a good screening job would be just as expensive as a good redwood fence or something similar. Maintenance of landscaping was considered a problem, and LAKIN said that the present ordinance does provide that if it is not maintained, the City may order the work done and assess the cost back to the property, but that it is not usually done unless there is a high level of complaint filed.

HENNESSY said he tended to agree on fencing instead of landscaping, but that each case should be considered on its own merits.

LAKIN pointed out that if someone has a choice and decides on landscaping and Central Inspection does not approve such landscaping, then there will be complaints about what the City is doing to people.

GOEBEL suggested that not all people would like a fence or wall, but that maybe the requirement could be for a fence or wall unless a large portion of the neighborhood did not want a wall, and then landscaping on the front could be allowed. LAKIN thought that would complicate building permit issuance and differences on the part of residents would have to be considered.

LAKIN pointed out that an amendment to the ordinance would require at least 60 days, and it would be a complicated subject to cover in view of the hundreds of pieces of property in the city with various zoning categories, and it will be impossible to write an ordinance that would satisfy everyone or every property all the time and that the Board of Zoning Appeals would have to deal with some of the unusual cases of a hardship nature.

W. T. WARD spoke concerning a property he bought at tax sale; there is a house adjacent, and his lot is only 60.4 feet in width. He said he was not against the landscaping requirement and would have filed with the Board of Zoning Appeals, but decided to first talk with Mr. Savina. He related his dealings with Central Inspection when at first he would told he could build on his property and later the matter of landscaping was raised, such requirement being for 50 feet of landscaping along the front, which would not leave sufficient room for a driveway into the property. WARD said he was really upset when he learned that the requirement affected everybody and not just him and his property.

WARD said that he was going to comply with the zoning and building code and the only thing that prevented his getting a permit was the landscaping requirement. He said he did not see anything in the ordinance to indicate he could not drive through the landscaping, and that it is a matter of interpretation. He thought it might be faster to bring things to a head to get the City Commission involved because it is denying people the right to use their land and restricts commercial development. He said his business is small and he has

spent more time than he should trying to develop it and was also concerned as such requirements related to other businesses.

WARD pointed out that the landscaping requirement conflicts with the building code and it appeared property owners are over-regulated. WARD said he thought screening was all right, but in his case, there is no way he could comply and also have a driveway into his property.

PORTER commented that she appreciate Mr. Ward's attitude and it does appear to be a matter of interpretation, and she favored an amendment of the screening requirements.

BOB FELDER, Superintendent of Central Inspection, said Mr. Ward's problem is not just related to landscaping and a driveway, but that he still needs three parking places, none of which can be in the area of the required landscaping. His building was planned so that there were three off street parking spaces on the north side of the lot and the 20x50 foot designed landscape area on the drawing, encroaches into the area for off-street parking.

WARD said he could furnished the required off street parking.

FELDNER said he agreed with Lakin's comments and had consulted with the Planning staff some months ago and recommended that amendments be considered as there were problems in administering this section of the ordinance. It is impossible to utilize a 50 or 60-foot lot with the present 50' landscaping requirements. He also agreed with LAKIN so far as landscaping in that it is something for the landowner to maintain, but seldom is it properly maintained.

BARRIER asked for more explanation of Mr. Ward's problem, and LAKIN pointed out the problem as shown on a sketch. He commented further that he is not suggesting an ordinance be written specifically for Mr. Ward's property, but that a general amendment be made to relax the screening requirements, and it appeared that is what Mr. Ward is asking for also.

BAYOUTH asked concerning a driveway penetrating the required landscaping and FELDNER pointed out that concrete is not landscaping. SAVINA commented that it is a requirement that there be access to every lot too. LAKIN said there will always be some conflicts of ordinances, but the Board of Zoning Appeals can handle such conflicts. LAKIN suggested that some amendment should be considered and at this time his initial thrust was to just go to fencing and screening and leave out landscaping. LAKIN said he was not saying it would eliminate all problems, but it would eliminate those that are obvious at this time.

FELDNER said that Mr. Ward is agreeable to the screening required but that a building permit could not be issued until the ordinance is changed because of the driveway conflict with the required landscaping.

LAKIN said a motion was needed directing the staff to advertise for a change in the ordinance concerning the landscaping requirements.

MOTION: That the staff be instructed to advertise for a public hearing of screening requirements adjacent to residential property lines to give them the option of landscaping the front setback area or constructing a fence clear out to the front property line, and that the landscaping area should be to such an extent that it would not hamper the parking or driveway requirements of the property. Savina moved.

LAKIN said a fence would have to be lower in height from the point of front setback to the front property line.

FELDNER commented that by the motion, there would be the option of a fence or strip of landscaping and he suggested an alternate be provided because he felt the original intent was that landscaping was desired, and he suggested a change be considered similar to the way side yards are handled in the "R-5" and "R-6" districts. For instance, on a 50-foot lot, there be a percentage of the lot frontage required for landscaping rather than a 50 foot width.

AMENDED MOTION: Savina amended the above motion to require a minimum landscaped area of 15 feet and a maximum of 50 feet. Greider seconded the motion.

Porter was excused from the meeting.

VOTE ON MOTION: Carried unanimously. Porter and Taylor were absent.

Copies to:

- ✓ 1. TIM HURLEY EXEC DIR
WICH. ASSN. OF HOME BUILDERS
730 N. Main
- ✓ 2. WES GALYON
WICHITA BOARD OF REALTORS
626 N. Broadway
- ✓ 3. EARL MISKIMEN, ARCH.
METRO BUILDING CODES GROUP
255 N. WATER 67202
- ✓ 4. DICK DRABHAM, ARCH.
321 So. Hydraulic. 11
- ✓ 5. W. T. WARD
119 So. ESTELLE 11
- ✓ 6. Wichita Chamber of Commerce
350 W. Douglas 0
- ✓ 7. Willis Chambers, Arch.
230 Laura

(Published in the Daily Record, June 15, 1976)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, July 8, 1976, the WICHITA SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, in the City Commission Chambers, 1st Floor, 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 Section 28.04.160 K of the zoning ordinance changing the requirements for screening and landscaping of Office, Commercial, Institutional and Industrial development when such uses are established adjacent to any of 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 10th day of June, 1976.

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

(SEAL)

(Published in the Daily Record, June 15, 1976)

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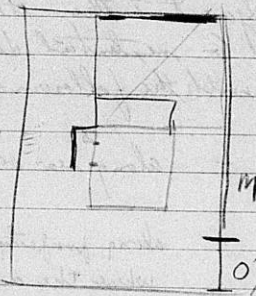
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Robert A. Lakin, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

Screening shall be provided ^{on all} at lot lines when
properties developed for office, commercial
& industrial uses when located on a lot
adjacent to the AA, A, R-5, R-6, B
& G residential districts, in accordance
with the following

- along rear or side lot lines
- along property lines abutting a street
where the area along such property line
is used for outside storage, service
entrance (loading docks, truck service
& similar activities), ^{and} work areas
- Some landscape art.
- Penetration how much.



LS on Form 601
 $X_{m-1} < Y > 2'$

$\frac{1}{2}$
(3) Alt - 50x25' (3A) problem.

- 1/3 lot NLT 15 NMT 50

- 2 Zone lot only entire front etc Int Eq

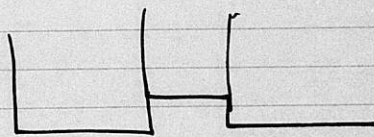
- no landscape, screen only

coincide (adjacent)

Screening at property line such as to shield
such service area or entrance or storage
from the view of any residential w/ 1
150' of such service area, for entrance
or storage area.

coincide

about
adjacent
attach
border
bordering
close
contiguous
contiguous
next to
near
neighbor
next
right
target.



6-14-76

Feldner & Riddell 6-18-76

K. SCREENING OF OFFICE, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL DEVELOPMENT

Screening and landscaping shall be provided on all properties developed for office, commercial, institutional and industrial uses when such uses are established on property within or adjacent to the "AA", "A", "RB", "R-5", "R-6", "B" and "C" residential zoning districts in accordance with the following:

1. Screening shall be provided along all side or rear lot lines adjacent to a residential zoning district to extend to within 20 feet of each street right-of-way. Exception: Screening may be omitted for office and institutional uses along any lot line whenever a property is developed with a 25 foot landscaped yard adjacent to such lot line.
2. Whenever a front or side yard is adjacent to any ^{property located} ~~development~~ in a residential district, a landscaped yard twenty feet in depth by one-third of the zoning lot frontage (width or depth) shall be provided. The application of this regulation shall not exceed a ^{require the yard to} distance of fifty feet nor be less than fifteen feet. Exception: Whenever it is determined by the Superintendent of Central Inspection that this regulation cannot reasonably be applied to a specific property, then the landscaped yard may be ^{reduced} ~~omitted~~ providing

the screening along each side or rear lot line is extended to the street right-of-way line at a height of three feet.

3. Screening shall be provided on all development sufficient to ^{reasonably} hide from ^{ground} view all loading docks, trash receptacles, outdoor storage, outdoor work areas or similar uses from any residential zoning district located within 150 feet of such uses.
4. Whenever properties are developed adjacent to an alley, screening may be omitted at driveways required for ingress and egress.
5. Whenever a property is developed for a combination of office, commercial, institutional and residential, the Superintendent of Central Inspection shall determine the most appropriate location off screening to protect adjacent residential properties.
6. Landscaped yards required by this section of the code shall not be used for driveways, parking, loading, outdoor storage, displays, work areas, signs or similar uses.

June 10, 1976

K. SCREENING OF OFFICE, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL DEVELOPMENT

Screening and landscaping shall be provided on all properties developed for office, commercial, institutional and industrial uses when such uses are established on property within or adjacent to the "AA", "A", "RB", "R-5", "R-6", "B" and "G" residential zoning districts in accordance with the following:

1. Screening shall be provided along all side or rear lot lines adjacent to a residential zoning district. *to extend to within 20 feet of each street right-of-way.*
Exception: Screening may be omitted for office and institutional uses along any lot line whenever a property is developed with a 25 foot landscaped yard adjacent to such lot line.
2. Whenever a front or side yard in a residential district, is adjacent to any development, a landscaped yard twenty feet in depth by one-third of the zoning lot *frontage* (width or depth) shall be provided. The application of this regulation shall not exceed a distance of fifty feet nor be less than fifteen feet. Exception: Whenever it is determined by the Superintendent of Central Inspection that this regulation cannot reasonably be applied to a specific property, then the landscaped yard may be omitted providing the screening along each side or rear lot line is extended to the street right-of-way line at a height of three feet.

3. Screening shall be provided on all development sufficient to hide from view ~~of residential zoning located within 150 feet of~~ all loading docks, trash receptacles, outdoor storage, outdoor work areas or similar uses *from any residential zoning district located within 150 feet of such uses.*
4. Whenever properties are developed adjacent to an alley, screening may be omitted at driveways required for ingress and egress.
5. Whenever a property is developed for a combination of office, commercial, institutional and residential, the Superintendent of Central Inspection shall determine the most appropriate location for screening to protect adjacent residential properties.
6. Landscaped yards *required by this section of the code* shall not be used for driveways, parking, loading, outdoor storage, displays, work areas, signs or similar uses.

THE CITY OF WICHITA

OFFICE OF

CITY MANAGER

DATE June 4, 1976

Copy - File
js


TO Robert A. Lakin, Director of Planning

FROM Robert G. Finch, City Manager (Interim)

SUBJECT Section 28.04.160 of
the City Code

At the meeting of June 1, 1976, the City Commission deferred discussion of the captioned Code section pertaining to screening of developments pending a recommendation from the Metropolitan Area Planning Commission pertaining to landscaping and screening distances.

Please provide this report at the earliest meeting following hearing and approval by the MAPC.



Robert G. Finch
City Manager (Interim)

RGF/ksw



THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE May 25, 1976



TO Robert A. Lakin, Director of Planning
FROM Robert G. Finch, City Manager (Interim)

SUBJECT Screening of Developments

At the meeting of May 25, 1976, the Commissioner Stevens requested that Section 28,04,160 of the City Code pertaining to screening of office commercial, institutional, and industrial development be considered at the meeting of June 1, 1976.

Please provide a report and comments on this screening ordinance for consideration on June 1, 1976. We expect that the City Commission will refer this matter to the Planning Commission for possible amendment.



Robert G. Finch
City Manager (Interim)

RGF/ksw

cc: Robert B. Feldner, Superintendent of Central Inspection



1st Draft 5-27-76

K. SCREENING OF OFFICE, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL DEVELOPMENT

Screening shall be provided on all properties developed for office, commercial, institutional and industrial uses when such uses are established on property adjacent to the "AA", "A", "RB", "R-5", "R-6", "B" and "G" residential zoning districts in accordance with the following:

- (1) Screening shall be provided along all side or rear lot lines adjacent to a residential zoning district. Such screening shall be reduced to 3 feet in height when within 20 feet of public right-of-way.
- (2) Screening may be omitted along the front portion of a side lot line when any use provides a 25-foot landscaped yard adjacent to such lot line. Such yard shall not be used for driveways, parking, signs, outdoor storage, display, or work areas, or similar uses.
- (3) Screening shall be provided along a lot line adjacent to a street whenever such use provides loading docks, trash receptacles, outdoor storage and work areas, or similar uses that are located within 150 feet of a residential zoning district.
- (4) Screening may be penetrated by driveways for ingress and egress, providing such penetration may not exceed 33 percent of the required screening area.

Mike Savina,
352 N Broadway,
Wichita, Kansas, 67202
15 May 1976

Mr Robert A Lakin,
Director of Planning,
Metropolitan Planning Department,
City Hall Building,
Wichita, Kansas, 67202.

Re: Zoning Regulations - Case:
Mr W Ward - Commercial Bldg,
400 block N Kansas.

During our conversation on Friday, May 14th, we discussed the plight of Mr Wesley G Ward, who has been trying to get a building permit for the last sixty days to construct a simple warehouse type building at the 400 block on N Kansas.

That part of the zoning regulations which state that an area 50' x 20' for planting purposes must be set aside at the front yard setback adjacent to a residential zoning property. In this case Mr Ward's lot is 60' in width. Central inspection has directed him that a 24' width drive must be constructed in order that traffic to and from the lot would be two-way. The consensus of your staff seem to think that a variance would be in order in this case. This will take time and perhaps another month will elapse before a variance is approved and the permit issued. This approach is the only possible legal way for Mr Ward to obtain his permit.

I do not have a copy of the zoning ordinance indicated above. I would appreciate you mailing me a copy of it. I am also requesting that you take into consideration the effect of this ordinance on commercially zoned small lots, and if possible revise the text in order that other developers and citizens do not encounter this delay and expense of appeal to the board of zoning appeals. I would greatly appreciate that this matter be placed on the planning commission agenda for review and possible recommendations to the city commission and county commission (should the same regulations apply to the county zoning) at the earliest time possible.

Respectfully,

M. Savina
Mike Savina

cc: Chairman-Dave Bayouth

*Sent to Mike
on 5/17/76 JLD*

THE CITY OF WICHITA

OFFICE OF Central Inspection

DATE May 24, 1976



TO Robert G. Finch, City Manager (Interim)
FROM Robert B. Feldner, Superintendent of Central Inspection
SUBJECT Building Permit
440 North Kansas


The proposed structure is to be located on Lots 1 and 2, Baker's Addition to The City of Wichita. The zoning is unusual in that the north 19 feet of Lot 1 is "C" commercial and the south 16.4 feet of Lot 1 and all of Lot 2 is "B" multiple-family. Section 28.04.180 of the Zoning Ordinance provides that whenever the boundary line of any zoning district divides a lot that the use permitted may be extended a distance of not more than 25 feet beyond the boundary line of the district. This results in the north 44 feet of this parcel being "C" commercial and the south 16.4 feet being "B" multiple-family.

Mr. Ward and his architect had preliminary discussions prior to plan submittal on the use of this property with the Planning Department and with Central Inspection. After the plans were submitted for review the problem developed in that even though it was possible to use the north part of the property for "C" commercial use, Section 28.04.160 (k) of the Zoning Ordinance requires a landscaped yard 20 feet deep, and 50 feet long on commercial property developed adjacent to a "B" multiple-family district. Since the property is only 60.4 feet wide this would not permit ingress and egress to the property and does not allow adequate off-street parking. (See attachments)

I discussed the problem with Mr. Ward and his architect and explained that Central Inspection does not have the authority to vary the landscape requirement and that the Board of Zoning Appeals is the proper authority to grant variances.

Apparently the problem has developed due to misunderstanding during the preliminary discussions as to the total requirements on this property.

This situation points out a recurring problem with small lots and the screening requirement. It is recommended that a study be made of the present screening and landscaping requirements of the Zoning Ordinance to determine if it may be amended to provide for exceptions or administrative variances for small parcels of land.


Robert B. Feldner, Superintendent
Central Inspection Division

REF:cj

cc: R. W. Bruggeman, Director of Public Works
Robert Lakin, Director of the Planning Department
Glen Lytle, Special Assistant for Zoning



May 5, 1976

Willis Chambers
230 Laura
Wichita, Kansas 67211

Re: Commercial Building
4-- North Kansas

The plans for the above listed project are being reviewed. Additional information is required before the examination can be completed.

1. Provide a plan showing the required screening and landscaping on the south property per Zoning Ordinance Section 28.04.160(f). (Obtain a BZA variance to reduce landscaping requirements or acquire additional land for ingress egress)
2. Provide the platted legal description.
3. Provide certification of the designed wind load by a registered Kansas architect or engineer.

John J. Riddel
Building Plans Examiner

JJR:JH/cj

W. G. Ward
300 Callahan
Wichita, Kansas 67209

May 18, 1976

Mr. Ray Trail
City Managers Office
15th floor
City Hall Building
455 N. Main
Wichita, Kansas 67202

Dear Sir;

I request to be put on the agenda of the city commission meeting of May 25, 1976

Reason: Conflict with Central Building Inspection over Policies regarding me obtaining a Building Permit for a building which I intend to build at 440 N Kansas.

Respectfully

W. G. Ward

W. G. Ward

Lot 1 & 2

BAICERS ADDN.

Owned
Together at least

since 1954

according to City Clerk's records

Mr. Wesley G. Ward
300 Callahan
Wichita, Kansas 67209

Dear Sir:

I made application for a plan review of a commercial building which I planned at 440 N Kansas. This application was made on March 31, 1976

I made a lot of extra effort to ascertain what the central inspection dept. required before this application was made. I contacted my Architect, Mr. Willis Chambers told him of my desire to build this building. Also that I didn't choose to pay for building plans, for a building that I couldn't build. He understood. He suggested he draw up a plot plan with complete detail of what they needed at city building, and work this out in advance with them. I agreed.

Mr. Chambers then contacted me and told me he made 2 plot plans and came to his office for approval of his proposal which he had worked out with Central inspection. He then called city building and made an appointment for me to take plot plan over to confirm that everything had been worked out to their satisfaction. Delores and Jim Jorgenson said everything was worked out to their satisfaction. Jim Jorgenson said Mr. Ward there is one thing that needs attention, Tell Mr. Chambers to increase street approach to 25' from the 20 feet which was shown on plot plan. I understood. I said Jim are you sure this everything you need. He said yes but I cannot give you an okay until I review building plans. I understood this.

On May 4, 1976 I contacted Delores to see what was holding up completion of review of my building plans. She connected me to Jim Jorgenson. He said building plans are okay but we have a problem. He said landscaping I said Jim we agreed on this 5 weeks ago. He said I know but these rules and regulations are sure making a lot of work for us. I said what is the landscaping requirements. He said an area in front of building 20 feet x 50 feet in grass and shrubs. I said O-kay. Now can I come and get building permit. He said no. I said why? He said we cannot run 25' approach thru landscape areas. You have to go to planning and apply for a variance. I said I am not going to planning.

I then called Mr. Feldner Supt. of this Dept. and told him I needed his help to solve this problem. He said he would check it out and call me back. The next day I contacted him again and He said he checked this out with Jim Jorgenson, and I would have to go to planning and get a variance. also this would cause me some delay, but he didnt make the rules & regulation. I disagreed. As I see it the rules and regulation are a part of my problem but not the cause. The real problem is policies of the supervisor of this dept. I believe if Mr. Feldner will check the policies of his Plan Examination supervisor, He will find the causes of the problems OF ARCHITECTS and Builders in getting Building Permits.

Truly Yours

W. G. Ward

Wesley G. Ward
300 Callahan
Wichita, Kansas 67209

May 18, 1976

Mr. Feldner
Supt. of Central Building Inspection
of City of Wichita AND City Manager, Mayor And City Commissioners

Gentlemen

IN TRYING TO GET A BUILDING PERMIT THRU CENTRAL BUILDING INSPECTION, MY FINDINGS ARE.

- 1 THERE IS NO POSITIVE DIRECTION IN THIS DEPARTMENT
- 2 A POSITIVE OUTLINE OF WHAT THEY NEED TO PROCESS BUILDING PLANS, AND FOR ME TO CONFORM TO CITY RULES REGULATIONS & CODES ARE HARD TO COME BY. ALSO THE INFORMATION BUILDING CONTRACTORS AND ARCHITECTS NEED TO GET THERE JOB DONE, COME IN PIECEMEAL FASHION, OVER A LENGTHY PERIOD OF TIME. WHY?
- 3 I MADE A LOT OF EXTRA EFFORT TO FIND WHAT THIS DEPARTMENT NEEDED, BEFORE I CONTACTED MY ARCHITECT. WHY IS A COVERT OPERATION NECESSARY ?
- 4 THIS DEPARTMENT TAKES SPECIAL EFFORT TO NEVER GIVE YOU ANYTHING IN WRITING. WHY?
- 5 In my telephone conversation with Mr. Allen Inlow of last Friday May 14, 1976 I REQUESTED THAT MR. FELDMER SEND ME A LETTER TO CONFIRM THAT THE ONLY THING HOLDING UP MY BUILDING PERMIT, WAS THE VARIANCE. IS THIS UNREASONABLE?

WILL SOMEBODY IN CITY ADMINISTRATION TELL ME WHERE TO GO TO GET THESE DEPARTMENTS POLICIES CORRECTED. HOW CAN ANYBODY IN HIS RIGHT MIND FUNCTION UNDER THESE CONDITIONS?

MR. FELDMER IS RUNNING A HOUSE OF HORRORS AND AT MY AGE MY DOCTOR ADVISED THAT I NOT GO TO ANY SCARY MOVIES.

FRUSTRATED CITIZEN
SINCERELY YOURS,

W. G. Ward
W. G. WARD

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

November 5, 1975

TO Jack H. Galbraith, Chief Planner
FROM Glen E. Lytle, Special Assistant for Zoning
SUBJECT Changes needed in City Zoning Ordinance.

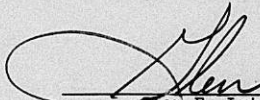
Bob Feldner has discussed with me the need for a change in the screening and landscaping provisions of Section 28.04.160 K of the zoning ordinance. He particularly indicated the problems related to the landscaped yard required by Section 28.04.160 K(3) as it applies to small tracts of land. You are also aware of the interpretation made by Central Inspection of the application of this section when the street right-of-way line does not literally coincide.

In view of the above, and other interpretations made on this section of the ordinance, I would make the following recommendations for changes to this section of the code:

1. Amend section 28.04.160 K(2) to require screening from view any service doors, docks, trash receptacles, or other outside storage on the property that is located within view of any front yard in a residential district. (Note: They are presently requiring screening only on a line perpendicular from the rear or side building wall, and not all along that length of the property where such wall occurs.)
2. Amend section 28.04.160 K(3) to read something similar to the following:
 - (3) Where the extension of a front or side lot line is analogous with the front lot line of an adjacent property located in a residential zoning district, then a landscaped yard, with a depth not to exceed the depth of the minimum front yard required on the adjacent residential property extended, shall be provided along such front or side lot line a distance of one-third the lot width, provided however, this distance shall not be required to extend more than fifty feet nor be less than fifteen feet. (Note: This would permit the development of smaller tracts without benefit of a variance thru the Board of Zoning Appeals, and the fifteen foot minimum is the proposed distance that a sign must set back from an adjacent property line.)

Jack H. Galbraith
November 5, 1975
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3. There also might be some consideration given to the requirement of some type of screening of outdoor storage areas and service areas when such are located adjacent to alleys that are not now covered by the ordinance.


Glen E. Lytle
Special Assistant for Zoning

GEL:rme

cc: Robert L. Young, Principal Planner
Larry Dobson, Junior Planner
G. L. Shirkey, Junior Planner

November 5, 1975

Jack H. Galbraith, Chief Planner

Glen E. Lytle, Special Assistant for Zoning

Changes needed in City Zoning Ordinance.

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